CITY COUNCIL
ATLANTA, GEORGIA

13-O-1222

AN ORDINANCE TO AMEND ORDINANCE 05-O-1941 (U-05-31) WHICH GRANTED A SPECIAL USE PERMIT FOR A DAY CARE CENTER PURSUANT TO SECTION 16-05.005 (1) (B), PROPERTY LOCATED AT 2700 BUTNER ROAD, S.W., FRONTING APPROXIMATELY 282 FEET ON THE SOUTHEASTERLY SIDE OF BUTNER ROAD. DEPTH: VARIES; AREA: .37 ACRES; LAND LOT 66, 14TH FF DISTRICT, FULTON COUNTY, GEORGIA. OWNER: SHIWILA M. WILLIS APPLICANT: SHIWILA M. WILLIS NPU P COUNCIL DISTRICT 11

Application File Date	8-6-13
Zoning Number	U-13-18/U-05-31
NPU / CD	P-11
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

Review List:

Office of Research and Policy Analysis	Completed	08/20/2013 10:29 AM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Zoning Review Board Staff	Pending	
Office of Research and Policy Analysis	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action *See Authentication Page Attachment*	

LEGISLATION HISTORY – BLUE BACK

AN ORDINANCE
BY ZONING COMMITTEE

AN ORDINANCE TO AMEND ORDINANCE 05-O-1941 (U-05-31) WHICH GRANTED A SPECIAL USE PERMIT FOR A DAY CARE CENTER PURSUANT TO SECTION 16-05.005 (1) (B), PROPERTY LOCATED AT 2700 BUTNER ROAD, S.W., FRONTING APPROXIMATELY 282 FEET ON THE SOUTHEASTERLY SIDE OF BUTNER ROAD. DEPTH: VARIES; AREA: .37 ACRES; LAND LOT 66, 14TH FF DISTRICT, FULTON COUNTY, GEORGIA. OWNER: SHIWILA M. WILLIS APPLICANT: SHIWILA M. WILLIS NPU P COUNCIL DISTRICT 11

Application File Date	8-6-13
Zoning Number	U-13-18/U-05-31
NPU / CD	P-11
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of 16-05.005 (1) (b), of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a DAY CARE CENTER is hereby amended. Said amended use is granted to SHIWILA M. WILLIS and is to be located at 2700 BUTNER ROAD, S.W., to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 66 of the 14th FF District, Fulton County, Georgia, being more particularly described by the attached legal description and/or map.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

55 Trinity Avenue S.W., Suite 3350
Atlanta, Georgia 30303
(404) 330-6145

APPLICATION #: **U-13-018**

DATE ACCEPTED: **08/06/2013**

NOTICE TO APPLICANT

Address of Property:
2700 Butner RD SW

City Council District: **11** Neighborhood Planning Unit (NPU): **P**

Zoning Review Board (ZRB) Hearing Date:

Thursday, October 3 or 10, 2013 at 6:00 p.m.

Council Chambers, 2nd Floor, City Hall
55 Trinity Avenue, S.W.

The contact person for NPU P is:

Reginald Rushin
(404) 895-2273
rushin58@earthlink.net

Contact info for adjacent NPUs is provided below if necessary:

Additional Contacts:

Please contact the person(s) listed above within two days to find out which meetings you will be required to attend before the next NPU meeting. If you are unable to reach the contact person, please call the city's NPU Coordinator at 404-330-6145.

Signed,

BC, for Director, Bureau of Planning

Shiwla Willis

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APPLICATION FOR SPECIAL USE PERMIT

City of Atlanta

Date Filed _____ **Application Number** U-13-18

I Hereby Request That The Property Described in this Application be granted a Special Use Permit

Name of Applicant WILLIS (Last Name) SHIWILA (First Name) M (M.I.)

Address 4262 **Street Name** HOLIDAY ROAD

City ATLANTA **State** GA **Zip Code** 30349

Phone (404) 759-9748 **Fax** (404) 349-0229

E-mail address WSHIWILA@bellsouth.net

Name of Property Owner WILLIS (Last Name) SHIWILA (First Name) M (M.I.)

