

**CITY COUNCIL
ATLANTA, GEORGIA**

21-O-0367

AN ORDINANCE BY COUNCILMEMBER JOYCE M. SHEPERD AMENDED AND SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, TO EXECUTE A GROUND LEASE AGREEMENT WITH THE ATLANTA POLICE FOUNDATION FOR APPROXIMATELY 85 ACRES FOR IMPROVEMENTS RELATED TO PUBLIC SAFETY TRAINING FACILITIES AND TO PRESERVE APPROXIMATELY 265 ACRES FOR GREENSPACE WITHIN THE PROPERTY LOCATED AT LAND LOT 83 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, TAX PARCEL ID 15-082-01-001 AND KNOWN AS 561 KEY RD SE, ATLANTA, ALL OR A PORTION OF THE PROPERTY LOCATED AT LAND LOT 81 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, TAX PARCEL ID 15-081-08-001 AND KNOWN AS 3054 FAYETTEVILLE ROAD, ATLANTA, AND ALL OR A PORTION OF THE PROPERTY LOCATED AT LAND LOT 81 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, TAX PARCEL ID 15-081-08-002 AND KNOWN AS 3184 FAYETTEVILLE ROAD, ATLANTA, (COLLECTIVELY, THE “PROPERTY”), FOR A LEASE TERM NOT TO EXCEED FIFTY (50) YEARS AT AN ANNUAL GROUND RENTAL RATE IN THE AMOUNT OF TEN DOLLARS AND ZERO CENTS (\$10.00) AND IN CONSIDERATION OF PERFORMING CERTAIN DEVELOPMENT ON THE PROPERTY; WAIVING THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN CHAPTER 2, ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY CODE OF ORDINANCES; ALL AMOUNTS TO BE DEPOSITED IN THE ACCOUNTS LISTED HEREIN; AND FOR OTHER PURPOSES.(AMENDED AND HELD 6/16/21 BY FINANCE/EXECUTIVE COMMITTEE) (REFERRED TO THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 6/30/21) (HELD 7/12/21 BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE) (FAVORABLE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 8/9/21 6 YEAS 1 NAY)

WHEREAS, the City of Atlanta (“City”) owns certain improved real property located at Land Lot 83 of the 15th District, Dekalb County, Georgia, Tax Parcel ID 15-082-01-001, and known as 561 Key Road SE, Atlanta, the property located at Land Lot 81 of the 15th District, Dekalb County, Georgia, Tax Parcel ID 15-081-08-001, and known as 3054 Fayetteville Road, Atlanta, and the property located at Land Lot 81 of the 15th District, Dekalb County, Georgia, Tax Parcel ID 15-081-08-002, and known as 3184 Fayetteville Road, Atlanta, (collectively, the “Property”) as more particularly described on Exhibit “A” attached hereto and made a part hereof by this reference; and

WHEREAS, the Property consists of approximately 381 acres of land improved with certain structures unused for several years; and

WHEREAS, the Atlanta Police Foundation (“APF”) is a nonprofit organization that unites the business and philanthropic community with the Atlanta Police Department to make strides in public safety that focus on designing community programs that enhance safety in Atlanta neighborhoods and strengthen relationships between citizens and law enforcement, training the best-in-class police department and seeking innovative solutions to further public safety. APF “fund[s] high priority projects designed to enhance the City's ability to fight and prevent crime;” and

WHEREAS, the APF has achieved success with funding and completing development projects related to public safety facilities; and

WHEREAS, the APF desires to fund and build, for operation by the City, a state-of-the-art Public Safety Training Campus for all public safety agencies on the Property; and

WHEREAS, Atlanta Police Foundation intends to improve with facilities and training area the minimum acreage necessary to accomplish the training requirements of the Atlanta Police Department and Atlanta Fire Rescue Department, approximately 85 acres, while preserving the remaining property of approximately 265 acres for greenspace, including at least 170 acres to be preserved for strictly public purposes; and

WHEREAS, The preservation and reforestation of these acres is an important component of the South River Forest and will also directly connect to more than 575 acres of new and existing parks and green space; and

WHEREAS, Atlanta Police Foundation will convene a representative group of neighborhood and community leaders, including members of the DeKalb Community Council, to advise on the final public safety training campus and green space.

WHEREAS, the establishment of a Public Safety Training Campus on the Property will provide valuable and important services to the surrounding community; and

WHEREAS, the City desires to enter into a ground lease agreement (“Ground Lease”) with the APF for the construction and operation of the Public Safety Campus on the Property for a period of fifty (50) years; and

WHEREAS, the Ground Lease will provide that the obligation to pay annual rent will commence on the commencement date of the Ground Lease, and continue annually until the expiration of the Ground Lease; and

WHEREAS, the Ground Lease will provide that the City will be able to have input or approval on stages of the construction and development of the Property; and

WHEREAS, it is necessary to waive certain requirements of the Procurement and Real Estate Code of the Code of Ordinances to facilitate this transaction.

