In The Matter Of:

City of Doraville

State of Georgia

City Council Meeting

May 23, 2011

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CITY COUNCIL MEETING

CITY OF DORAVILLE

STATE OF GEORGIA

Transcript of the meeting held in the City Council Room at Doraville City Hall, 3725 Park Avenue, Doraville, Georgia, Mayor Pro Tem Donna Pittman presiding, before Theresa Bretch, Certified Court Reporter, commencing at approximately 6:30 p.m. on Monday, May 23, 2011.

* * *

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APPEARANCES:
Doraville City Council:
Mayor Pro Tem Donna Pittman
Councilmember Maria Alexander
Councilmember Brian Bates
Councilmember Karen Pachuta
Councilmember Pam Fleming
Melissa McCain, City Clerk
Cecil G. McLendon, Jr., City Attorney
Interpreter: Mr. Yang Cao

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P R O C E E D I N G S
- - -
(Pledge of Allegiance)
- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Here.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Here.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Here.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Here.
CLERK McCAIN: And Councilmember Roche is absent.
MAYOR PRO TEM PITTMAN: Yes. He is not feeling well tonight.
And approval of minutes, none. No presentations.
This is public hearings. Cecil, Mr. McLendon, are we going to -- Council, are we going to allow public comments or are we going to wait until we open the . . .
ATTORNEY McLENDON: I'm sorry. And I

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apologize; the Chief and I were talking.
MAYOR PRO TEM PITTMAN: That's okay.
ATTORNEY McLENDON: Can I get caught up with your question?
MAYOR PRO TEM PITTMAN: Sure. Since we have a couple of public hearings tonight, we normally allow for public hearing for and against. Are we going to allow public hearings on the comments tonight? I guess that would be a Council decision if they want to go ahead and hear that.
ATTORNEY McLENDON: What you would do is -- and again, I defer somewhat to you-all's procedures you used in the past. But when you get to the point of the particular applications, at the beginning of the application, traditionally, I would open the public hearing, have all the public comment at that time, close the public hearing and then move into consideration of the application.
MAYOR PRO TEM PITTMAN: All right.
ATTORNEY McLENDON: If that works for you all.
MAYOR PRO TEM PITTMAN: Council?
COUNCILMEMBER FLEMING: On these types

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of issues where we have public hearings, I think it's more appropriate to be heard public comments at the public hearing time.

MAYOR PRO TEM PITTMAN: Thank you very much. Okay. Since it was on the agenda, I had to ask.

No department head reports.

Old business, readoption of the zoning map, Mr. Walton.

MR. WALTON: Thank you. Good evening.

If you remember, at the April 25th meeting, we had a brief discussion about this. There was a draft map present but there have been identified some needs for modifications to that map.

Our intent was to bring a revised final map to this meeting. However, with the hiring of Joe as the new city planner and some discussions that we had with the city attorney as well, we'd like to request a bit more time to together review the map, make sure that it meets all of our review and expectations before we bring it back to you.

So we request that this be postponed to a date certain.

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COUNCILMEMBER PACHUTA: Is our June 6th regular meeting soon enough?

MR. WALTON: Our June 6th regular meeting would be fine, and I would point out that there are zoning items scheduled for that meeting already, so it will fit in the context.

COUNCILMEMBER FLEMING: For a regular meeting, there are?

MAYOR PRO TEM PITTMAN: Yes.

MR. WALTON: Yes, ma'am.

COUNCILMEMBER FLEMING: And at this moment, we're not sure how many other items we have on a regular meeting night?

MAYOR PRO TEM PITTMAN: Do we have any at this time?

CLERK McCAIN: For June 6th; it can go on June 6th.

MAYOR PRO TEM PITTMAN: Brian, did you have something?

COUNCILMEMBER BATES: My preference on this and other zoning items would be to have them on a regular scheduled planning-and-zoning hearing night, which would be the 20th. That would be my preference, because if we start commingling these and we get in the habit of

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doing that, we're going to lose our regular agenda-item nights that we need to get work done, so.

MAYOR PRO TEM PITTMAN: So Council, are we okay with that?

COUNCILMEMBER FLEMING: Okay, now. Hold up, Mr. Bates. The 6th and the 20th are regular.

COUNCILMEMBER BATES: I'm sorry. The 27th,

COUNCILMEMBER ALEXANDER: That might be on the 28th because of --

COUNCILMEMBER BATES: GMA?

COUNCILMEMBER ALEXANDER: -- the convention. Yeah.

COUNCILMEMBER BATES: So I'll make the motion to postpone it to the date certain of June 28th.

MAYOR PRO TEM PITTMAN: Or 28th?

COUNCILMEMBER BATES: Or 28th.

COUNCILMEMBER FLEMING: I'm sorry.

COUNCILMEMBER BATES: June 27th, and if the meeting -- if we aren't having a meeting on the 27th and it's moved to the 28th, do we need to . . .

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COUNCILMEMBER PACHUTA: It's the Georgia Municipal Association Conference.

ATTORNEY McLENDON: I'm okay with a motion that conditionally sets it to the -- the hearing date or the meeting date of the 27th or the 28th, depending upon where it gets set, which one.

COUNCILMEMBER BATES: Thank you.

