CITY OF DUNWOODY NOVEMBER 17, 2008 COUNCIL MEETING MINUTES

(Work Session)

The Mayor and Council of the City of Dunwoody held a Work Session on Monday, November 17, 2008 at 7:00pm. The Work Session was held in Room 258 at 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

Mayor Ken Wright called the meeting to order. Mayor Wright called for opening public comments.

PUBLIC COMMENT:

<u>Rick Otnis</u> – Wanted the City to be aware of three important initiatives for the future: the City should have a Rainy Day fund, an Infrastructure Fund and a Long-Term Planning fund. Since the City is required to have a balanced budget, a Rainy Day fund would compensate for any hard times. Also, the City should establish a committee for a 25-year plan and everything that develops during such time should be compared to it to make sure it fits into the City's long term plan.

<u>Jim Malone</u> – business owner – is worried that his business license is up in December and Dekalb is no longer providing licensing service to Dunwoody businesses. He's wondering what will happen when the City takes over.

<u>Doug Thompson</u> – commented on proposed Chapter 15 of the City Code: business licensing ordinance. He was surprised to see that professionals are also regulated in the Ordinance, especially attorneys. He said the courts have struck down such regulatory provisions in other cities, including cities in the area. He was worried that some people may challenge the ordinance on that basis. He was also generally worried that the majority of city laws fall on business owners and if businesses are overtaxed, they will leave the City.

<u>Steve Ludwig</u> – Reminded the Council that when vendor E2 Assure made a proposal several weeks before for collection of alcohol licensing fees and, potentially, business license fess and occupation taxes, there was no clear answer as to how the City will find those businesses that are under the radar unlicensed. The City needs to figure out how the vendor will go about finding those businesses which currently do not have a license.

<u>Steven Henning</u> – Stated that he was one of the business owners that is operating below the radar and was wondering when he would be able to get a license from the City in order to properly operate in Dunwoody.

Joe Davida – on behalf of the Dunwoody Chamber of Commerce – stated that the Chamber opened its doors recently for business. He went to Dekalb County to get a business license and found the procedure daunting, only to find at the end that Dekalb no longer gives licenses to Dunwoody business owners. Also, the City's ordinance being so close to Dekalb's, it has problems, including large segments of unlicensed businesses, regulation of nonprofits and a history in Dekalb of not enforcing its own regulatory ordinances. There are a lot of people that are left in limbo and the Chamber wants to work with the City to correct any problems in the ordinance.

<u>Paige Olson</u> – wanted to thank the Mayor and Council for coming over to the elementary school to see the renovations and stated that there are other schools in the area that are being renovated as well and Council will be kept in the loop as to its progress and any opportunity to tour the site.

There being no further public comments, Mayor Wright reminded the Council that they have not yet done the Pledge of Allegiance. The Pledge of Allegiance was then led by Councilmember Ross. Following the Pledge, the Mayor moved to the first agenda item.

DUNWOODY OVERLAY DISTRICT ZONING REGULATIONS: Mayor Wright stated that the Overlay District was spearheaded by the Dunwoody Homeowner's Association several years ago and was the first Overlay District in Dekalb. What spurned the Overlay District's creation are the problems before in working with business owners to conform to the desired historical architecture in the area. The Mayor would like to explore extending the Overlay District beyond the Dunwoody Village and into other areas of the City – such as Georgetown, Peachtree Industrial corridor, and the Jett Ferry Shopping Center. The Mayor then called for discussion.

Under discussion, Councilmember Wittenstein commented that if the City would like to see Dunwoody village redeveloped to bring businesses into it long-term, the regulations would have to be tweaked. He is reluctant to expand them to other areas because it might stifle development and increase cost to businesses. He is afraid it would do more harm than good. Also, the City needs to look at the map because some churches, such as the Dunwoody Methodist Church, those that are in the District, regularly violate the Overlay sign regulations. They should be equal to do the same kinds of signs as other churches and synagogues in Dunwoody without the burden of complying with additional restrictions.

The Mayor stated that Georgetown is a hodgepodge of disaster and he's hoping the City can see where the modifications can be made. The City needs to think outside the Village to see what it wants and problems that pop up around the City need to be addressed accordingly. Councilmember Shortal added that the City needs to make sure all citizens of the City are full partners in this discussion and brought in to discuss how to build up a City. We need to use community expertise and knowledge to give ideas on these issues. Councilmember Heneghan wants to push consistency. For example, the PCID has it well laid out and other business centers may take a look and decide they want their planning to be like the Perimeter CID.

At Mayor's request, Bob Lundsten commented that the Overlay District is pretty successful, all things considered. The District is dated to where the City wants to be. The City needs to look at the density and pedestrian access as the current District regulations do not address the new urban mentality (such as being able to park your car in one place and walk around without having to get back into your car). It may be a burden to expand it to other areas which would instantly become noncompliant. The City should take a look at Smyrna and the area around the Brookhaven MARTA station for guidance on how to make a more urban, pedestrian-friendly area.

DISCUSSION OF GEORGIA POWER FRANCHISE PROPOSAL: Mayor Wright stated that he has met with Georgia Power several times to negotiate the Franchise Agreement. City Attorney Brian Anderson went over the agreement provided to the City by Georgia Power, stating it was a standard 35-year agreement, 4% fee collected, and certain responsibilities for renovations to be financed by the City and certain by Georgia Power. It's a standard vanilla agreement where the 35-year term is the standard term usually negotiated between the company and municipalities.

Councilmember Heneghan wanted to know whether a City Council approval to add any new substations could be negotiated into the Agreement. City Attorney Anderson said that it can be discussed but Georgia Power stated that in order for the City to receive the 2009 fees early, their version of the agreement is the one the City needs to pass. Councilmember Ross commented that the projected revenue from the electrical franchise fee is higher than the budget previously anticipated. The Mayor added that this agreement supplied by Georgia Power is a boilerplate, best practice agreement that has been worked out with other cities.

Councilmember Wittenstein wanted to direct attention to the fact that the Agreement gives Georgia Power no obligation to move metal high voltage poles at their own expense. Also, if the City wants to do a Streetscape, any movement of poles or electrical lines would be at City's expense. Councilmember Shortal added that his understanding was that putting power lines underground would not be financially feasible and the maintenance would get expensive. City Attorney Anderson responded that anything in current existence that would have to be moved or buried would be at the City's expense, but anything new that Georgia Power would install would need to comply with all City Ordinances.

<u>CITY EMPLOYEES</u>: City Manager Warren Hutmacher introduced the proposed job descriptions and salary range for various City employee positions, including City Clerk, Finance Director, Court Clerk and Police Chief. These proposals were made from studies conducted of surrounding municipalities. Councilmember Heneghan asked about combining the City Clerk and Court Clerk positions. City Manager Hutmacher stated that it can be done and some cities have done it, but the City would still need a Court Clerk to run daily operations of Court. The two positions have different focuses and require separate skill sets. He does not recommend combining the positions.

Councilmember Ross commented that the position of Communications Officer was not included in the proposal. City Manager Hutmacher responded that it's an important function for the City but is not necessary to bring on staff. It would probably be best to make a contract position in order to get a seasoned professional to work part-time rather than a novice to work full time for the same amount of pay. It is also much easier to terminate the contract employees.

Councilmember Shortal stated that the City Manager needs some kind of indication of Council agreement with the guidelines presented without voting on it so positions can be properly interviewed. The Mayor asked if there were any issues with the proposal. No issues were voiced.

IGA'S WITH COUNTY: Councilmember Ross stated that there are several IGA's that are ready for signing: 911 IGA, Water/Sewer IGA, and the Fire Department IGA. They're still diligently negotiating the IGA for Police services. The City had proposed to Dekalb to allocate the total police services cost based on the number of beats and officers used compared to the rest of the County. The County proposed to do it pro rata, based on the percentage of the population of Dunwoody compare to the rest of Dekalb County, which the City believes would be unfairly expensive and provide too expensive a service that the City does not require.

Councilmember Wittenstein had concerns about the 911 IGA because it requires a 180-day notice to cancel the IGA. What happens if there's an incident like the one that occurred in Fulton County recently, where paramedics were sent to the wrong address and the caller died? If the City wants to switch users and make a contract with another municipality, they'd still be bound to use the Dekalb service for a six month period. There is a necessity to negotiate a shorter termination period.

Councilmember Ross commented that the City plans to introduce the subject of Parks at the next IGA meeting. Councilmember Taylor updated on his ongoing discussions with the Dekalb County Sheriff on provision of police services to the City. The City has also been negotiating with other entities regarding provision of police services.