THE CITY COUNCIL, OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

SECTION 1: The Mayor or her designee, on behalf of the City, is authorized to enter into a ground lease agreement with the Atlanta Police Foundation for approximately 85 acres for improvements related to public safety training facilities and to preserve approximately 265 acres for greenspace within real property located at Land Lot 83 of the 15th District, Dekalb County, Georgia, Tax Parcel ID 15-082-01-001, and known as 561 Key Road SE, Atlanta, all or a portion of the property located at Land Lot 81 of

the 15th District, Dekalb County, Georgia, Tax Parcel ID 15-081-08-001, and known as 3054 Fayetteville Road, Atlanta, and all or a portion of the property located at Land Lot 81 of the 15th District, Dekalb County, Georgia, Tax Parcel ID 15-081-08-002, and known as 3184 Fayetteville Road, Atlanta, (collectively, the "Property") as more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference, for a term not to exceed fifty (50) years, at an annual ground rental rate of Ten Dollars (\$10.00), and in consideration of completing certain development on the Property.

SECTION 2: The Ground Lease will provide that the Atlanta Police Foundation is required to make certain improvements at the Property and, at the expiration or earlier termination of the lease term, or execution of any lease-back agreement, deliver possession of same to the City. The Ground Lease agreement will provide that the obligation to pay annual rent will commence on the Commencement Date of the Ground Lease, and will continue annually until expiration of the Ground Lease.

SECTION 3: Revenue received from the Ground Lease will be deposited into fund or account number(s): 1001 (General Fund) 040401 (EXE General Buildings & Plants) 3810001 (Land Rentals, General) 1565000 (Gen Bldgs. Plants).

SECTION 4: The City Attorney or her designee is directed to prepare the Ground Lease and all other appropriate documents for execution by the Mayor or her designee to consummate the transaction contemplated by this Ordinance.

SECTION 5: The Mayor or her designee, on behalf of the City, is authorized to execute any other agreements, documents, or instruments necessary or desirable to consummate the transaction contemplated by this Ordinance and the Ground Lease.

SECTION 6: The Ground Lease will not become binding upon the City, and the City shall incur no obligation nor liability thereunder until the same has been signed by the Mayor, attested to by the Municipal Clerk, and approved by the City Attorney as to form.

SECTION 7: Upon completion of the final planning and design process, the Mayor or her designee, on behalf of the City is authorized to amend the ground lease agreement with the Atlanta Police Foundation to reflect the final acreage needed, including any greenspace to be improved by APF and with no more than approximately 85 acres for improvements related to public safety training facilities.

SECTION 8: Atlanta Police Foundation will use best efforts to preserve or protect trees on the property. Any tree removed during construction (which is not required to be removed by law as an invasive species) will be replaced pursuant to the requirements of the City's Tree Protection Ordinance. In addition, Atlanta Police Foundation will use best efforts to replace all trees removed and if a hardwood tree is required to be removed, it would be replaced by one hundred planted hardwood trees.

SECTION 9: The requirements of Section 2-1547 of Article X, Procurement and Real Estate of the City Code of Ordinances is hereby waived for purposes of this Ordinance only.

SECTION 10: All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict, only.

SECTION 11: This Ordinance shall become effective immediately upon approval.

EXHIBIT "A"

Legal Description of Property

561 Key Road

Parcel ID No. 15-082-01-001

All that tract or parcel of land lying and being in the Fifteenth District of Dekalb County, Georgia and being known as the W. B. Key plantation and described as follows:

Beginning at a point in land of eighty three (83) where the south land lot line thereof is intersected by the center of Intrenchment Creek, and running thence northerly along the center of said creek to the north line of land lot eighty three (83) and extending thence west along the north line of land lot eighty three (83) and the north line of land lot eighty two thirty two hundred and twenty eight (3228) feet to the northwest corner of land lot eighty two (82) marked with an iron pin; thence south along west line of land lot eighty two (82) eighteen hundred thirty five (1835) feet to corner of formerly the Ogden property; thence east twelve hundred and fourteen and six tenths (1214.6) feet to a stone corner; thence south nineteen hundred and eighty five (1985) feet to a stone corner on the south line of land lot eighty-two (82) being the center of Constitution Road and extending thence east along said south line of land lot eighty two (82) and along the center of Constitution Road twenty hundred and sixty (2060) feet to beginning point, containing two hundred and forty eight and seven tenths (248.7) acres as per plat and survey of Chief of Construction, City of Atlanta, November, 1911, hereto attached.