MAYOR PRO TEM PITTMAN: Do I get a second?

COUNCILMEMBER ALEXANDER: Second.

MAYOR PRO TEM PITTMAN: Discussion?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Call the roll, please.

CLERK McCAIN: Councilmember Alexander?

COUNCILMEMBER ALEXANDER: Yes.

CLERK McCAIN: Councilmember Bates?

COUNCILMEMBER BATES: Yes.

CLERK McCAIN: Councilmember Fleming?

COUNCILMEMBER FLEMING: Yes.

CLERK McCAIN: Councilmember Pachuta?

COUNCILMEMBER PACHUTA: Yes.

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MAYOR PRO TEM PITTMAN: Okay. Thank you. Motion carries.
Thank you, Mr. Walton.
Next is under new business, the multi-jurisdictional hazard mitigation plan. Mr. Howe has asked that that be moved to -- I am not sure exactly what day he wanted, so you might want to check with him.
Next will the public hearing, conditional use, massage therapy spa, King Foot Massage at 5302 Buford Highway.
MR. WALTON: I should have talked with Luke before. I would have just stayed up here.
MAYOR PRO TEM PITTMAN: Sorry.
MR. WALTON: It's not a problem.
Okay. The first of three new business zoning items on the agenda tonight, this is a conditional use permit request from the King Foot Massage at -- I'm losing my place; I'm sorry -- 5302, Suite A-2, Buford Highway.
MAYOR PRO TEM PITTMAN: Excuse me just a minute.
If you'd do me a favor; if you need to talk on your cell phone, I need you to step outside, please. Thank you.

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MR. WALTON: So the applicant has requested conditional use permission to operate a massage spa business at this location, and we would at this time request to open the public hearing.
MAYOR PRO TEM PITTMAN: Those wishing to speak --
MR. WALTON: For.
MAYOR PRO TEM PITTMAN: -- for, if you could please raise your hand or step to the podium. Those wishing to speak for, if you could state your name when you come to the podium.
MS. GAO: (Through the Interpreter) My name is Tongxin Gao. I'm the boss of Royal Foot Spa [sic].
On June 4th, 2008, I apply to open a massage store at 5280 Buford Highway, Suite A. The City approved the license, and I was granted a business license. We officially opened on June 18th. Royal Foot Spa is the second Chinese massage parlor opened on Buford Highway.
Ever since we're opening, we always go by the regulations and laws of the city. We focus in family service. Sometimes a husband

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and wife or friend all come together to enjoy our service. We see a lot of --
MAYOR PRO TEM PITTMAN: Excuse me just a moment.
THE INTERPRETER: Are you speaking to the Royal Foot Massage, not King Foot Massage?
MS. GAO: Royal Foot Spa.
THE INTERPRETER: Right.
MAYOR PRO TEM PITTMAN: Okay. Council, since they're already into this, could we possibly go ahead and hear this and then move to King Foot Massage?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PRO TEM PITTMAN: Are you-all okay with that?
COUNCILMEMBER FLEMING: That's fine.
MAYOR PRO TEM PITTMAN: Okay.
Continue, sorry. Thank you.
THE INTERPRETER: Okay. Thank you.
MS. GAO: (Through the Interpreter) They say a lot of good things about us. You can see all these on the Internet.
We always open on time, close on time, and go by the business hours set by the City government. We never receive any warning,

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citation or subpoena. Never nobody complain to the City government about us.
I hereby strongly request the City continue to issue us business license. All the employees in Royal Foot Spa has been going by the regulations of the City and the State. We haven't done anything against the regulations of the City or the State. We have never done anything illegal or improper.
Our mission is to provide a place where the people can receive therapy, relax and relief from tension and recover and beneficial to their health.
All the employees in Royal Foot Spa have been professionally trained. All the massage therapists who have to do full-body massage have to have a massage therapist license issued by the Georgia state.
We provide a very good service in Doraville community. It's very beneficial to the public. Also we provide employment opportunities.
We don't want to spend any more money on attorneys. We are willing to pay the tax and the license fee to the City. I strongly appeal

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to the City government and the City Council to issue license to law-abiding Royal Foot Spa.

Give us a opportunity to serve the public. Just like all other minority business in the city, we wish to build our success in the Doraville community. Thank you very much.

MAYOR PRO TEM PITTMAN: Thank you. All right. Anyone else wishing to speak for?

MR. WALTON: Mayor, if I could add for clarification, based on the presentation discussion, that was in representation of Royal Foot Spa, 5280 Buford Highway, which is the second item -- excuse me -- the third item under the new business heading.

ATTORNEY McLENDON: In that we've opened the public hearing and we started with Royal Foot Spa, I would suggest we proceed through that public hearing on Royal Foot Spa, close it, and then take the appropriate steps to address the issue at that time.

MR. WALTON: I agree.

So for clarification, this public hearing concerns Royal Foot Spa, 5280 Buford Highway, and now the floor is open for anyone else wishing to speak in favor of the

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application for a conditional use permit for Royal Foot Spa at 5280 Buford Highway.

MR. JIA: Hello, everybody. And my name is Chuck Jia. I was educated in --

MAYOR PRO TEM PITTMAN: Would you spell that, please, for her.

