

ELEVENTH DAY

FIFTH COUNCILMANIC YEAR — SESSION OF 1999-2004

JOURNAL
CITY COUNCIL OF BALTIMORE

May 3, 2004

Hosea T. Chew, Special Projects Coordinator/Community Outreach for Council President Dixon, led the Council in Prayer.

The President and members of the Council recited the Pledge of Allegiance to the Flag.

The City Council of Baltimore met pursuant to adjournment. Present: Sheila Dixon, President, and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes

Absent - Councilmembers Stancil, Abayomi

Councilmember Stukes, duly seconded, made a motion to journalize the invocation. It was so ordered.

Our Creator, as we gather this evening we ask for your guidance as we continue to do the business of this great city of Baltimore.

Please remember the minister who was in an accident on his way here to deliver the invocation and also the family of our dear departed co-worker Flow Hargrove.

In your name we pray, Amen.

SHOWCASE BALTIMORE

Alexis McKenzie, Baltimore Flower Mart Chairperson, delivered a presentation about the Baltimore City Flower contest and the upcoming Flower Mart.

JOURNAL APPROVED

The Journal of April 26, 2004 was read and approved.

COMMUNICATIONS FROM THE MAYOR**APPROVED BY THE MAYOR****OFFICE OF THE MAYOR**

April 26, 2004

Honorable Sheila Dixon, President
and Members of the City Council

Dear Council Members:

I am pleased to inform your Honorable Body that I have signed into law this day:

- C.C. Bill 03-1182** - An Ordinance concerning - Sale of Property — Former Bed of a 12-Foot Alley - For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as the former bed of a 12-foot alley laid out in the rear of the property known as 1200/1212 Guilford Avenue and no longer needed for public use; and providing for a special effective date.
- C.C. Bill 03-1184** - An Ordinance concerning - Zoning — Conditional Use Parking, Off-Street Garage — 1201-1221 Wall Street - For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, off-street garage on the property known as 1201-1221 Wall Street, as outlined in red on the accompanying plat.
- C.C. Bill 03-1241** - An Ordinance concerning - Sale of Property — 2 10-Foot Alleys - For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of 2 10-foot alleys lying within the area bounded by Holabird Avenue, Rappallo Street, Eastbourne Avenue, and Savage Street and no longer needed for public use; and providing for a special effective date.
- C.C. Bill 03-1242** - An Ordinance concerning - Sale of Property — Walpert Avenue and a 10-Foot Alley - For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as (1) the former bed of Walpert Avenue, extending from Loch Raven Road southeasterly to 25th Street and (2) the former bed of a 10-foot alley laid out in the rear of the properties known as 601

through 609 Walpert Avenue and no longer needed for public use; and providing for a special effective date.

Sincerely,

Martin O'Malley
Mayor

APPOINTMENTS BY THE MAYOR

JOSEPH BROWN, JR., as a member of the Community Relations Commission, for a term expiring December 31, 2004, succeeding himself, as a member who belongs to the minority political party.

Sincerely,

Martin O'Malley
Mayor

INTRODUCTION AND READ FIRST TIME

The President laid before the City Council the following bills and resolutions for first reading:

Bill No. 04-1364 - By President Dixon (The Administration):

An Ordinance specifying the districts within which group homes, nursing homes, and emergency shelters are allowed as permitted uses, conditional uses requiring approval by the Zoning Board, or conditional uses requiring approval by ordinance; defining or redefining certain terms; conforming and modifying the schedule of off-street parking spaces required for these uses; requiring the Zoning Administrator to provide reasonable accommodation to certain persons; repealing provisions that require an ordinance to establish certain health facilities; and generally relating to the zoning of group homes, nursing homes, and emergency shelters.

The bill was read the first time and referred to the Board of Municipal and Zoning Appeals, City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Transportation, Fire Department, Health Department, Commission on Aging and Retirement Education, Land Use and Planning Committee.

Bill No. 04-1365 - By President Dixon (The Administration):

An Ordinance broadening the classification for clinics; deleting the separate classification for substance abuse treatment centers; redefining certain terms; conforming certain language; and

generally relating to the zoning of facilities for the examination and treatment of people on an out-patient basis.