Address 4262 **Street Name** HOLIDAY ROAD

City ATLANTA **State** GA **Zip Code** 30349

Daytime Phone (404) 759-9748 **Fax** (404) 349-0229

E-mail address wshiwila@bellsouth.net

Description of Property

Street Address of Property 2700 BUTNER RD

City ATLANTA **State** GEORGIA **Zip Code** 30331

Property is zoned: R-3 **Council District:** _____ **Neighborhood Planning Unit:** _____

(optional)The subject property fronts 174.14' feet on the NORTH side of TELL ROAD, beginning 0.0'- feet from the S.E. corner of BUTNER ROAD

Depth: VARIES **Area:** 0.37 AC. **Land Lot:** 66 **Land District:** 14F

IMPACT ANALYSIS
Butner Learning Center

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Location of Subject Property: 2700 Butner Road
Atlanta , Georgia. 30331

Applicant: Shiwila Willis

!. Ingress and Egress

a. Employee and client vehicles will continue to access subject property based on the existing approved SUP. (Copy attached)

b. Emergency vehicles will continue to access the property by way of the extended continuous pavement either from Tell Road or Butner Road adjacent to the parking areas provided.

c. The way in which vehicles access and leaves the property traffic congestion because we offer pick-up and drop-off services for the center. This service reduces the number of daily traffic to the site. will not cause he zoning proposal will permit a use that is suitable

2. Off-Street Parking and Loading

The application add a new Pre-Engineered building to the site will not alter the Conditions of the existing SUP. (U-05-31) (See copy attached)

3. Buffering and Screening

. a. The Site is bordered by two roadways on hte North and South Side of the property. The East side adjoins existing residential property. There is existing wooded area between the existing Daycare Facility and the adjoining residence to the east. Our application will not alter this condition.

b. No additional roadways are required for this proposed amendment to the existing SUP.

4. Hours and Manner of Operation

a. The existing Daycare center offers service to clients from 6 am to 12 midnight 6 days per week. This application is not intended to change either the hours or manner of operation. As indicated in the site plan the proposed addition of a 45 feet x 14 feet Pre-Engineered building on the Site is to separate the school-Agers from the minor children only.

5. Duration of Special Use Permit

a. The duration of the proposed amendment to the existing Special Use Permit is requested to be indefinite.

6. Tree Preservation and Replacement

a. No trees are impacted by the requirements outlined in this application. The existing trees will be protected as required by City Ordinances as approved by the arborist under a separate Permit application.

7. Required Yard and Open Space

The proposal Special Use Permit application will not result in a use that will diminish the existing conditions. The proposed Pre-Engineered Building will be locater on site replacing an existing "Shade" building which Is not currently being used. Walkways, ramps and stairs will be utilized to connect the proposed building with the existing. Required Yard and Open Spaces will be maintained.

City Council
Atlanta, Georgia

08-O-0313

U-05-31

AN ORDINANCE
BY: ZONING COMMITTEE

AN ORDINANCE TO AMEND ORDINANCE U-05-O-1941, AS ADOPTED BY THE CITY COUNCIL ON DECEMBER 5, 2005 AND APPROVED BY THE MAYOR ON DECEMBER 13, 2005, APPROVING A TRANSFER OF OWNERSHIP FOR A SPECIAL USE PERMIT FOR A DAY CARE CENTER FOR PROPERTY LOCATED 2700 BUTNER ROAD, S.W. AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the transfer (i.e. change of grantee) of Special Use Permit ORDINANCE U-05-O-1941 (U-05-31) granting a Special Use Permit for a Day Care Center, property located at **2700 BUTNER ROAD, S.W** from TAWANA BLAKE to SHIWILA M. WILLIS is hereby approved, under the provision of Section 16-25.002 (2), to wit.

SECTION 2 That the new owner has provided the Bureau of Planning a signed and notarized affidavit acknowledging the conditions of and the compliance with ORDINANCE U-05-O-1941 (U-05-31).

SECTION 2. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Deputy Clerk

ADOPTED by the Council MAR 17, 2008
APPROVED by the Mayor MAR 25, 2008

CONDITIONS FOR U-05-31 for 2700 Butner Road. S.W.

1. Site plan submitted titled "Boundary Survey for Brighter Star Academy" submitted by the applicant to the Bureau of Planning on 11/14/05.
2. Designated drop off located off of Tell Road for 1 year olds and infants.
3. Separate one way designated drop off location for 2 year olds to 4 year olds giving access off of Tell Road.
4. One way parking in same direction of drop off for 2 to 4 year olds.
5. Fencing for playground areas.
6. Parking across the street designated for staff only.
7. Adequate signage to distinguish between drop off areas.