MR. JIA: Oh, okay. C-h-u-c-k, last name, J-i-a.

MAYOR PRO TEM PITTMAN: Thank you.

MR. JIA: I was -- I was in the country like since 1987, and I was educated here. I got my masters and a Ph.D. in this country.

Actually, I know Tongxin about two-and-a-half years ago when she opened her business there on Buford Highway. I started with my first visit, and I found out they really offer good, sound -- professional, sound service, and I've been their -- the regular customer for two-and-a-half years. And that's the only place I go because they do business professionally, and they -- Council, actually, I've been there many, many times, actually, regularly every week.

And Council hear the customer asking for request for the wrongdoing such as like happy ending. Everybody knows what that means.

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For happy ending, things like that. And the Councilmen, every employee there rejected, said, "We cannot do that because it's against the law. We don't want to get into trouble." Council hear about that, and I know they don't do such a thing. They only offer the relaxation, the healthcare.

Also, council here is a customer (indicating). I know all customer, including one of the customer there, right there. The name is Jung.

And a lot of confidence about the Royal Foot Spa. And I also browse the Internet, and I see a lot of the confidence there.

So I mean for probably around a year and a half ago, I heard that the -- the issue, the business license, and since then, they hired the attorney, and I know a little bit about this. And also, I'm a regular customer, but I know the little things going on here.

So based on my observation, I just want to ask the City issue them the business license, let them keep doing there what they're doing, because they do every business, every day, it's all in the City's ordinance, rule, and never

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come to any wrongdoing.

So that's all my point. Thank you so much.

MAYOR PRO TEM PITTMAN: Thank you, sir.

Okay. Anyone else wishing to speak for?

- - -

(No response)

- - -

MAYOR PRO TEM PITTMAN: Okay. Thank you.

Anyone wishing to speak against, please come forward, state your name. Anyone wishing to speak against?

MS. HOFFMEISTER: Bonita Hoffmeister, 3948 Spanish Oak Drive in Oakcliff Estates.

Here we go again. We have a mile-long frontage on Buford Highway, and there is no end to what we can dream up that's undesirable to put on Buford Highway.

We enacted zoning ordinances to reduce the number of massage parlors for a very good reason. It is not a good indication of other businesses that are acceptable in the area.

I respectfully ask that you deny this

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1 petition.
2 MAYOR PRO TEM PITTMAN: Thank you.
3 Anyone else?
4 MS. CRAWFORD: Susan Crawford,
5 Oakcliff.
6 I too think that we have an awful lot
7 of massage parlors. And is this a conditional
8 use, I believe?
9 MR. WALTON: Yes.
10 MS. CRAWFORD: Which means that you
11 have the option to decide. It's up to you. Do
12 you want this to happen or don't you? And I
13 would urge you to think about maybe denying.
14 Thank you.
15 MAYOR PRO TEM PITTMAN: Thank you.
16 Anyone else?
17 - - -
18 (No response)
19 - - -
20 MAYOR PRO TEM PITTMAN: Okay. Mr.
21 Walton.
22 MR. WALTON: Thank you. So at this
23 time, we'll close the public hearing for 5280
24 Buford Highway, Royal Foot Spa.
25 Staff has received the application,

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1 reviewed the materials provided as presented in
2 our staff report.
3 Review has included identification of
4 the zoning of the existing property, which is C-
5 2, the appropriate zoning for the conditional
6 use permit as requested.
7 Use is consistent with the general
8 purpose and intend of C-2 with respect of the
9 conditional use identification.
10 The proposed use is in an existing
11 building. They're not proposing new
12 construction on the site, and so it's not been
13 our determination that there are site or urban
14 design issues associated with the proposed
15 location. The existing building and use are
16 suitable -- existing building and property are
17 suitable to the use.
18 As far as traffic-related issues, the
19 property is located on Buford Highway with
20 acceptable access and egress from the property
21 and parking. We did not identify any concerns
22 from a traffic standpoint.
23 There are no variances requested in
24 association with the application, and you will
25 also see in the report details concerning the

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1 comparison of the property with the minimum
2 requirements for lot size, road frontage and so
3 forth.
4 And in each case -- with the possible
5 exception of impervious lot coverage, in each
6 case, the existing property meets the
7 requirements of the zoning ordinance.
8 MAYOR PRO TEM PITTMAN: All right.
9 MR. WALTON: I'd be glad to answer any
10 questions that you might have.
11 MAYOR PRO TEM PITTMAN: Council?
12 COUNCILMEMBER BATES: If approved, this
13 would make how many full-body massage therapy
14 facilities in the city that are operating
15 legally?
16 MR. WALTON: What I can answer is that
17 to date, we have understood that there have been
18 two conditional use permits approved for full-
19 body massage therapy uses in the city. Those
20 were both approved last year.
21 Those two businesses both applied for a
22 massage parlor license and occupational tax
23 license this year. One has been fully approved
24 for both; the other's application is pending
25 final information to be provided to City Hall.