The bill was read the first time and referred to the Board of Municipal and Zoning Appeals, City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Transportation, Fire Department, Health Department, Police Department, Land Use and Planning Committee.

Bill No. 04-1366 - By President Dixon (The Administration):

An Ordinance increasing the maximum aggregate principal amount of revenue obligations that may be issued by the City under Ordinance 02-331; and providing for a special effective date.

The bill was read the first time and referred to the City Solicitor, Department of Finance, Planning Commission, Department of Public Works, Taxation Committee.

Bill No. 04-1367 - By President Dixon, Councilmembers Harris, Branch, Curran, Young, Pugh, Mitchell, Garey, Welch, Rawlings Blake, Stukes, Carter, Cain, Holton, Reisinger:

Introduced: May 3, 2004
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Recidivism – Where Is The Plan?

FOR the purpose of requesting the Division of Pretrial Detention Services, the State's Attorney's Office, the Department of Juvenile Services, the District and Circuit Courts, and the Department of Parole and Probation to submit a plan of action to the City Council defining current crime fighting strategies, strategies to battle recidivism, and to inform the Council of any planned revisions to address the City's homicide rate and to help the Council further understand the rise in the homicide rate among repeat offenders.

Recitals

On New Year's Day 2001, Baltimore was celebrating coming in under 300 – the city had more than 300 slayings every year of the previous decade. The total number of homicides in 2000 was 261. The City administration and the citizenry had worked hand in hand to achieve this notable decline. The administration hired police personnel with demonstrated success in addressing drug-related violence, adopted computer enhanced accountability measures, redeployed personnel, and formed fugitive apprehension teams with Maryland State Police and surrounding counties. The citizenry cooperated by refusing to harbor criminals and tolerate antisocial behavior in crime-ridden neighborhoods.

The City ended 2001 with 259 homicides, 2 fewer than the year before. While the homicide rate did not come down as much as expected, it was still only the second time in 12 years that the homicide total had been below 300. The Administration and police brass credited the department's aggressive use of computerized crime tracking, specialized units and more sophisticated crime-fighting equipment such as surveillance cameras and wiretapping devices. Because of the low homicide rate during the hot summer months, with 10 recorded in July, the lowest monthly total since 1984, it appeared 2001 would be a banner year. Unfortunately 77 people were killed in the last 3 months of the year – the increase attributed to fighting over a dwindling drug supply and tensions related to September 11th and the economy.

The homicide rate continued a slow but steady decline through 2002 when the homicide rate was recorded as 253. On January 1, 2004, however, the media reported that any victory celebrations over getting the homicide rate in check had been premature. As of December 31, 2003, it was reported the City had tallied a homicide rate of 271 – a 7% increase and the highest homicide total in the 4-year tenure of the administration that had vowed to reduce the annual homicide rate to 175. The increase was allegedly attributed by police personnel to more deadly deployment of firearms by criminals and the unusually high number of victims who died in 2003 from injuries sustained earlier.

So far in 2004, there have been 84 victims of homicide in Baltimore City. Ten of these victims have been juveniles and 74 have been adults. Of these victims, 69 had criminal records, 59 had drug arrest histories, and 22 were on parole and probation. These victims had been arrested an average of 8 times each, and had an average of over 3 drug arrests per victim. As disturbing as these figures are, the suspect analysis is even more troubling. Of the 40 known homicide suspects 7 were juveniles and 33 were adults. 38 of 40 suspects had prior criminal records and the average number of arrests per suspect was over 7. That means that the homicide suspects alone combined for over 266 arrests in our City. This problem needs to be curbed immediately. Repeat offenders are the major cause of the violent crime in Baltimore City. The fact that many of them are children means that the juvenile system needs help, and the fact that so many are repeat offenders or recidivists means that the system is not working as it should.

Offenders are classified as recidivists if they have any conviction and at least 2 arrests for rape, robbery, aggravated assault, burglary, handgun violation, or larceny within the past four years. Identifying and tracking recidivists is essential because of the primary role recidivists play in driving crime throughout the city. This truth is most evident in an analysis of murder suspects in 2003, when the city recorded 271 victims and identified 221 suspects. Most obvious from this analysis is that 91% of suspects and 74.5% of victims have arrest records, and 37% of suspects and 32.3% of victims were on parole and probation at the time of the murder. Therefore, if the System is to effectively reduce crime, it must target recidivists through proactive street enforcement, narcotics investigations, and home visits and other coordinated tracking strategies with parole and probation personnel. A high level of coordination is essential among all agencies to combat this problem.

