

STATE OF GEORGIA
CITY OF DUNWOODY

RESOLUTION 2010-09-44

A RESOLUTION APPOINTING HEARING OFFICER FOR THE APPEALS PROCESS RELATED TO VARIOUS LICENSING PROCESSES, AND OTHER FUTURE PURPOSES, TO NAME ONE OR MORE INDIVIDUALS TO SERVE AS HEARING OFFICERS AND TO ASSIGN OVERSIGHT RESPONSIBILITIES TO THE CITY MANAGER AND FOR OTHER PURPOSES OUTLINED IN THE RESOLUTION

WHEREAS, the Charter of the City of Dunwoody ("City") grants the City power to license and regulate businesses within the City; and

WHEREAS, pursuant to its power under the Charter, the Mayor and Council of the City adopted an Ordinance that governs the Licensing and Regulation of businesses within the City, recorded as Chapter 10 of the Code of the City of Dunwoody ("Code"), as well as other licensing provisions; and

WHEREAS, City staff are charged with the responsibility of managing the occupation tax/business licensing process, and other licensing processes throughout the City, and making decisions of staff related to same; and

WHEREAS, the Mayor and Council have created an appeal process that applicants may use when they are dissatisfied with the decisions of staff related to the occupation tax/business licensing, alcohol licensing and other licensing processes; and

WHEREAS, certain appeals processes outlined in the City Code authorize the City Council to appoint a Hearing Officer to preside over appeals of any denials, suspensions and revocations of a license; and

WHEREAS, it has been determined that having an independent attorney serve as hearing officers for appeals of the process represents the most appropriate choice.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Dunwoody, Georgia that an attorney not otherwise involved with City business shall serve as Hearing Officer for appeals of decisions made by staff in cases where the City ordinances regulating licensing activities provide that the decisions may be appealed by the applicant to the City Council or designated Hearing Officer.

BE IT FURTHER RESOLVED that Richard Carothers, Esq. is hereby named to serve as primary hearing officer, and Michael Rothenberg, Esq. is hereby named as the Alternate hearing officer to serve as needed, for appeals related to the designated licensing processes.

BE IT FURTHER RESOLVED that the City Manager is charged with the responsibility for overseeing the time spent by the Hearing Officer(s) on each appeal, determining the reasonableness of the hours billed for services and approving payments based on invoices provided by the Hearing Officer(s). The maximum fee a Hearing Officer may be paid on each appeal is \$100/hour for each appeal, including preparation and drafting and service of final orders upon appealing parties and the City.

#L.1.

**STATE OF GEORGIA
CITY OF DUNWOODY**

RESOLUTION 2010-09-44

SO RESOLVED AND EFFECTIVE, this the 27th day of September, 2010.

Approved:

Ken Wright, Mayor

Attest:

Sharon Lowery, City Clerk
(Seal)