



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes

CITY COUNCIL SPECIAL MEETING

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, July 8, 2020

8:00 PM

Council Chamber

Presiding: R. Steve Tumlin, Mayor

Present: Cheryl Richardson, Grif Chalfant, Johnny Walker, Andy Morris, Reggie Copeland, Michelle Cooper Kelly and Joseph R. Goldstein

Also Present:

William F. Bruton, Jr. City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor Tumlin called the meeting to order at 8:57 p.m.

BUSINESS:

20200587 Executive Session

Executive Session to discuss legal, personnel, and/or real estate matters.

A motion was made in open session by Council member Morris, seconded by Council member Richardson, to enter an Executive Session to discuss legal matters. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

The Executive Session was held.

A motion was made in open session by Council member Morris by Council member Goldstein, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 - 0 - 0 Approved

20200579 Appeal Hearing Requested by Tokyo Valentino (License No.: 19-75907) Pursuant to Marietta Code Section 8-4-405

Tokyo Valentino has appealed the Order issued by the Acting Business License Manager of the City of Marietta dated June 18, 2020 which suspended/revoked the above-referenced license for 90-days. All witnesses will be sworn in during the hearing. The hearing will be conducted as required by Marietta City Code Section 8-4-405(d).

City Attorney Doug Haynie explained the hearing procedures and summarized the case to this point. Tokyo Excitement, located at 341 Cobb, LLC appeared before the Acting Business License Manager Patina L. Brown on June 9, 2020. On June 18, the Hearing Officer, Patina Brown, issued her order suspending and revoking Tokyo Excitement's 2019 license (No. 19-75907) for 90 days. The order further directed the business to remove all items from the business immediately and prohibiting it from applying for a new license during any period of suspension or revocation.

Opening statements were made by the City Prosecutor, Ben Smith, and the attorney for the licensee, Cary Wiggins.

City Prosecutor, Ben Smith, presented his case, submitted exhibits, and questioned witnesses. Cross examination of witnesses was done by the Attorney for the licensee.

Attorney for the licensee, Cary Wiggins, presented his case, submitted exhibits, and questioned witnesses. Cross examination of witnesses was done by the City Prosecutor.

Closing arguments were made by both parties prior to deliberation by Mayor and Council.

20200580 Executive Session

Executive Session to discuss legal, personnel, and/or real estate matters.

A motion was made in open session by Council member Kelly, seconded by Council member Chalfant, to enter an Executive Session to discuss legal matters. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

The Executive Session was held.

A motion was made in open session by Council member Morris by Council member Kelly, to exit the Executive Session. The motion carried by the following vote:

Vote: 7 – 0 – 0 Approved

20200583 Announcement of Decision

Motion to approve, adopt, incorporate, and accept the Order issued by Patina L. Brown, Hearing Officer and Acting Business License Manager, dated June 18, 2020. All matters set forth in the Order are hereby approved by the Marietta City Council and are hereby incorporated by reference into this Motion except for the length of the suspension/revocation and the City Council hereby suspends/revokes the said license for the amount of 180 days. The licensee is hereby directed to remove all contents from the licensed premises immediately. All other motions and objections from the licensee are hereby denied. The effective date of this Motion shall be upon passage of this Motion by the Mayor and City Council. Further, the City Attorney is hereby directed to prepare a final Order in this appeal hearing and present same to Mayor Tumlin for review and consideration no later than July 15, 2020.

The motion was made by Council member Richardson, seconded by Council member Chalfant, that this matter be Approved. The motion carried by the following vote:

Vote: 7 – 0 – 0

Approved

ADJOURNMENT:

The meeting was adjourned at 11:18 p.m.

Date Approved: August 12, 2020

R. Steve Tumlin, Mayor

Attest: _____
Stephanie Guy, City Clerk