The fight to reclaim Baltimore's more vulnerable neighborhoods from drugs and violence cannot be left solely to the Police Department; citizens and government alike must work to save our City. Seeking to lay blame for a reverse in the downward trend of domestic war deaths would not be productive. Instead we must address the issue, examine current policies, and seek to offer support and aid to those who serve as the thin blue line between those who do evil and those who suffer from the evil that is done.

BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Division of Pretrial Detention Services, the State's Attorney's Office, the District and Circuit Courts, the Department of Parole and Probation, and the Department of Juvenile Services submit a plan of action to the City Council defining current crime fighting strategies, strategies to battle recidivism, and informing the Council of any planned revisions to address the City's homicide rate and to help the Council further understand the rise in the homicide rate among repeat offenders.

AND BE IT FURTHER RESOLVED, That this Resolution be sent to the Mayor, the Mayor's Legislative Liaison to the Council, Division of Pretrial Detention Services, the State's Attorney's Office, the Department of Juvenile Services, the District and Circuit Courts, the Department of Parole and Probation, the Baltimore City Police Department, and the Baltimore City Criminal Justice Coordinating Council.

Councilmember Rawlings Blake made a motion, which was duly seconded, that the Rules be suspended.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The President declared the Rules "Suspended".

Then Councilmember Rawlings Blake made a motion, which was duly seconded, that the Resolution be adopted.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The President declared the Resolution “Adopted”.

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS NO. 8746, 8747, 8748, 8749, 8750, 8751, 8752, 8753, 8754, 8755, 8756, 8757, 8758, 8759, 8760, 8761, 8762, 8763, 8764, 8765, 8766, 8767, 8768, 8769, 8770, 8771, 8772, 8773, 8774, 8775, 8776, 8777, 8778, 8779, 8780, 8781, 8782, 8783, 8784, 8785, 8786, 8787, 8788, 8789, 8790, 8791, 8792, 8793, 8794, 8795, 8796, 8797, 8798, 8799, 8800, 8801, 8802, 8803, 8804, 8805, 8806, 8807, 8808, AND 8809 ADOPTED UNDER RULE 3-9.

The resolutions were read.

The roll was called on the adoption of the resolutions, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The President declared the resolutions adopted under Rule 3-9.

Ceremonial Resolutions will be found at the end of the Journal.

COMMITTEE REPORTS

**BILL NO. 01-0479 REPORTED FAVORABLY
AND ADOPTED**

Councilmember Stukes, for the Education and Labor Subcommittee, reported Bill No. 01-0479 favorably.

A COUNCIL RESOLUTION CONCERNING

Performance Evaluations — All Baltimore City Employees

FOR the purpose of requesting the Administration to mandate that all employees of Baltimore City government be part of a performance evaluation system and to require evaluation

reports to be included as part of the employment record of all permanent, part-time permanent, part-time, and contract employees regardless of the employee's status as an appointee or as a civil service worker.

Recitals

The Department of Personnel designed a performance appraisal program to ensure that agencies of City government operate at full potential. The Performance Evaluation System provides a meaningful system of evaluating employees based on goals, actual performance, and results. The performance appraisal monitors:

- “(1) How effectively individual employees are contributing to the achievement of departmental goals in the performance of their job duties;
- (2) How well departments are achieving their operating goals; and
- (3) How well City government is serving its constituents.”

The Performance Evaluation System Handbook states that, while the primary function of a performance evaluation is to appraise the quality of an employee's work, the Performance Evaluation Systems benefits both employees and managers. Employees benefit from the documentation of standards used in evaluations; early identification of individual job-related strengths and weaknesses; recognition of above-standard performance; and improved performance directed by objective, task-oriented standards.

Managers benefit from the System by improved communication with employees, increased work productivity, enhanced employee performance and morale, and identification of areas of needed staff development that will, ultimately, further the achievement of departmental goals. Among the performance factors used to evaluate employees are work quality and quantity; ability to work with others, to learn, and to work safely; and initiative and acceptance of responsibility.