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1 From the city planner's office
2 perspective, both of those have been approved.
3 So our understanding and opinion is there are
4 two currently operating -- one fully licensed;
5 the other, pending license.
6 COUNCILMEMBER BATES: And this business
7 has been operating in the city since 2008. Is
8 that --
9 MR. WALTON: That's our --
10 COUNCILMEMBER BATES: -- correct?
11 MR. WALTON: -- understanding as well.
12 COUNCILMEMBER BATES: Thank you.
13 MR. WALTON: Do you have any questions?
14 MAYOR PRO TEM PITTMAN: Ms. Alexander?
15 COUNCILMEMBER ALEXANDER: No.
16 MAYOR PRO TEM PITTMAN: Ms. Pachuta?
17 COUNCILMEMBER PACHUTA: No.
18 I make a motion that we approve the
19 conditional use permit for Royal Foot Spa at
20 5280 Buford Highway, Suite A.
21 MAYOR PRO TEM PITTMAN: Do I get a
22 second?
23 COUNCILMEMBER BATES: Second.
24 MAYOR PRO TEM PITTMAN: Discussion?
25 COUNCILMEMBER FLEMING: Yes, there is a

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1 discussion.
2 I believe we are -- if I'm not
3 mistaken, we are approving the conditional use
4 for that parcel but not necessarily a permit for
5 the business itself.
6 COUNCILMEMBER PACHUTA: Right. They'll
7 still have to apply for their regulatory
8 license.
9 COUNCILMEMBER BATES: There are still
10 extra steps. They've yet to prove massage
11 therapy certifications and everything else that
12 goes along with the building permit, and
13 occupational issues and all that other stuff, so
14 this is to allow them to start that process
15 legally.
16 MR. WALTON: That's correct.
17 MAYOR PRO TEM PITTMAN: Thank you.
18 Call the roll, please.
19 CLERK McCAIN: Councilmember Alexander?
20 COUNCILMEMBER ALEXANDER: Yes.
21 CLERK McCAIN: Councilmember Bates?
22 COUNCILMEMBER BATES: Yes.
23 CLERK McCAIN: Councilmember Fleming?
24 COUNCILMEMBER FLEMING: Yes.
25 CLERK McCAIN: Councilmember Pachuta?

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1 COUNCILMEMBER PACHUTA: Yes.
2 MAYOR PRO TEM PITTMAN: Thank you.
3 Motion carries.
4 Okay. Now we'll move back up to public
5 hearing, conditional use, massage therapy, for
6 King Foot Spa at 5302 Buford Highway.
7 MR. WALTON: Yes. So at this time, we
8 would open a public hearing for those who wish
9 to speak in favor of the application.
10 MS. PENG: (Through the Interpreter)
11 My name's Peng Dan. I'm the owner of King Foot
12 Massage.
13 In 2009, I applied a license for my
14 massage store at 5302 Buford Highway. My
15 license was approved. I obtained a business
16 license from the City. We officially opened
17 December the 10th.
18 Ever since we opened, we have gone by
19 the ordinance and the law of the city. We never
20 have anything -- we've never ever --
21 MAYOR PRO TEM PITTMAN: Excuse me just
22 a minute. I'm sorry.
23 If I could get everyone to please turn
24 their cell phones off, and if you need to speak,
25 if you could step outside, I'd appreciate it.

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1 It makes it very difficult for her to hear, and
2 cell phones run interference for the equipment,
3 so I'd really appreciate it.
4 I'm sorry. Go ahead.
5 MS. PENG: (Through the Interpreter)
6 We never break any laws of the City or the
7 State.
8 It is a family-oriented business.
9 Sometimes husband and wife, some friends, they
10 come altogether to the store to enjoy our
11 service. We receive a lot of compliments.
12 We open on time, close on time. Our
13 business hour strictly goes by the business
14 hours set by the Doraville City. We never
15 receive any warnings, citations or any subpoenas
16 from the court. So we hope the City government
17 will continue to issue our business license.
18 All the employees of King's Foot
19 Massage do everything within the law and the
20 ordinance of the City and the State. We never
21 do anything against the City or the State, the
22 regulations, ordinance or law.
23 Our wish is to provide a place where
24 people can receive physical therapy and relax,
25 relief from their tension, and the beneficial to

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1 their health.
2 All employees have been professionally
3 trained, and they all have the massage therapist
4 license from the State of Georgia.
5 We provide a very good service to the
6 people in the city of Doraville, and it is very
7 beneficial to them. We also provide employment
8 opportunities.
9 We are willing to pay tax on time and
10 strongly appeal to the City Council to issue us
11 business license. We'll continue to provide
12 good service to the Doraville community.
13 Thank you.
14 MAYOR PRO TEM PITTMAN: Thank you.
15 Anyone else wishing to speak for? Yes,
16 sir.
17 MR. BATH: Good evening. My name is
18 David Bath. I live in Johns Creek now, but I
19 lived in Doraville for 10 years at McClave, 2585
20 McClave.
21 My wife introduced me to the Chinese
22 massage, and I'll tell you it works. And I go
23 there with my wife and we really do enjoy it.
24 I know most of the -- a couple of the
25 other people said it really is family oriented,

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at least there. I suppose I can only speak for King's Foot, you know; that's my experience.

But it's a good business, and, you know, in this time -- I'm not a businessperson, but let's keep those businesses. If they're legal, if they're good businesses, let's keep them here paying taxes. It just seems like the right thing to do.