3054 Fayetteville Road

Parcel Id. No. 15-081-08-001

All that tract or parcel of land lying and being in Land Lot No. 81 of the 15th District of originally Henry, now Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southern line of Key Road with the northwestern line of old Fayetteville Road, if said street lines were extended to form an angle instead of a curve, and running thence westerly along the southern side of Key Road four hundred eleven (411) feet; thence southerly two hundred fifty-three and four-tenths (253.4) feet; thence southeasterly two hundred forty and two-tenths (240.2) feet to the northwestern side of old Fayetteville Road; thence northeasterly along the northwestern Fayetteville Road three fifty-five (355) feet to Key Road at the point of beginning, this description being in accordance with a plat of said property made by C. S. Mercer, Surveyor, dated September 17, 1943, and recorded in Plat Book 13, page 19, of DeKalb County Records.

ALSO:

All that tract or parcel of land lying and being in Land Lots Nos. 81 and 82 of the 15th District of originally Henry, now DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at the southwest corner of said Land Lot No. 82, and running thence easterly (north 89 degrees and 30 minutes east) along the south line of said Land Lot No. 82 twelve hundred eight (1208) feet; thence northerly (north 30 minutes west) nineteen hundred seventy-seven (1977) feet to an iron pin

corner; thence westerly (south 89 degrees and 30 minutes west) eighteen hundred forty-eight (1848) feet to the center of Fayetteville Road; thence southwesterly (south 36 degrees and 15 minutes west) along the center line of Old Fayetteville Road six hundred eleven and five-tenths (611.5) feet; thence easterly (north 89 degrees east) one hundred thirty-eight (138) feet; thence southwesterly (south 10 degrees and 30 minutes west) twelve hundred eight (1208) feet to an iron pin corner on the southern Railroad Right-of-way; thence southeasterly (south 60 degrees east) along the northeastern line of said Railroad Right-of-way three hundred five (305) feet; thence northerly (north 4 degrees and 30 minutes east) two hundred twenty-four (224) feet; thence southeasterly (south 74 degrees east) seventy-five (75) feet; thence continuing southeasterly (south 56 degrees and 30 minutes east) one hundred fifty-five (155) feet; thence easterly (south 88 degrees and 30 minutes east) six hundred eighteen (618) feet to the east line of said land Lot No. 81, being the dividing line between Land Lots Nos. 81 and 82; thence southerly (south 1 degree east) along said land lot line four hundred thirteen (413) feet to the beginning corner, containing eight-six and sixty-eight one hundredths (86.68) acres, as per plat of same made by T. C. Jackson, Surveyor, dated November, 1937, and recorded in Plat Book 12, page 91, of the DeKalb County records.

3184 Fayetteville Road

Parcel ID No. 15-081-08-002

All that tract and parcel of land lying and being in Land Lot 81 of the 15th District of originally Henry, now DeKalb County Georgia, more particularly described as follows:

BEGINNING at a stake on the eastern side of Fayetteville Road (formally old Decatur Road), running thence north one degree and forty-five minutes ($1^{\circ}45'$) east four hundred sixty-five and ninety-six one-hundredths (465.96) feet to a stake at the curve of said road; thence north thirty degrees (30°) east five hundred one and sixty one-hundredths (501.60) feet to another stake; on said road; thence north eighty-five degrees and forty-five minutes ($85^{\circ}45'$) east one hundred forty-five and twenty one-hundredths (145.20) feet to a stake; running thence south thirteen degrees ten minutes ($13^{\circ}10'$) west one thousand, thirty-six and twenty-One-hundredths (1,036.20) feet to another stake located near the Constitution Depot; thence north 62 degrees forty-five minutes ($62^{\circ}45''$) west two hundred eight and fifty-six one-hundredths (208.56) feet to the stake on the eastern side of Fayetteville Road at the point of beginning, said tract containing five acres, more or less, and lying north of the railroad; this being the same property conveyed by warranty deed from Newton St. John to Ray Almand on December 3, 1913 recorded in deed book 84, page 298, DeKalb County records.

**CITY COUNCIL
ATLANTA, GEORGIA**

21-O-0367

SPONSOR SIGNATURES



Andrea L. Boone, Councilmember, District 10

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21-O-0367

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Workflow List:

Atlanta City Council	Completed	06/07/2021 1:00 PM
Finance/Executive Committee	Completed	06/16/2021 1:30 PM
Atlanta City Council	Completed	06/21/2021 1:00 PM
Finance/Executive Committee	Completed	06/30/2021 1:30 PM
Atlanta City Council	Completed	07/06/2021 1:00 PM
Public Safety & Legal Administration Committee	Completed	07/12/2021 2:00 PM
Atlanta City Council	Completed	08/02/2021 1:00 PM
Public Safety & Legal Administration Committee	Completed	08/09/2021 2:00 PM
Finance/Executive Committee	Completed	08/11/2021 1:30 PM
Atlanta City Council	Pending	08/16/2021 1:00 PM

