



MEMORANDUM

To: Mayor & City Council
From: Lenny Felgin
Date: August 11, 2014
Subject: Ordinance amendments to the text of Chapter 2, "Administration," Chapter 4, "Alcoholic Beverages," and Chapter 8, "Buildings and Building Regulations"

BACKGROUND

City Council has requested that staff propose an ordinance amendment to standardize board and commission terms to three years. The proposed amendment addresses that request and makes recommendations for procedural clarity in the appointment process. To make provisions and terms consistent throughout the code, the change affects Chapters 2, 4, and 8.

ITEM DESCRIPTION

The ordinance is proposed to be amended with the following changes identified in red:

Chapter 2

Article IV. - City Boards and Commissions

Sec. 2-81. Creation.

There may be created a board of zoning appeals, a design review board, a historic preservation board, a planning commission, a community council, a construction board of appeals, and an alcohol licensing and appeals review board, which shall have the powers and duties and be subject to and governed by the regulations set forth in this article and this Code. The duties of each board are defined in the corresponding Code section.

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Sec. 2-84. Terms.

(a) Each member shall serve a specified term of not more than ~~four~~three years. Consecutive terms are permissible, and terms may be staggered. ~~Each member, excepting the mayor and councilmembers that may serve on a board, shall have equal terms of an amount to be specified by the mayor.~~

(b) ~~The mayor and councilmembers may serve as ex officio members without a vote on a board or commission so long as they remain elected to office.~~ A former councilmember or former mayor may serve on a board.

(c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.

(d) Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made.

~~(de)~~ Any member may be removed for cause by the mayor and a majority of the council. (Comp. Ords. 2008, ch. 2, art. 4, § 4)



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Article V. - City Advisory Committees

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Sec. 2-110. Terms.

- (a) Each committee member shall serve a specified term of not more than four-three years. Consecutive terms are permissible. ~~Each committee member, but the mayor and councilmembers serving thereon, shall have staggered terms of an amount to be specified by the mayor.~~
- (b) ~~The mayor and councilmembers on each committee shall serve on that committee so long as they remain elected to office.~~ A former councilmember or former mayor may serve on a committee, ~~but such person shall not take the place of the elected member.~~
- (c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.
- (d) Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made.
- (~~ed~~) Any member may be removed with or without cause by the mayor.
(Comp. Ords. 2008, ch. 2, art. 5, § 4)

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Chapter 4

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Sec. 4-70. License review board; hearings.

- (a) There is hereby established a license review board consisting of five members appointed by the mayor and subject to approval by the council. Each member shall serve a term of four-three years, except that upon appointment of the initial members of the board, the initial terms may be staggered.

...

- (g) The board shall meet at such times as necessary as determined by the board and shall render its decisions within 30 days after the close of a hearing on any matter. ~~Three members of the board shall constitute a quorum, and all decisions of the board shall require a majority vote of the quorum.~~ Such meeting shall not be scheduled later than 30 days from the time a matter is filed for hearing or appealed to the board.

Chapter 8

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Sec. 8-29. Construction board of adjustment and appeals.

- (a) Appointment. The council shall establish a board to be called the construction board of adjustment and appeals. Members shall be nominated by the mayor and approved by the council.
- (b) Membership and terms.



- (1) Composition; terms. The board shall be comprised of not fewer than three and not more than five persons. Each member shall serve a term of ~~four~~three years and may serve consecutive terms.
- (2) Quorum and voting. A majority of actual board members establishes a quorum. A simple majority of the board shall constitute a quorum. In varying any provision of the construction codes, a majority of affirmative votes of the quorum present shall be required~~the affirmative votes of the majority present shall be required~~. In modifying a decision of the building official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

...

AN ORDINANCE OF THE CITY OF DUNWOODY AMENDING CHAPTER 2 (ADMINISTRATION) TO REVISE THE TERMS OF BOARDS AND COMMISSIONS; TO MAKE SAID TERMS CONSISTENT FOR ALL BOARDS AND MAKE APPROPRIATE CODE REVISIONS THEREFOR; AND FOR OTHER PURPOSES.

WHEREAS, the provisions of Chapter 2 of the City Code provide for the creation and membership of various Boards and Commissions of the City, and provide for terms of the members of said Boards; and

WHEREAS, the current terms of the Boards of the City are not the same from one Board to another and the Mayor and City Council wish to create a standard term of a Board and Committee member; and

WHEREAS, the Mayor and City Council wish to explicitly provide the rules for what occurs upon expiration of a certain term of office and the policy for reappointment or appointment of new members; and

WHEREAS, these revisions will provide the City and the Boards and Commissions of the City with additional flexibility for operation.

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 Article IV ("City Boards and Commissions"), Sections 2-81 and 2-84 to read as follows:
Sec. 2-109. Membership.

Sec. 2-81. Creation.

There may be created a board of zoning appeals, a design review board, a historic preservation board, a planning commission, a community council, a construction board of appeals, and an alcohol licensing ~~and appealsreview~~ board, which shall have the powers and duties and be subject to and governed by the regulations set forth in this Article and this Code. The duties of each board are defined in the corresponding Code section.

Sec. 2-84. Terms.

- (a) Each member shall serve a specified term of not more than ~~four~~three years. Consecutive terms are permissible, and terms may be staggered. ~~Each member, excepting the mayor and councilmembers that may serve on a board, shall have equal terms of an amount to be specified by the mayor.~~
- (b) ~~The mayor and councilmembers may serve as ex-officio members without a vote on a board or commission so long as they remain elected to office. A former councilmember or former mayor may serve on a board.~~
- (c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.

(d) Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made.

(~~de~~) Any member may be removed for cause by the mayor and a majority of the council.

Section 2: Chapter 2 of the City Code is further amended by revising Article V ("City Advisory Committees"), Section 2-110 ("Terms") to read as follows:

Sec. 2-110. Terms.

(a) Each committee member shall serve a specified term of not more than ~~four~~ three years. Consecutive terms are permissible. ~~Each committee member, but the mayor and councilmembers serving thereon, shall have staggered terms of an amount to be specified by the mayor.~~

(b) ~~The mayor and councilmembers on each committee shall serve on that committee so long as they remain elected to office.~~ A former councilmember or former mayor may serve on a committee, ~~but such person shall not take the place of the elected member.~~

(c) Members filling vacancies shall serve the remainder of the term to which they were appointed. A consecutive appointment is permissible.

(d) Members whose terms expire shall continue to serve until a replacement is appointed or a consecutive appointment is made.

(~~ed~~) Any member may be removed with or without cause by the mayor.

Section 3: Chapter 4 ("Alcoholic Beverages") of the City Code is hereby amended by revising Article III ("Suspension or Revocation of License; Hearing"), Section 4-70 ("License Review Board; Hearings"), subsections (a) and (g) to read as follows:

Sec. 4-70. License Review Board, Hearings.

(a) There is hereby established a license review board consisting of five members appointed by the mayor and subject to approval by the council. Each member shall serve a term of ~~four~~ three years, except that upon appointment of the initial members of the board, the initial terms may be staggered.

. . . .

(g) The board shall meet at such times as necessary as determined by the board and shall render its decisions within 30 days after the close of a hearing on any matter. ~~Three members of the board shall constitute a quorum, and all decisions of the board shall require a majority vote of the quorum.~~ Such meeting shall not be scheduled later than 30 days from the time a matter is filed for hearing or appealed to the board.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2014-XX-XX

Section 4: Chapter 8 ("Buildings and Building Regulations") is hereby amended by revising Article II ("Administrative Procedures for Enforcement of Adopted Codes"), Section 8-29 ("Construction Board of Adjustment and Appeals"), subsection (b) to read as follows:

Sec. 8-29. Construction Board of Adjustments and Appeals.

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(b) *Membership and Terms.*

- (1) *Composition; terms.* The Board shall be comprised of not fewer than three and not more than five persons. Each member shall serve a term of ~~four~~three years and may serve consecutive terms.
- (2) *Quorum and voting.* A ~~simple~~-majority of actual ~~the~~-Board Members ~~shall constitute~~establishes a quorum. In varying any provision of the construction codes, a majority of the-affirmative votes of the quorum ~~present majority present~~ shall be required. In modifying a decision of the building official, not less than two affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.
- (3) *Secretary of the Board.* The Building Official shall appoint a secretary for the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decision, the vote of each member, and any failure of a member to vote.
- (4) *Qualifications.* As provided above, the Council shall establish qualifications for Board members.

Section 5: This Ordinance shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of _____, 2014.

Approved:

Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk
(Seal)

City Attorney