I could also say if you haven't tried it, just try it. I mean you will -- you really will be amazed. I have arthritis in my back since I was, you know, 20. It's the only thing that works for me. The chiropractor doesn't work. You know, nobody wants to take pills all the time for their pain, but that works.

Thank you.

Any other questions? I'm not an expert, but I can tell you it works.

MAYOR PRO TEM PITTMAN: Thank you, sir.

MR. BATH: Thank you.

MAYOR PRO TEM PITTMAN: Okay. Anyone else wishing to speak for?

MR. UTAYEV: Hi, everybody. My name's Utayev.

THE REPORTER: What's your name?

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MR. UTAYEV: John.

THE REPORTER: John?

MR. UTAYEV: Yeah. I'm sorry.

MR. WALTON: Last name, please?

MR. UTAYEV: Utayev.

MAYOR PRO TEM PITTMAN: Could you spell that for us?

MR. UTAYEV: U-t-a-y-e-v.

MAYOR PRO TEM PITTMAN: Thank you.

MR. UTAYEV: How do I tell you. I've been customer since like -- like about two years ago.

I have my problem, my lower back problem, so, and I guess my type of job. I had accident, and so I went to the doctor. Doctor told me I have to have surgery in my lower back because my nerve been pinched, so, and my muscles have been so tight.

And since I've been, you know, this massage system, because I used chiropractor in my country. So I start looking for massage shops, especially like Chinese, because I knew Chinese therapy, they're like over a thousand years, like.

And I found -- like I just drove one

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day on Buford Highway, and I saw Royal Spa so I stop over there and ask like foot massage. So when I get massage, it's been so -- I mean pretty good.

And I start come like some different shops, and after a couple of months, I start feeling myself better because my muscles start like relax. And I went to the doctor, just they told me before, I have to have surgery, and they said okay, it's like fine, because my x-rays show it's like much better than it used to be, so.

And now sometimes in a while, just come over to see, get massage. So since like about two years, I knew this place and come to like know each other.

And what I want to tell, it's like a very good atmosphere. They're very friendly, very like good service and like just really just a massage, not something like hear something, different stuff.

Well, what I just want to tell you, my language is kind of...

All right, thank you.

MAYOR PRO TEM PITTMAN: Thank you.

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COUNCILMEMBER BATES: Thank you.

MAYOR PRO TEM PITTMAN: Anyone else for?

MR. WALTON: Anyone else wish to speak in favor of the application?

- - -

(No response)

- - -

MR. WALTON: Does anyone wish to speak against the application?

MAYOR PRO TEM PITTMAN: Okay, Mr. Hart.

MR. HART: I believe the City of Doraville recommended they have not more than four massage parlors for the population of the city, and last time I drove down Buford Highway, there was a lot more than four.

So is this going to be five or six or seven or eight? Don't know what this number is, and perhaps I could ask the planner that.

And I'm confused which of the two massage parlors is this?

COUNCILMEMBER BATES: This is the first.

ATTORNEY McLENDON: This is the public hearing on this, so it's really not a question-

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and-answer.
COUNCILMEMBER BATES: For your edification, Mr. Hart, it's King Foot Massage.
MR. HART: King Foot Massage. Okay.
Okay. When I drove down Buford Highway today, I was going to look at the places. There were two, and I don't know which one this is, but it said on the sign the public hearing was going to be on June the 6th, on the sign on Buford Highway, and I wasn't really prepared for this evening because I thought it was June the 6th.
But I came here tonight and was a little surprised that this is on the agenda.
Thank you.
MAYOR PRO TEM PITTMAN: Okay. Anyone else against?
MS. HOFFMEISTER: Bonita Hoffmeister, Oakcliff Estates.
Here again we have businesses that, surprisingly, aren't very welcome in Johns Creek, but we have open arms to all this type of stuff.
And yes, there are legitimate massage parlors, and that's why we put a limit on it.

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When we have the opportunity to stick to that limit, I don't know why in December we issued another license for a massage parlor.
I fail to comprehend where the city is going except for everywhere else that other cities don't want to go.
MS. CRAWFORD: Susan Crawford, Oakcliff.
Again, I don't know if you people ever get out of Doraville, but I work with people from all over the state, and we are known for our massage parlors.
And I understand that people do have problems, skeletal problems, and that they can benefit from massages, but I could line up some people who have had very intense massages. And I think that one massage parlor, maybe two, should certainly be enough for a city of what? eight/ten thousand.
What are you doing?
MAYOR PRO TEM PITTMAN: Okay. Anyone else against?
- - -
(No response)
- - -

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MAYOR PRO TEM PITTMAN: Thank you.
And excuse me just a moment. And I know there was a question about the advertising. For the record, do we want to clarify, please?
MR. WALTON: I'll be glad to do that.
MAYOR PRO TEM PITTMAN: Thank you.
MR. WALTON: The two foot massage -- Oh, I'm sorry. Excuse me. The two massage parlor applications that we're addressing tonight were both advertised and posted according to the State Zoning Procedures Act for tonight's meeting, May 23rd.
There are an additional two applications that are advertised and posted for the June 6th Council meeting, and the cause for that is due to an error in the original advertisement. There was an error in the address. It was incorrectly -- the street address was incorrectly stated. And in order to correct that error, we had to readvertise, and that's the reason that there are postings for June 6.
MAYOR PRO TEM PITTMAN: Thank you.
Did you want to add anything to that, sir?