HISTORY:

06/07/21 Atlanta City Council REFERRED WITHOUT OBJECTION

REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/16/2021 1:30 PM
06/16/21	Finance/Executive Committee	HELD IN COMMITTEE
Amended		

RESULT: HELD IN COMMITTEE [6 TO 0]
MOVER: Matt Westmoreland, Post 2 At-Large
SECONDER: Jennifer N. Ide, Chair, District 6
AYES: Ide, Westmoreland, Archibong, Shook, Matzigkeit, Sheperd
AWAY: Andre Dickens

06/21/21 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

RESULT: RETURNED AS HELD **Next: 6/30/2021 1:30 PM**

06/30/21 Finance/Executive Committee REFERRED TO COMMITTEE

RESULT: REFERRED TO COMMITTEE [UNANIMOUS] **Next: 7/6/2021 1:00 PM**
MOVER: Joyce M Sheperd, District 12
SECONDER: Jennifer N. Ide, Chair, District 6
AYES: Ide, Westmoreland, Shook, Matzigkeit, Sheperd
ABSENT: Andre Dickens, Natalyn Mosby Archibong

07/06/21 Atlanta City Council REFERRED TO COMMITTEE

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE BY A ROLL CALL VOTE OF 15 YEAS; 0 NAYS

RESULT: REFERRED TO COMMITTEE [UNANIMOUS] **Next: 7/12/2021 2:00 PM**
MOVER: Jennifer N. Ide, Councilmember, District 6
SECONDER: Amir R Farokhi, Councilmember, District 2
AYES: Bond, Westmoreland, Dickens, Smith, Farokhi, Brown, Winslow, Archibong, Ide, Shook, Matzigkeit, Hillis, Boone, Overstreet, Sheperd

07/12/21 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: HELD IN COMMITTEE [6 TO 0] **Next: 8/2/2021 1:00 PM**
MOVER: Joyce M Sheperd, Chair
SECONDER: Dustin Hillis, District 9
AYES: Sheperd, Bond, Smith, Farokhi, Hillis, Boone
AWAY: Cleta Winslow

08/02/21 Atlanta City Council RETURNED AS HELD

RETURNED AS HELD TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT: RETURNED AS HELD **Next: 8/9/2021 2:00 PM**

08/09/21 Public Safety & Legal Administration Committee FAVORABLE

RESULT: FAVORABLE [6 TO 1] **Next: 8/11/2021 1:30 PM**
MOVER: Joyce M Sheperd, Chair
SECONDER: Cleta Winslow, District 4
AYES: Sheperd, Bond, Farokhi, Winslow, Hillis, Boone
NAYS: Carla Smith

RESULT: FAVORABLE/SUB/CONDITION [6 TO 0]
MOVER: Howard Shook, Vice-Chair, District 7
SECONDER: Joyce M Sheperd, District 12
AYES: Westmoreland, Dickens, Archibong, Shook, Matzigkeit, Sheperd
AWAY: Jennifer N. Ide

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VOTE RECORD - ORDINANCE 21-O-0367						
<input type="checkbox"/> ADOPTED						
<input type="checkbox"/> ADVERSED						
<input type="checkbox"/> FAVORABLE						
<input type="checkbox"/> ACCEPTED AND FILED						
<input type="checkbox"/> FIRST READING						
<input type="checkbox"/> SECOND READING						
<input type="checkbox"/> THIRD READING						
<input type="checkbox"/> FOURTH READING						
<input type="checkbox"/> FIFTH READING						
<input type="checkbox"/> REFERRED TO COMMITTEE						
<input type="checkbox"/> HELD IN COMMITTEE						
<input type="checkbox"/> TABLED						
<input type="checkbox"/> DEFERRED						
<input type="checkbox"/> RECONSIDERED						
<input type="checkbox"/> FILED						
<input type="checkbox"/> ADOPTED AS AMENDED						
<input type="checkbox"/> AMENDED						
<input type="checkbox"/> ACCEPTED						
<input type="checkbox"/> SUBSTITUTED						
<input type="checkbox"/> AMENDED SUBSTITUTE						
<input type="checkbox"/> FILED BY COMMITTEE						
<input type="checkbox"/> REFERRED TO ZRB AND ZC						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	JENNIFER N. IDE	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AWAY
	MATT WESTMORELAND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. P. MATZIGKEIT	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JOYCE M SHEPERD	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE ON CONDITION <input checked="" type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED W/O OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW <input type="checkbox"/> POSTPONED <input type="checkbox"/> RETAINED AS HELD <input type="checkbox"/> REFER TO ZRB AND ZC W/O OBJECTION <input type="checkbox"/> AUTOMATICALLY TERMINATED (FILED)	
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[Unanimous]

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	