

CITY OF DUNWOODY
March 23, 2009
CITY COUNCIL MINUTES

The Mayor and Council of the City of Dunwoody held a City Council Meeting on Monday, March 23, 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:

Mayor	Ken Wright
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
Staff Present:	Brian Anderson, City Attorney Warren Hutmacher, City Manager Sharon Lowery, City Clerk Bill Grogan, Chief of Police Karine Roy, Assistant City Clerk Jennifer Peterson, Director of Community Development Richard Meehan, Public Works Director

Mayor Wright called the Meeting to order.

ROLL CALL AND GENERAL ANNOUNCEMENTS

Council Member Taylor announced the City of Dunwoody Police Officers will be sworn in at a ceremony to be held on March 31, 2009 at The Farmhouse.

PRESENTATIONS The Proclamation ‘Serve Day’ was read by the City Clerk, Sharon Lowery. Ron Wood accepted the Proclamation, along with other members of the Leadership Team from North Atlanta Church of Christ.

INVOCATION led by Council Member Ross.

PLEDGE OF ALLEGIANCE led by Council Member Wittenstein.

MINUTES:

Council Member Shortal motioned to approve the February 23, 2009 and the March 9, 2009 City Council Meeting Minutes. Council Member Bonser seconded. Mayor Wright called for a vote and the motion carried unanimously.

APPROVAL OF THE MEETING AGENDA

Council Member Wittenstein motioned to amend the agenda and move the following items to the Consent Agenda: K1. Second Read: Ordinance to amend Chapter 14, Articles 1, 3, and 4; K2. Second Read: Ordinance to amend Chapter 7 – Building Code; K3. Second Read: Ordinance to adopt Chapter 28 – Illicit Discharge Regulations; K4. Second Read: Ordinance to amend the Property Maintenance Code; K5. Second Read: Ordinance to adopt Chapter 26 – Stormwater Utility; and K6. Second Read: Ordinance to amend Chapter 16 – Offenses and Violations.

Council Member Shortal objected to moving K4. Second Read: Ordinance to amend the Property Maintenance Code and K5. Second Read: Ordinance to adopt Chapter 26 – Stormwater Utility. Those items remained under Unfinished Business. Council Member Taylor seconded the motion to amend the agenda. Mayor Wright called for a vote on the amended agenda and the motion carried unanimously.

PUBLIC COMMENT:

Mayor Wright requested Public Comment.

Kathy King - President of the Winter Rose Home Owner's Association, expressed concern with the crime that is taking place on the corner near her subdivision.

Bob Dallas – Thanked Council Member Wittenstein and Council Member Ross for meeting with the DeKalb Convention & Visitors Bureau. He reminded that the first official meeting of the Planning Commission is this Thursday.

Michael Dendinger – Said he has looked over the DeKalb Convention & Visitors Bureau contract and supports the City entering into a contract with them.

Mayor Wright closed public comment.

MAYOR AND COUNCIL COMMENT

Mayor Wright spoke at the Dunwoody Women's Club and said it was a pleasure to see women being active in the community.

Council Member Shortal thanked the Chief Grogan for doing such a great job.

Council Member Ross announced that he and Council Member Bonser attended the 100 year old birthday celebration for Ms. Alexander Borowsky and presented her with an “Alexander Borowsky Day” Proclamation.

Council Member Bonser and Council Member Heneghan are awaiting the grant application for the Kingsley School. They announced that Chief Grogan and the City of Dunwoody Police Department will be escorting the walking buses.

CONSENT AGENDA:

SECOND READ: Ordinance to amend Chapter 14, Articles 1, 3, and 4 - Development and Environmental code to reflect internally consistent language and EPD requirements. (ORDINANCE 2009-03-18)

SECOND READ: Ordinance to amend Chapter 7 - Building Code to reflect State mandated changes and complete text. (ORDINANCE 2009-03-19)

SECOND READ: Ordinance to adopt Chapter 28 - Illicit Discharge regulations. (ORDINANCE 2009-03-20)

SECOND READ: Ordinance to amend Chapter 16 – Offenses and Violations, of the City of Dunwoody Code of Ordinances. (ORDINANCE 2009-03-23)

Council Member Shortal motioned to approve the Consent Agenda. Council Member Wittenstein seconded. Mayor Wright called for the vote on the motion and the motion carried unanimously.

UNFINISHED BUSINESS:

SECOND READ: Ordinance to amend the Property Maintenance Code (ORDINANCE 2009-03-21) – Ordinance 2009-03-21 was read by City Clerk Sharon Lowery. Jennifer Peterson, Director of Community Development, stated that there were no changes since the first read on March 16, 2009. Council Member Shortal motioned to approve as presented. Council Member Wittenstein seconded. Mayor Wright called for the vote and the motion carried unanimously.

SECOND READ: Ordinance to adopt Chapter 26 – to establish a Stormwater Utility (ORDINANCE 2009-03-22) Ordinance 2009-03-22 was read by City Clerk Sharon Lowery. Richard Meehan, Public Works Director, said he will most likely propose the same stormwater utility fee rates as DeKalb County's at the April Work Session; a proposed stormwater budget will also be presented at that meeting. Following discussion, Council Member Taylor motioned to approve. Council Member Bonser seconded. Mayor Wright called for the vote and the motion carried unanimously.