A performance evaluation based on clear, objective standards provides the most equitable and impartial tool for those in supervisory positions. Applying the “Performance Evaluation System” that governs civil service employees to Cabinet-level appointees will avoid even the appearance of arbitrary disciplinary actions at the highest level of Baltimore City government.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Administration is requested to mandate that all employees of Baltimore City government be part of a performance evaluation system and to require evaluation reports to be included as part of the employment record of all permanent, part-time permanent, part-time, and contract employees regardless of the employee's status as an appointee or as a civil service worker.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Director of Personnel, and the Mayor's Liaison to the City Council.

Favorable report adopted.

The roll was called on the adoption of the Resolution, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The President declared the Resolution adopted.

**BILL NO. 03-1230 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Holton, for the Finance Committee, reported Bill No. 03-1230 favorably.

An Ordinance authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as a portion of the former bed of Bloede Avenue and no longer needed for public use; and providing for a special effective date.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 02-0933 REPORTED FAVORABLY
AND ADOPTED**

Councilmember Reisinger, for the Housing, Health, and Human Resources Committee, reported Bill No. 02-0933 favorably.

A COUNCIL RESOLUTION CONCERNING

Department of Human Resources - Uniform Termination Policy

FOR the purpose of requesting the Director of Human Resources to obtain a report from each Human Resource Manager of each agency and department stating the policy and procedure used to terminate employees of that agency or department, and to report to the Council on these findings.

Recitals

The Council believes that there is a need for a uniform standard for termination of City employees. The Council is concerned that some employees are being terminated arbitrarily, and that the policies and procedures for such terminations are being applied arbitrarily. The Director of Human Resources should be monitoring each agency and department to insure that it is adhering to the proper policies and procedures, and that employees are being terminated appropriately.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Director of Human Resources:

- (1) obtain a report from each Human Resource Manager of each agency and department stating:
 - (a) the policy and procedure used to terminate employees of that agency or department, and
 - (b) how these policies and procedures are enforced within the agency or department, and
- (2) report to the Council:
 - (a) the findings of these reports,
 - (b) whether there is a uniform policy within the City for the termination of employees,
 - (c) whether this policy is adhered to by all agencies and departments, and
 - (d) if there is no uniform policy, determine whether there should be a uniform policy and procedure for the termination of employees.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Mayor's Legislative Liaison to the City Council, and the Director of Human Resources.

Favorable report adopted.

The roll was called on the adoption of the Resolution, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The President declared the Resolution adopted.

**BILL NO. 04-1267 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Garey, for the Land Use and Planning Committee, reported Bill No. 04-1267 favorably, with amendments.

An Ordinance amending the maximum bed capacity for the convalescent, nursing and rest home (assisted living) on the property known as 5411 Old Walther Avenue, as outlined in red on the accompanying plat.

Amendments to City Council Bill No. 04-1267

Amendment No. 1

On page 1, in line 4, after “capacity”, insert “and changing the provision that precludes sleeping rooms in the basement”.

Amendment No. 2

On page 2, in line 4, strike beginning with “sleeping” through and including the period, and substitute “CLIENT SLEEPING ROOMS MAY BE PROVIDED ON THE GROUND FLOOR WITH THE APPROVAL OF THE FIRE DEPARTMENT AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.”.

The amendments were read and adopted.

Favorable report, as amended, adopted.

The bill, as amended, was read the second time and ordered printed for third reading.

**BILL NO. 04-1350 REPORTED FAVORABLY
AND ADOPTED**

Councilmember Curran, for the Public Safety Subcommittee, reported Bill No. 04-1350 favorably.

A COUNCIL RESOLUTION CONCERNING

Informational Hearing – Baltimore Police Department’s Crime Fighting Strategy

FOR the purpose of respectfully requesting the Baltimore Police Commissioner to address the City Council on the department’s current crime fighting strategies and any planned revisions to address the City’s homicide rate that increased last year for the first time since 1998.

Recitals

In 1998, Baltimore City was singled out for the bloody distinction of being one of the few cities, large and small, across the country where the homicide rate continued to spiral. New York, Chicago, and Boston had seen sharp declines in homicide rates, but the City trailed only Gary, Indiana, New Orleans, and Detroit for the highest rates. Reaching into the 300's and fueling true-to-life TV dramas, Baltimore's poverty-stricken neighborhoods, parasitic drug trade, drug-related health issues, and gun violence became the object of national ridicule and local consternation.

