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MEMORANDUM

To: Mayor and City Council
From: Warren Hutmacher, City Manager
Date: May 23, 2011
Subject: **Amendment of Chapter 2, Membership, Section 2-109**

BACKGROUND

The City of Dunwoody has several Advisory Committees such as the Sustainability Commission and the Volunteer Coordinating Committee. During the April 2011 Work Session, Council discussed the existing regulations for membership of Advisory Committees.

As stated in section [2-109](#), Membership, of the Code of Ordinances, there are two regulations for the membership of an Advisory Committee:

- (a) Except as provided in subsection (b) of this section, the mayor shall establish qualifications for members of each committee. Each committee person shall be nominated by the mayor and approved by the council.
- (b) Each committee member must be a resident of the city. Should the committee member move out of the city, he/she may remain active until the mayor and council appoint his/her replacement.

Pursuant to discussion, at the April 2011 Work Session, Council directed staff to begin the process to eliminate residency restrictions for membership on Advisory Committees. The Ordinance to Amend Chapter 2, Membership, Section 2-109 was first read at the May 9, 2011 Work Session.

RECOMMENDATION

Staff recommends the deletion of section 2-109, subsection (b) by a second read of the attached Ordinance. As outlined in section 2-109, future membership qualifications for Advisory Committees will be established by the Mayor and members shall be nominated by the Mayor and approved by the Council.

AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 2 (ADMINISTRATION) TO ELIMINATE RESIDENCY REQUIREMENTS FOR MEMBERS OF ADVISORY COMMITTEES

WHEREAS, the City of Dunwoody has heretofore adopted an Ordinance for Administration, Codified as Chapter 2 of the Code of the City of Dunwoody (the "Code"); and

WHEREAS, Section 109, Membership, of Chapter 2 limits membership of Advisory Committees to City residents; and

WHEREAS, the City Council desires to include interested volunteers as advisory committee members regardless of whether or not such interested volunteers reside within municipal limits; and

WHEREAS, the first read of this Ordinance occurred on May 9, 2011 and second read of this Ordinance occurred on May 23, 2011.

THEREFORE, THE MAYOR AND COUNCIL FOR THE CITY OF DUNWOODY HEREBY ORDAIN AS FOLLOWS:

Section 1: Chapter 2 (Administration) of the City of Dunwoody Code of Ordinances shall be amended by revising Section 109 (Membership) to eliminate residency requirements for members of Advisory Committees as follows:

ADDITIONS - underlined

DELETIONS - ~~strikethroughs~~ Sec. 2-109. Membership.

~~(a) — 90 Except as provided in subsection (b) of this section, t~~he mayor shall establish qualifications for members of each committee. Each committee person shall be nominated by the mayor and approved by the council.

~~(b) — Each committee member must be a resident of the city. Should the committee member move out of the city, he may remain active until the mayor and council appoint his replacement.~~

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this 23rd day of May, 2011.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

#I.4.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2011-05-13

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney

**AN ORDINANCE AMENDING CHAPTER 24 OF THE CITY OF DUNWOODY
CODE OF ORDINANCES BY REVISING REQUIREMENTS FOR THE VIOLATION
OF SOLICITATION**

WHEREAS, the City of Dunwoody (the "City") has heretofore adopted an ordinance for Offenses and Violations, as set forth in Chapter 24 of the Code of the City of Dunwoody (the "Code"); and

WHEREAS, Chapter 24, Section 24-3 (Prostitution and Related Offenses) currently requires that in order to violate the ordinance titled "Solicitation of an Illegal Sexual Act," one must be a pedestrian or located in a vehicle; and

WHEREAS, the State law only requires that the act be committed in "public" in order for a local government to prohibit said "idling and loitering for the purpose of committing an illicit sexual act"; and

WHEREAS, pursuant to the broad discretion allowed by State law, the City Council desires to amend said regulations to authorize said violation in public without further restrictions upon conduct.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: The City of Dunwoody Offenses and Violations ordinance, Chapter 24, Article I (In General) is hereby amended by revising Section 24-3 to read as follows:

ADDITIONS = UNDERLINED
DELETIONS =

Sec. 24-3. Prostitution and related offenses.

- (a) House of ill fame.
 - (1) A person having or exercising control over the use of any place or conveyance within the city which would offer seclusion or shelter for the practice of prostitution commits the offense of keeping a place of prostitution when such person knowingly grants or permits the use of such place for the purpose of prostitution.
 - (2) Those places or conveyances which have been adjudged to be places of prostitution, as provided in this chapter, may be abated as also provided in this chapter.

**STATE OF GEORGIA
CITY OF DUNWOODY**

ORDINANCE 2011-05-14

- (b) Solicitation for an illicit sexual act.
 - (1) It shall be unlawful for any person, while in any place open to the public to offer or consent to perform any illicit sexual act for money or any other thing of value. Furthermore, it shall be unlawful for any person, while in a place open to the public, to attempt to induce, entice, solicit, pander, purchase or procure another to commit any illicit sexual act for money or other things of value. An illicit sexual act is defined as one or more of the following:
 - a. Prostitution;
 - b. Sodomy for hire;
 - c. Masturbation for hire.
 - (2) For purposes of subsection (b)(1) of this section, the term "any person" shall include solicitors of illicit sexual acts or panderers who solicit, procure or purchase another to perform any illicit sexual act in exchange for money or other things of value, and who are commonly referred to as "johns" or "tricks."
- (c) Any person engaging in violation of this section shall be guilty of the offense of idling and loitering for the purposes of committing an illicit sexual act.

SO ORDAINED AND EFFECTIVE, this ____ day of _____, 2011.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

Brian Anderson, City Attorney