Resolution establishing Georgia Fund 1 account for Hotel/Motel Tax (RESOLUTION 2009-03-21) Resolution 2009-03-21 was read by City Clerk Sharon Lowery. City Manager Warren Hutmacher said the City of Dunwoody will be establishing an account to manage the 2% funds as an investment vehicle. Council Member Shortal stated that this was a smart idea to maximize our returns. Council Member Ross motioned to approve. Mayor Wright seconded. Mayor Wright called for the vote and the motion carried unanimously.

Resolution to approve and authorize an Intergovernmental Agreement for Ad Valorem Tax Billing and Collection by DeKalb County (RESOLUTION 2009-03-23) Resolution 2009-03-23 was read by City Clerk Sharon Lowery. City Attorney Brian Anderson explained that the City will pay \$50,000 for the Tax Commissioner to bill the city taxes the first year. He said the Tax Commissioner agreed to a 3 month window clause. Council Member Heneghan asked the City Attorney to go over the financial aspects. Council Member Shortal asked how the late fees will be handled and if DeKalb County will be responsible for handling the late fees. Mr. Anderson said they would be Council Member Ross asked if the late fees would go to DeKalb County. He explained that the County is allowed to collect certain late fees, but the interest would go to the City of Dunwoody. Council Member Wittenstein expressed concern with the language in the contract regarding a third party. Council Member Bonser asked when the contract would begin, if it would be retroactive to January 1, and the City will collect the fees. Mr. Anderson replied that the contract will start when the billing begins and the fee collection will need to be negotiated with the County.

Council Member Shortal asked which taxes would be included. Mr. Anderson said that the taxes included are; real property taxes, personal property taxes, public utilities, and sanitation. Council Member Ross motioned to adopt Resolution 2009-03-23. Council Member Wittenstein seconded. Mayor Wright called for the vote and the motion carried unanimously.

Resolution to amend the Schedule of Fees for Alcohol Licensing (RESOLUTION 2009-03-24) Resolution 2009-03-24 was read by City Clerk Sharon Lowery. City Manager Warren Hutmacher said the only change made to Schedule A is for wine tasting events and resident catered events to be charged a \$50.00 per day fee. Council Member Taylor motioned to adopt Resolution 2009-03-24. Council Member Bonser seconded. Mayor Wright called for the vote and the motion carried unanimously.

REPORTS AND PRESENTATIONS None

NEW BUSINESS

Discussion and vote on Dunwoody Convention and Visitor's Bureau:

Council Member Ross said that he and Council Member Wittenstein met with the DeKalb Convention & Visitors Bureau last Thursday. The meeting included the COO and the Director of the DeKalb Convention & Visitors Bureau and it was a very constructive meeting. The agreement has been received and is currently being reviewed and would be effective April 1, 2009 if approved. The City of Dunwoody would pay DCVB June 15, 2009. Council Member Shortal proposed a hearing take place on April 20, 2009 and that this is to be brought to the City Council in May.

Mayor Wright requested public comment.

Bob Dallas – Said the intent of the Dunwoody Chamber of Commerce is not to control the organization; they would like to see the hoteliers have control.

Joe DeVita – Requested a different date for a public hearing due to a convention that is being held on April 20th. He suggested April 27th as an alternate date and that the meeting be held at The Terraces.

Mayor Wright closed Public Comment.

Council Member Wittenstein said he was impressed after meeting with the DeKalb Convention & Visitors Bureau and felt that they spent their money well but he does not feel this is a long term solution. Council Member Taylor motioned to approve the contract. Council Member Wittenstein seconded. Mayor Wright called for the vote and the motion carried unanimously.

Council Member Shortal moved to request the DeKalb Convention & Visitors Bureau allow a representative from the City Council attend their meetings. Council Member Bonser seconded.

Mayor Wright opened Public Comment.

Mayor Wright closed Public Comment.

Mayor Wright called for the vote and the motion carried unanimously.

Award of Office Furniture Contract: City Manager Warren Hutmacher made the presentation for award of the office furniture contract. He said this is a budgeted item. Bids were received from three companies, with the recommendation from Boyken International to award the contract to DeKalb Office Environments, the most responsive bidder at \$147,808. He said the City was able to purchase the existing office furniture for \$12,000 and saved \$36,000. Council Member Wittenstein motioned to award the contract to DeKalb Office Environments. Council Member Heneghan seconded. Mayor Wright called for the vote and the motion carried unanimously.

Award of Wrecker Service Contract: Chief Billy Grogan gave the presentation on the bids received for the City of Dunwoody Wrecker Service. Two bids were received on March 18th. Chief Grogan said Staff recommends awarding the Wrecker Service Contract to Brown & Brown Wrecker Service. Council Member Taylor motioned to approve the contract. Council Member Ross seconded. Mayor Wright called for the vote and the motion carried unanimously.

OTHER BUSINESS None

PUBLIC COMMENT:

Mayor Wright requested Public Comment.

Mayor Wright closed Public Comment.

EXECUTIVE SESSION: Council Member Shortal motioned to recess to move into executive session. Council Member Bonser seconded. Mayor Wright called for the vote and the motion carried unanimously.

Mayor Wright reconvened the meeting.

ADJOURN

Council Member Ross motioned to adjourn. Council Member Bonser seconded. Mayor Wright called for the vote and the motion carried unanimously.

There being no further business the Meeting was adjourned.

Approved by:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk