

- B.** BCA2023-001 Appointment of Economic Development Director Andrea Worthy and Deputy Fire Chief Eric Mohrmann to serve as alternate members of the License and Variance Board effective February 15, 2023.



City of Smyrna

Issue Sheet

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Smyrna, GA 30080

File Number: BCA2023-001

Agenda Date: 2/6/2023

In Control: City Council

File Type: Boards and Commission
Appointments

Agenda Section:
Formal Business

Agenda Number: B

Department: Administration

Agenda Title:

Appointment of Economic Development Director Andrea Worthy and Deputy Fire Chief Eric Mohrmann to serve as alternate members of the License and Variance Board effective February 15, 2023.

Citywide

ISSUE AND BACKGROUND:

The Board wishes to have Mayor and Council appoint Economic Development Director Andrea Worthy and Deputy Fire Chief Eric Mohrmann as alternate members of the License and Variance Board beginning February 15, 2023. The addition of two alternate members will allow for current alternates and regular members to manage their scheduling conflicts for meeting dates more effectively.

Current regular Board Members are Chair / Deputy City Administrator Penny Mocer, Parks and Rec Director Richard Garland and Assistant Director for Water Distribution Bo Jones. Current Alternate Board Members are Fire Chief Brian Marcos and Library Services Director Mary Moore.

RECOMMENDATION / REQUESTED ACTION:

The City Clerks Office and Administration staff recommend approval of the appointment of Economic Development Director Andrea Worthy and Deputy Fire Chief Eric Mohrmann to serve as alternate members of the License and Variance Board effective February 15, 2023.

Sec. 2-141. - License and variance board.

- (a) There is hereby established a license and variance board.
- (b) The license and variance board established by this section shall have the following duties:
 - (1) Act as a hearing officer for applications for licenses to sell alcoholic beverages as specified in subsection 6-114(b).
 - (2) Hear applications for pawn brokers as specified in subsection 22-109(b).
 - (3) Hear applications for any other license or certificate to be issued by the city for which a public hearing is required, including but not limited to the following: precious metals dealers, massage practitioners, and bail bondsmen.
 - (4) Conduct hearings regarding the possible suspension, revocation or other action taken against a license or certificate issued by the city and to impose any sanctions as provided by law.
 - (5) Hear variance requests according to article XIV of the zoning ordinance.
 - (6) Hear requests for variances from stream buffers established by city ordinance.
 - (7) Approve or disapprove applications in a manner consistent with applicable laws.
- (c) Applicants or licensees shall be given notice of the date, time and place when the license and variance board will consider the respective matter. All meetings of the board shall be open to the public.
- (d) The decision of the license and variance board shall be final unless appealed to the mayor and city council within ten days of the date of decision by the license and variance board. Such appeal must be in writing and filed with the city clerk. In the event of an appeal, the mayor and city council, within 30 days of the date the appeal is filed, shall place the matter down for a de novo hearing and take any authorized action concerning the applicant's appeal. Appellants shall be given notice of the date, time and place when the mayor and council will consider the appeal.
- (e) The decision of the mayor and city council on an appeal under this article shall be final unless appeal is made to the Superior Court of the Cobb County. The applicant may appeal a decision of the mayor and city council by filing a petition for writ of certiorari to the superior court in the manner provided by state law.
- (f) The license and variance board shall have no jurisdiction or authority to hear any appeal from or to reverse, modify or set aside any decision of the mayor and city council.
- (g) The license and variance board shall be composed of three regular members and two alternate members, all of whom shall be appointed by the mayor and city council and who shall serve one-year terms and/or until a successor is appointed, except that such service shall be at the pleasure and discretion of the mayor and council. The alternate member shall only participate in hearings in which a regular member of the board is unable to attend. A quorum shall consist of three regular or alternate members.
- (h) The license and variance board shall meet at such times as is necessary, to be determined by such board, and shall render decisions within a reasonable time. Reasonable time for the purposes of this section shall be no longer than 120 days from the date an application is filed.
- (i) The license and variance board shall select one of its members to serve as chair and one of its members to serve as secretary, to serve at the pleasure of the license and variance board. Minutes and records of all proceedings shall be kept by the secretary or his/her designee and maintained in the office of the city clerk.

(Ord. No. 2005-33, 8-1-05)