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ATTORNEY McLENDON: No, ma'am. I'm fine. I believe our file is documented as to the advertising as well, all the cases.
MAYOR PRO TEM PITTMAN: Okay. Thank you very much.
All right.
MR. WALTON: Staff has reviewed the applicant's information. Similar to the previous application, the subject site is currently zoned C-2, so the request for conditional use under C-2 is consistent with the -- with the ordinance structure.
In our estimation and analysis, use does not produce problems from the standpoint of traffic or adjacent uses. It's not located adjacent to neighborhoods or other uses that might be of concern.
The use is part of an existing commercial building, and the existing structure size and parameters, parking spaces, are in compliance with the requirements of the ordinance.
I will be happy to answer any questions you might have.
COUNCILMEMBER BATES: Once again, I'll

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1 ask the three of you.
2 MR. WALTON: Yes, sir.
3 COUNCILMEMBER BATES: Based upon the
4 number of massage licenses and permits that have
5 been granted that are in process or have been
6 approved, this would make four. And based upon
7 our ordinance, we would be capped at four and no
8 new applications would be taken for full-body
9 therapy massage; is that correct?
10 ATTORNEY McLENDON: As to the language
11 of the ordinance, there is certain language that
12 talks about existing establishments as of before
13 the date of the ordinance, which is January of
14 2011.
15 I would be happy to discuss that with
16 you at length --
17 COUNCILMEMBER BATES: Thank you.
18 ATTORNEY McLENDON: -- to discuss the
19 issue.
20 COUNCILMEMBER PACHUTA: But currently,
21 there's only one currently licensed and one
22 pending, so.
23 ATTORNEY McLENDON: Right now, we have
24 this -- This is four, but it's an issue I would
25 be glad to visit on.

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1 COUNCILMEMBER BATES: Thank you.
2 MAYOR PRO TEM PITTMAN: Okay.
3 Ms. Alexander?
4 COUNCILMEMBER ALEXANDER: And the
5 clarification was that they've been in business
6 since 2009, I believe was . . .
7 MR. WALTON: That's my understanding is
8 the -- I'm sorry.
9 THE INTERPRETER: Yes.
10 MR. WALTON: We've confirmed that the
11 business has been in business since 2009?
12 MS. PENG: (Through the Interpreter)
13 Yes.
14 MR. WALTON: Thank you.
15 MAYOR PRO TEM PITTMAN: Okay. Ms.
16 Pachuta?
17 COUNCILMEMBER PACHUTA: I don't have
18 any questions.
19 MAYOR PRO TEM PITTMAN: Ms. Fleming?
20 COUNCILMEMBER FLEMING: Again, what
21 we're doing for this particular location is we
22 wold be considering the conditional use of
23 massage therapy at 5302 Buford Highway.
24 And that's Suite A, is it not, Mr.
25 Walton?

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1 MR. WALTON: Correct.
2 COUNCILMEMBER FLEMING: So that that's
3 what we're considering tonight is either for or
4 against the conditional use at that location?
5 MR. WALTON: That's correct.
6 MAYOR PRO TEM PITTMAN: Okay. Council?
7 COUNCILMEMBER PACHUTA: I'll make a
8 motion that we approve the conditional use
9 permit for King Foot Massage at 5302 Buford
10 Highway, Suite A-2.
11 COUNCILMEMBER BATES: Second.
12 MAYOR PRO TEM PITTMAN: Discussion?
13 COUNCILMEMBER FLEMING: Friendly
14 amendment; take the "permit" out of there.
15 COUNCILMEMBER PACHUTA: Is that what
16 it's called? a Conditional use permit?
17 MR. WALTON: It is called a conditional
18 use permit, a CUP.
19 COUNCILMEMBER FLEMING: Excuse me. I'm
20 very sorry.
21 MAYOR PRO TEM PITTMAN: Okay. Call the
22 roll, please.
23 CLERK McCAIN: Councilmember Alexander?
24 COUNCILMEMBER ALEXANDER: Yes.
25 CLERK McCAIN: Councilmember Bates?

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1 COUNCILMEMBER BATES: Yes.
2 CLERK McCAIN: Councilmember Fleming?
3 COUNCILMEMBER FLEMING: Yes.
4 CLERK McCAIN: Councilmember Pachuta?
5 COUNCILMEMBER PACHUTA: Yes.
6 MAYOR PRO TEM PITTMAN: Okay. Thank
7 you. Motion carries.
8 Okay. The next item is going to be
9 public hearing, conditional use, used tire
10 service and installation.
11 ATTORNEY McLENDON: Mr. Walton, would
12 you like to address that issue?
13 MR. WALTON: I would.
14 Staff requests, if it is the Council's
15 wish, that this item be postponed to a date
16 certain to allow additional staff review,
17 analysis, and also coordination with new staff.
18 COUNCILMEMBER ALEXANDER: Would you
19 like it postponed to the 27th or 28th?
20 MR. WALTON: I would ask in this case,
21 in respect to the applicant, that the
22 postponement be to a date certain -- the next
23 available or next opportunity for a Council
24 meeting since this is an applicant-generated
25 issue as opposed to a City-initiated issue.