ADDITIONAL GMA SERVICES: Councilmember Shortal stated that GMA has a better rate for some services than other vendors and they would love to have the City's business, especially in the area of leasing and financing. They do require a resolution to deal with them on leases and loans should the City want to. Maybe the City should try to pass the Resolution at the City's next meeting to authorize future dealing with GMA on leases and loans. City Manager Hutmacher added that the GMA's program is usually a lease-purchase, so maybe a refinance option should be looked at for the items already bought, and to finance police cars, for example, in the future to be able to spread the payments over a three-year period. Councilmember Wittenstein commented that maybe GMA should have been used for the purchase of computers to be available upon start-up of the City as many of the computers the City is ordering are not needed on day 1. Maybe the City should take the extra lead time necessary to deal with the GMA to get lower-priced ones than other vendors who will charge more to finance the equipment. Councilmember Shortal responded that the City wants to be ready to go on day 1. The lower cost was not worth not being ready on December 1st, where the first impression of City operation is made. Councilmember Ross commented that the difference in prices between GMA and other vendors is the difference between the commercial rate and the tax exempt rate. City Manager Hutmacher added that these computers are necessary to have limited services available on December 1st.

<u>CITY IMPLEMENTATION</u>: Councilmember Shortal gave an update on the deadline for RFP submissions, which was on November 17th. So far, the City has seven (7) submitted vendor applications for Finance and Administration (thought only two are complete), six (6) for Community Development and five (5) for Public Works. The RFP process is very time-consuming. The City will have a phone number for Dunwoody City Hall soon and will have an ad on November 26th saying what the City will offer in terms of services. The new office space across from Boyken is available to set-up working space and conference rooms. E2 Assure has been given task to work on alcohol licensing. As of December 1st, 16 phone lines will be available for citizens to call in to the City.

Councilmember Ross updated on the Banking RFPs. He stated that the City received seven (7) responses from banks, which will be narrowed to three (3) for interviews for various services, including TAN's. Believes the RFP process has produced very good candidates that will best serve the City of Dunwoody. In addition, the City now has a valid insurance policy.

Councilmember Shortal stated that the alcohol licensing applications have not yet gone out. A member of E2 Assure stood up to add that they're working with the City Attorney to make sure the applications that go out to businesses comply with the City Code. City Attorney Anderson added that it is the City's position that Dekalb licenses expire on December 31st.

Councilmember Shortal continued that RFP firms will be selected on November 25th and he's hoping the people from the winning companies will start training so that they can answer phones on December 1st. The Mayor asked what happens if Dekalb County is not issuing licenses for businesses on December 1st. City Attorney Anderson responded that the City originally anticipated not starting to give out business licenses until January 1, 2009. Councilmember Shortal added that he, Councilmember Bonser and the City Manager will be instrumental in choosing the finalists for RFP positions with Boyken input. Interviews will be on November 20-21. Councilmember Ross added that on Banking RFP's, several criteria were supplied. He then asked Councilmember Heneghan to join him in helping to evaluate those submissions.

Mayor Wright had some thoughts on the Stormwater issue, specifically as to whether the City stays with Dekalb on it or not. He stated that the City wants to build its own fund to take care of any emergencies. Councilmember Wittenstein stated it was beyond belief that Dekalb is spending all the stormwater money they've collected. Where did the money go? Believes Dekalb has not spent nearly as much as they have collected.

Councilmember Taylor updated on police equipment, stating that because of the war going on, the tax-exempt ammunition has a 120-day lead time. They have also received three (3) bids on weapons – also a lead time involved to acquire those.

Councilmember Wittenstein asked Bob Lundsten to update the City on the signs and branding for Dunwoody. Mr. Lundsten expressed concern for time and expense of branding. A committee was formed to work on signs but wanted to wait till branding can be done at the same time. He personally came up with some simple designs for City signs with help from design professionals. Mr. Lundsten then proceeded to hand out certain design prototypes to council members. He added that the Council has to decide if it will do signs without branding. Branding may not be the best use of the Council's time or best focus of it. The Mayor agreed that it's not as important as getting the City started.

CHAPTER 15, BUSINESS OCCUPATION TAX, LICENSES AND REGULATION: City Attorney Anderson stated that the ordinance has been updated by taking out the charitable organization permitting provision, amended the attorney provision to make it compliant with state law prohibitions. Councilmember Shortal asked what the time lines were for the licensing. City Attorney Anderson responded that there was no hurry but that may be revised due to Dekalb's unwillingness to grant the licenses in December. Councilmember Heneghan also stated that there are some other problems with the ordinance, specifically the parts that have not been enforced by Dekalb in the past. City Attorney Anderson added that the deal with attorneys is that the City is not allowed to regulate the profession; only the Georgia Supreme Court is allowed to regulate the procession of attorneys.

Councilmember Ross added that the City would need to start its Municipal Court on January 1st.

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

Approved:	
	Ken Wright, Mayor
Attest:	
Joan C. Jones, Acting City Clerk	(Seal)