AUTHORIZATION BY PROPERTY OWNER

(Required **only** if applicant is not the owner of property subject to the proposed Special Use Permit)

I, SHIWILA M. WILLIS (OWNER'S NAME)

SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT 2700 BUTNER ROAD ATLANTA, GA (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF FULTON **COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.**

NAME OF APPLICANT

LAST NAME WILLS FIRST NAME SHIWILA

ADDRESS 4262 STREET NAME HOLIDAY RD SUITE

CITY ATLANTA STATE GA ZIP CODE 30349

TELEPHONE NUMBER

AREA CODE (404 NUMBER 759 - 9748

Shi'l. M. Willis
Signature of Owner

SHIWILA WILLIS
Print name of owner

Personally Appeared Before Me this 6th day of August, 2 2013

Notary Public

Notary Public, Fulton County, Georgia
My Commission Expires July 9, 2016

AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the Office of Planning of the City of Atlanta to inspect the premises, which are the subject of this special use permit application.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

Owner or Agent of Owner (Applicant)

Sworn to and subscribed before me this 6 + 4 day of August, 2013

(Notary Public)

Notary Public, Fulton County, Georgia
My Commission Expires July 9, 2016

PROPERTY LINE DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 66 OF THE 14TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF TELL ROAD (APPARENT 50'R/W) AND THE SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD (APPARENT 40'R/W) IF SAID RIGHT OF WAY LINES WERE PROJECTED TO INTERSECTION;
THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF TELL ROAD AND FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD NORTH 50 DEGREES 54 MINUTES 28 SECONDS EAST, 18.83 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD NORTH 50 DEGREES 54 MINUTES 28 SECONDS EAST, 255.32 FEET TO A #4 REBAR FOUND;
THENCE NORTH 70 DEGREES 01 MINUTES 48 SECONDS EAST, 14.00 FEET TO A 1"OPEN TOP PIPE FOUND;
THENCE LEAVING SAID SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD SOUTH 13 DEGREES 54 MINUTES 32 SECONDS WEST, 189.10 FEET TO A #4 REBAR FOUND ON THE NORTHERLY RIGHT OF WAY OF TELL ROAD;
THENCE FOLLOWING ALONG THE NORTHERLY RIGHT OF WAY OF TELL ROAD NORTH 88 DEGREES 07 MINUTES 37 SECONDS WEST, 161.74 FEET TO A POINT;
THENCE CONTINUING ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 17.07 FEET, SAID CURVE HAVING A RADIUS OF 7.03 FEET AND BEING SUBTENDED BY A CHORD OF 13.18 FEET, AT NORTH 18 DEGREES 36 MINUTES 34 SECONDS WEST, TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.40 ACRES (17,254 S.F.) AS SHOWN ON SURVEY FOR SHIWILA WILLIS FELTON, BUTNER LEARNING CENTER, INCORPORATED, CIT SMALL BUSINESS LENDING CORPORATION, FIDELITY NATIONAL TITLE INSURANCE COMPANY AND FOUNDATION TITLE & ESCROW, LLC., PREPARED BY GASKINS, BEARING THE SEAL OF CHRISTOPHER A. EVANS, GEORGIA REGISTERED LAND SURVEYOR #2784, DATED JUNE 24, 2010, LAST REVISED JUNE 28, 2010.

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AUG - 6 2013
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GEORGIA REGISTERED NO. 18114 PROFESSIONAL ENGINEER LAWRENCE A. MARTIN

P.E.

S

RECEIPT

CITY OF ATLANTA
ATLANTATEST
55 TRINITY AVE SW

Application: U-13-018
Application Type: Planning/ZRB/Special use/NA
Address: 2700 BUTNER RD SW, ATLANTA, GA 30331
Owner Name: WILLIS SHIWILA
Owner Address:
Application Name:

Receipt No. 338064

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
Check	5082	$400.00	08/06/2013	JADEGBOYE		

Owner Info.: WILLIS SHIWILA

PAID
CITY OF ATLANTA
AUG 06 2013
EX OFFICIO MUNICIPAL
REVENUE COLLECTOR

Work Description: Amednment to SUP-05-31 to allow the addition of a building

PROPERTY LINE DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 66 OF THE 14TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF TELL ROAD (APPARENT 50'R/W) AND THE SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD (APPARENT 40'R/W) IF SAID RIGHT OF WAY LINES WERE PROJECTED TO INTERSECTION;
THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF TELL ROAD AND FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD NORTH 50 DEGREES 54 MINUTES 28 SECONDS EAST, 18.83 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD NORTH 50 DEGREES 54 MINUTES 28 SECONDS EAST, 255.32 FEET TO A #4 REBAR FOUND;
THENCE NORTH 70 DEGREES 01 MINUTES 48 SECONDS EAST, 14.00 FEET TO A 1" OPEN TOP PIPE FOUND;
THENCE LEAVING SAID SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD SOUTH 13 DEGREES 54 MINUTES 32 SECONDS WEST, 189.10 FEET TO A #4 REBAR FOUND ON THE NORTHERLY RIGHT OF WAY OF TELL ROAD;
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THENCE CONTINUING ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 17.07 FEET, SAID CURVE HAVING A RADIUS OF 7.03 FEET AND BEING SUBTENDED BY A CHORD OF 13.18 FEET, AT NORTH 18 DEGREES 36 MINUTES 34 SECONDS WEST, TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.40 ACRES (17,254 S.F.) AS SHOWN ON SURVEY FOR SHIWLA WILLIS FELTON, BUTNER LEARNING CENTER, INCORPORATED, CIT SMALL BUSINESS LENDING CORPORATION, FIDELITY NATIONAL TITLE INSURANCE COMPANY AND FOUNDATION TITLE & ESCROW, LLC., PREPARED BY GASKINS, BEARING THE SEAL OF CHRISTOPHER A. EVANS, GEORGIA REGISTERED LAND SURVEYOR #2784, DATED JUNE 24, 2010, LAST REVISED JUNE 28, 2010.