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COUNCILMEMBER ALEXANDER: So you would want that, then, to be June the 6th?
MR. WALTON: If the Council would be ...
COUNCILMEMBER BATES: Does that give staff sufficient time to do the necessary research?
MR. WALTON: Yes, it does.
COUNCILMEMBER BATES: Okay. Thank you.
COUNCILMEMBER ALEXANDER: I make a motion to defer -- is that the proper language? -- to defer the used tire service and installation application for 66 --
I'm sorry. The address?
MR. WALTON: 5425.
COUNCILMEMBER ALEXANDER: -- 5425 Buford Highway to Monday, June the 6th.
COUNCILMEMBER PACHUTA: Second.
MAYOR PRO TEM PITTMAN: Discussion?
MR. WALTON: If I could, just to clarify, we will be deferring both the consideration and the public hearing for this issue.
ATTORNEY McLENDON: That will be fine.
MR. WALTON: So as long as the intent

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is to defer the public hearing; and otherwise, we should call for the scheduled public hearing.
COUNCILMEMBER ALEXANDER: To defer the public hearing and the hearing of the application.
MR. WALTON: Yes, ma'am.
COUNCILMEMBER PACHUTA: I'll amend my second.
MAYOR PRO TEM PITTMAN: Okay. Discussion?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: Call the roll, please.
CLERK McCAIN: Councilmember Alexander?
COUNCILMEMBER ALEXANDER: Yes.
CLERK McCAIN: Councilmember Bates?
COUNCILMEMBER BATES: Yes.
CLERK McCAIN: Councilmember Fleming?
COUNCILMEMBER FLEMING: Yes.
CLERK McCAIN: Councilmember Pachuta?
COUNCILMEMBER PACHUTA: Yes.
MAYOR PRO TEM PITTMAN: The applicant understands? Do you understand, sir?

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Okay.
MR. WALTON: June the 6th. Thank you.
MAYOR PRO TEM PITTMAN: Okay. Thank you so much.
MR. WALTON: Thank you.
MAYOR PRO TEM PITTMAN: All right.
Real quick, I wanted to introduce our new planner, Mr. Cooley. If you could stand up, please, or if you'd like to come up and even introduce yourself, that would be wonderful.
- - -
(Applause)
- - -
MR. COOLEY: Appreciate it. Thank you very much. I'm looking forward to working with all of you-all and the public and do the best I can with everything. I appreciate your confidence and I'll work hard for you.
Glad to be here. Thank you.
MAYOR PRO TEM PITTMAN: Thank you very much, and we welcome our new development director. Thank you.
MR. COOLEY: Thank you.
MAYOR PRO TEM PITTMAN: All right.
And also, Mr. Anderson, I just wanted

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to thank you for fixing our microphone. At least it's not falling over today.
MR. ANDERSON: You're welcome.
MAYOR PRO TEM PITTMAN: Any additional reports or comments from the staff?
- - -
(No response)
- - -
MAYOR PRO TEM PITTMAN: All right. Public comments. Public comments, three minutes; if you could state your name, please.
MS. GREENWAY: My name's Ruth Greenway. I live at 2821 Pontiac Circle in Doraville.
Does anybody recognize these envelopes that we just got? They are -- this happens to be Malcolm Drake, who is my neighbor across the way. And it is about our sanitation, and it says, hello dear homeowner.
Well, I did not get one, and I'm 70 years old and Malcolm's 85. He might be even 90 for all I know.
But anyway, it is the sanitation that y'all have, from my understanding, is going to be left -- leave the City of Doraville and go over to Dekalb County, put in our tax base, and

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then I don't know what happens. We have to pay.
What I want to know is, is this going to affect our senior citizen?
MAYOR PRO TEM PITTMAN: No, ma'am.
And Melissa, if you'd like to address that, please.
CLERK McCAIN: Yes, ma'am.
That was a standard letter that had went out, and I apologize that you have received that, and if you are already exempt, that exemption will remain.
MS. GREENWAY: Okay. Well, I . . . I didn't get one, so thank goodness. But all my neighbors on Pontiac Circle and many other streets have, so.
So we won't get one. They're going to keep it like it is: we all get exempt.
MAYOR PRO TEM PITTMAN: Yes, ma'am.
CLERK McCAIN: Everybody who has applied --
MAYOR PRO TEM PITTMAN: All those --
CLERK McCAIN: -- who's approved.
MS. GREENWAY: Well, yeah. If they're 65, they have to come up here to the --
MAYOR PRO TEM PITTMAN: Well --

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MS. GREENWAY: -- City Hall and apply.
COUNCILMEMBER PACHUTA: There are no new exemptions, but people who --
MS. GREENWAY: There are no new ones now.
COUNCILMEMBER PACHUTA: Correct.
MS. GREENWAY: The ones that are already there, okay, so --
MAYOR PRO TEM PITTMAN: Yes, ma'am.
CLERK McCAIN: As of June 30th, 2010, they would have had to applied by to receive that exemption.
MS. GREENWAY: Okay. Well, thank you.
MAYOR PRO TEM PITTMAN: Thank you.
MS. GREENWAY: Have a good day.
MAYOR PRO TEM PITTMAN: Thank you.
COUNCILMEMBER BATES: Thank you.
MAYOR PRO TEM PITTMAN: Anyone else?
Yes, ma'am.
MS. JONES: I did get one of these letters. My name is Mary Jones, and I live on Lambeth Circle, 3380 Lambeth Circle.
Okay. Need my phone number?
THE REPORTER: Not for me, no. Thank you.

