In The Matter Of:

City of Doraville

State of Georgia

Special-Called Meeting with Public Hearings

March 22, 2010

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

SPECIAL-CALLED MEETING

WITH PUBLIC HEARINGS

* * *

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Ray Jenkins presiding, before Theresa Bretch, Certified Court Reporter, commencing at 6:37 p.m., March 22, 2010.

* * *

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APPEARANCES:
Doraville City Council:
Hon. Ray Jenkins, Mayor
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Donna Pittman
Councilmember Bob Roche
Councilmember Pam Fleming
Rhonda Blackmon, City Clerk
Murray J. Weed, City Attorney

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P R O C E E D I N G S

MAYOR JENKINS: Meeting come to order. Call the roll, please.

CLERK BLACKMON: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Here.

CLERK BLACKMON: Councilmember Bates?

COUNCILMEMBER BATES: Here.

CLERK BLACKMON: Councilmember Fleming?

COUNCILMEMBER FLEMING: Here.

CLERK BLACKMON: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Here.

CLERK BLACKMON: Councilmember Pittman?

COUNCILMEMBER PITTMAN: Here.

CLERK BLACKMON: Councilmember Roche?

COUNCILMEMBER ROCHE: Here.

MAYOR JENKINS: Scott?

MR. HAEBERLIN: Sir, it doesn't appear that we have the applicant yet tonight. I do want to note for the record that I e-mailed him on Thursday, March 18th, 2010 at 1:10 a.m., and he responded to me and said, "Hi, Scott. Thanks for that. I will be here at 6:30 p.m. on March 22nd, 2010. Best regards, Jimmy Nguyen." That's our applicant. So he has not shown yet.

If the Council would like to allow

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additional time for him to see if he arrives.

COUNCILMEMBER BATES: Have you received any additional information regarding the conversation that we had at the last planning and zoning meeting regarding his application and the number of pool tables and --

MR. HAEBERLIN: No, sir. I've not received any additional items. And as you're aware, because of the code, it is limited to three. His business plan far exceeded that number, but he has not provided me a revised business plan.

COUNCILMEMBER BATES: Thank you.

COUNCILMEMBER ROCHE: I'd like to just make a motion that we deny the conditional use request inasmuch as he hasn't shown up twice in a row. Can I just do that legally or do we have to go through the whole --

MR. WEED: Well, I wouldn't do it for the reason that he's not here, because technically he doesn't have to appear. He could simply never show up. But if there is a meritorious reason other than that to deny it, then certainly. You can deny it for whatever the reasons are.

COUNCILMEMBER ALEXANDER: Could you use because he didn't submit the revised plan that he was

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asked to?
COUNCILMEMBER PACHUTA: -- that complies with our billiard ordinance and --
MR. WEED: Well, I mean I'd feel comfortable with that. I mean if you believe there was necessary information the applicant was requested to provide, which he apparently agreed to provide --
I'm turning to the planner to confirm this on the record. Is that true?
MR. HAEBERLIN: There's a copy of the e-mails as well; but yes, he was here, and the Council did direct him on the information they wanted to receive from him. That's what I recall. And then I followed up with him again, because I hadn't heard from him in quite some time, to make sure we had a confirmation that he knew he was supposed to be here.
MR. WEED: Well, then yes, I think that would be a valid reason to deny it.
COUNCILMEMBER ROCHE: Do we have to go through the hearing part of this or just --
MR. WEED: My understanding of this is that this was a -- this item had been recessed to this date, so you have already had a public hearing in accordance with the Zoning Procedures Act on this matter.

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Mr. Haeberlin, is that true to the best of your awareness and recollection?
MR. HAEBERLIN: That is correct. It was actually twice recessed, I believe, Murray.
MR. WEED: So the answer to your question is, Councilman, that no, sir, you don't have to go through any other hearing process other than to conclude by rendering a decision.
COUNCILMEMBER ROCHE: Well, then, I'd like to make a motion that we deny the conditional use permit for the billiards hall, El Billiardo -- is that what it's called? -- based on the fact that the applicant has not provided the requested information.
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: More discussion? You say we don't have to have any hearing?
MR. WEED: Yes, sir. The public hearing portion of it has already occurred --
MAYOR JENKINS: Okay.
MR. WEED: -- and this is still -- in the sense of it being a hearing, it's still a hearing now, but this is the portion where you've now got a motion and a second and you can debate as to what you want to do.
MAYOR JENKINS: Any more comments from the

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table?
COUNCILMEMBER FLEMING: I just want to ask, what if he shows up in the next 20 minutes, Mr. Weed? Will you handle it at that time?
MR. WEED: There won't be anything to handle. Yes, ma'am, it'll be over.
COUNCILMEMBER FLEMING: Okay.
MR. WEED: After you render a decision, if the vote goes to deny, he can't reapply for the same zone for another year. It's six months under State law but twelve months locally. So that's what will happen.
COUNCILMEMBER FLEMING: Thank you.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?

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COUNCILMEMBER ROCHE: Yes.
MAYOR JENKINS: Thank you.
That's all you've got, Scott?
COUNCILMEMBER ROCHE: Motion to adjourn.
MR. HAEBERLIN: Yes, sir, that's it.
MAYOR JENKINS: Do I get a second?
COUNCILMEMBER PITTMAN: Second.
MAYOR JENKINS: Call the roll.
CLERK BLACKMON: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK BLACKMON: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK BLACKMON: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK BLACKMON: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
CLERK BLACKMON: Councilmember Pittman?
COUNCILMEMBER PITTMAN: Yes.
CLERK BLACKMON: Councilmember Roche?
COUNCILMEMBER ROCHE: Yes.
- - -
(Meeting adjourned at 6:42 p.m.)
-o0o-

C E R T I F I C A T E

STATE OF GEORGIA]
COUNTY OF DEKALB]

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the proceedings were reduced to typewriting under my direction and control.

I further certify that the transcript is a true and correct record of the evidence given at the said proceedings.

I further certify that I am neither a relative or employee or attorney or counsel to any of the parties, nor financially or otherwise interested in this matter.

This the 31st day of March, 2010.

_____

Theresa Bretch, CCR
Permit No. B-755

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