GEORGIA REGISTERED NO. 18114 PROFESSIONAL ENGINEER LAWRENCE A. MARTIN

P.E.

Attachment: Legal and 2005 Ordinance for U-13-18 foer 2700 Butner (13-O-1222 : U-13-18/U-05-31 An

CITY COUNCIL
ATLANTA, GEORGIA

05-O-1941

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-05--31

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of (Section 16-05.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Day Care Center, is hereby approved. Said use is granted to TAWANA BLAKE and is to be located at **2700 Butner Road, S.W.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 66, 14ffth District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by Council — December 5, 2005
APPROVED by the Mayor — December 13, 2005

U-05-31

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 66 OF DISTRICT 14F OF FULTON COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A NAIL SET AT THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF TELL ROAD(50' RIGHT OF WAY)AND THE SOUTHEASTERN RIGHT OF WAY OF BUTNER ROAD(50' RIGHT OF WAY).

THENCE N 49°00' 44" E ALONG THE SOUTHEASTERN RIGHT OF WAY OF BUTNER ROAD A DISTANCE OF 282.10 FEET TO A 1" PIPE FOUND,

THENCE S 11°50' 16" W A DISTANCE OF 189.17 FEET TO A 1/2" REBAR FOUND AT THE NORTHERN RIGHT OF WAY OF TELL ROAD,

THENCE N 89°57' 40" W A DISTANCE OF 174.14 FEET TO A NAIL AND THE POINT OF BEGINNING.

DESCRIBED PARCEL OF LAND CONTAINS 0.37 ACRES / 16,123 SQUARE FEET AS SHOWN ON A PLAT OF SURVEY BY STEVE B. HENNINGS R.L.S. #2742 , DATED SEPTEMBER 9, 2005 FOR BRIGHTER STAR ACADEMY AND MADE PART OF THIS INSTRUMENT.

KNOWN AS 2700 BUTNER ROAD.

RECEIVED
SEP 09 2005
BUREAU OF PLANNING

GEORGIA
LAND SURVEYOR
No. 2742
PROFESSIONAL
REGISTERED
STEVE B. HENNINGS

CONDITIONS FOR U-05-31 for 2700 Butner Road. S.W.

1. Site plan submitted titled "Boundary Survey for Brighter Star Academy" submitted by the applicant to the Bureau of Planning on 11/14/05.
2. Designated drop off located off of Tell Road for 1 year olds and infants.
3. Separate one way designated drop off location for 2 year olds to 4 year olds giving access off of Tell Road.
4. One way parking in same direction of drop off for 2 to 4 year olds.
5. Fencing for playground areas.
6. Parking across the street designated for staff only.
7. Adequate signage to distinguish between drop off areas.

(Do Not Write Above This Line) 05-O-1941

AN ORDINANCE U-05-31
BY: ZONING COMMITTEE

An Ordinance granting (Section 16-05.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Day Care Center, property located at **2700 Butner Road, S.W.** fronting approximately 282 feet on the southeasterly side of Butner Road. Depth: varies. Area: .37 acres. Land Lot 66, 14th ff District, Fulton County, Georgia
OWNER: SECOND CHANCE INVESTMENT GROUP
APPLICANT: TAWANA BLAKE
NPU-P COUNCIL DISTRICT 11

ADOPTED BY
DEC 05 2005
COUNCIL
AD[illegible]ED

- ☐ CONSENT REFER
- ☑ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 10-17-2005
Referred To: ZRB & Zoning
Date Referred
Refferred To:
Date Referred
Referred To:

First Reading
Committee ZONING
Date OCT. 18, 2005
Chair
Referred To ZRB & ZONING

Committee	Committee
ZONING	
Date Nov 30, 2005	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) AS AMENDED	Action Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side)	Action Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION
☑ 2nd ☐ 1st & 2nd Readings ☐ 3rd
☐ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

DEC 05 2005

MAYOR'S ACTION

Shirley Franklin