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MS. JONES: Okay. I received the letter from the City of Doraville Friday of this last week, and the letter said beginning July of 2011, I will be getting a sanitation bill from Dekalb County instead of from the City of Doraville and it will reflect a hundred-dollar charge for the months of July 2011 through December 2011.
In my case, I think I should be exempt. My reason is as follows: The house I live in was rented out for 27 years. My family outgrew it, so we moved to a larger house and rented it out. After my children moved out, I became a widow. I moved back to the house.
I was told that I was -- I was told that if you're over 65 of age, you should be exempt of the City of Doraville tax. Then I was told I had to pay it until I had been living in it five years.
The five years are up June the 1st of this year, and why can't I be exempt if this doesn't go into effect until July the 11th? I'm a widow and I'll be 83 years old in September of this year. I would appreciate for the Council voting for me to be exempt.

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Thank you very much.
MAYOR PRO TEM PITTMAN: Thank you, Ms. Jones.
Okay. Anyone else?
Mr. Hart?
MR. HART: I'm sorry. I'm just trying to get over this massage parlor business. It just seems to have a life of its own. Just keep on going on and on; and we're going to restrict it to four, and then we got eight, then we got 12.
And no one ever got raided. Nothing ever happened at a massage parlor in Doraville. But we see all these police reports of, you know, a can full of condoms and the guy died at the place down there on Shallowford and New Peachtree Road, and there was a little curtain in a shopping center with 20 beds in it.
Gee, nothing ever happened at a massage parlor in Doraville. I mean this is like the -- everyone in metro Atlanta knows what this is about except apparently the City Council.
So I don't know what it takes for the staff and the people at City Hall to understand the citizens are a little tired of this

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1 reputation of massage parlors in Doraville.
2 The signage on Buford Highway was a
3 little confusing. Information coming out of
4 City Hall is a little confusing.
5 So I mean it's just not me that notices
6 it. I just had a meeting over in Chamblee -- I
7 mean in Dunwoody the other day about this 911
8 system again. Okay? It goes because
9 Doraville's reputation. It has nothing to do
10 with economics; it has nothing to do with if
11 this is a good investment or a good location.
12 It's because this Council doesn't seem
13 to get an understanding there are minimum
14 standards of behavior, and it doesn't seem to
15 apply to this Council chamber, and the citizens
16 here are suffering from this constant -- you
17 know.
18 You know, this massage parlor that you
19 just passed, I don't know. I mean they come and
20 go. Some of them have been operating three
21 years without a license, and they're going to
22 come in here and apply for it and say, well,
23 they've been here since 2009.
24 Have they been here since 2009 with a
25 legal license every year? That may not -- that

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1 answer may not be yes.
2 Thank you.
3 MAYOR PRO TEM PITTMAN: Okay. Anyone
4 else?
5 - - -
6 (No response)
7 - - -
8 MAYOR PRO TEM PITTMAN: All right.
9 COUNCILMEMBER ALEXANDER: Motion to
10 adjourn.
11 MAYOR PRO TEM PITTMAN: Do I get a
12 second?
13 COUNCILMEMBER PACHUTA: Second.
14 MAYOR PRO TEM PITTMAN: Discussion?
15 - - -
16 (No response)
17 - - -
18 MAYOR PRO TEM PITTMAN: Call the roll,
19 please.
20 CLERK McCAIN: Councilmember Alexander?
21 COUNCILMEMBER ALEXANDER: Yes.
22 CLERK McCAIN: Councilmember Bates?
23 COUNCILMEMBER BATES: Yes.
24 CLERK McCAIN: Councilmember Fleming?
25 COUNCILMEMBER FLEMING: Yes.

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1 CLERK McCAIN: Councilmember Pachuta?
2 COUNCILMEMBER PACHUTA: Yes.
3 MAYOR PRO TEM PITTMAN: Okay. Meeting
4 adjourned.
5 - - -
6 (Meeting concluded at 7:25 p.m.)
7 -o0o-
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1 C E R T I F I C A T E
2 E OF GEORGIA]
3 TY OF DEKALB]
4 I hereby certify that the foregoing transcript
5 taken down as stated in the caption and the
6 eedings were reduced to typewriting under my
7 ction and control.
8 I further certify that the transcript is a true
9 correct record of the evidence given at the said
10 eedings.
11 I further certify that I am neither a relative
12 mployee or attorney or counsel to any of the
13 ies, nor financially or otherwise interested in
14 matter.
15 This the 30th day of May, 2011.
16
17 _____
18 Theresa Bretch, CCR
19 Permit No. B-755
20
21 [SEAL]
22
23
24
25

[

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