By 1999, citizens, state and local officials, the law enforcement community, and the courts were all at wits end to find a solution to Baltimore's violent crime problem. It was reported that the homicide rate had dipped below 200 only twice since 1967. Over those 32 years, Baltimore's homicide rates soared under 4 mayors, 6 police commissioners and 7 state's attorneys. With 46.5 homicides per 100,000 people, Maryland's largest city had earned the dubious distinction of having America's 4th highest murder rate.

On New Year's Day 2001, Baltimore was celebrating coming in under 300 – the city had more than 300 slayings every year of the previous decade. The total number of homicides in 2000 was 261. The City administration and the citizenry had worked hand in hand to achieve this notable decline. The administration hired police personnel with demonstrated success in addressing drug-related violence, adopted computer enhanced accountability measures, re-deployed personnel, and formed fugitive apprehension teams with Maryland State Police and surrounding counties. The citizenry cooperated by refusing to harbor criminals and tolerate anti-social behavior in crime-ridden neighborhoods.

The City ended 2001 with 259 homicides, 2 less than the year before. While the homicide rate did not come down as much as expected, it was still only the second time in 12 years that the homicide total had been below 300. The Administration and police brass credited the department's aggressive use of computerized crime tracking, specialized units and more sophisticated crime-fighting equipment such as surveillance cameras and wiretapping devices. Because of the low homicide rate during the hot summer months, with 10 recorded in July, the lowest monthly total since 1984, it appeared 2001 would be a banner year. Unfortunately 77 people were killed in the last 3 months of the year – the rise attributed to fighting over a dwindling drug supply and tensions related to September 11th and the economy.

The homicide rate continued a slow but steady decline through 2002 when the homicide rate was recorded as 253. On January 1, 2004, however, the media reported that any victory celebrations over getting the homicide rate in check had been premature. As of December 31, 2003, it was reported the City had tallied a homicide rate of 271 – a 7% increase and the highest homicide total in the 4-year tenure of the administration that have vowed to reduce the annual homicide rate to 175. The increase was allegedly attributed by police personnel to more deadly deployment of firearms by criminals and the unusually high number of victims who died in 2003 from injuries sustained earlier.

The fight to reclaim Baltimore's more vulnerable neighborhoods from drugs and violence can not be left solely to the Police Department; citizens and government alike must work to save our City. Seeking to lay blame for a reverse in the downward trend of domestic war deaths would not be productive. Instead we must address the issue, examine current policies, and seek to offer support and aid to those who serve as the thin blue line between those who do evil and those who suffer from the evil that is done.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Baltimore Police Commissioner is respectfully requested to address the City Council on the department's current crime fighting strategies and any planned revisions to address the City's homicide rate that increased last year for the first time since 1998.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Baltimore Police Commissioner, and the Mayor's Legislative Liaison to the City Council.

Favorable report adopted.

The roll was called on the adoption of the Resolution, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The President declared the Resolution adopted.

THIRD READING - TO BE HELD ONE MEETING

The following bill, pursuant to § 16-404 of the Baltimore City Zoning Code, was held over until the next City Council meeting.

C.C. 04-1266 - An Ordinance changing the zoning for the property known as 733-735 East Fort Avenue, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the R-8 Zoning District.

THIRD READING

The President laid before the City Council:

BILL NO. 03-1192 - An Ordinance modifying the amount of a certain prepayable civil fine imposed for violations of park rules; adding to the offenses for which certain civil citations may

be issued the prohibition against dispensing fuel for dirt bikes or unregistered motorcycles or similar vehicles; and generally relating to the issuance of civil citations for certain offenses.

Then Councilmember Rawlings Blake offered the following amendments to the bill:

Amendments to City Council Bill No. 03-1192

Amendment No. 1

On page 1, in lines 10 and 15, in each instance, insert in the blank “595”.

Amendment No. 2

On page 1, in line 5, before the semicolon, insert “and the prohibition against riding a bicycle on a sidewalk or footway”; and, in the same line, after the semicolon, insert “correcting, clarifying, and conforming certain language;”; and, at the end of line 13, insert “and 40-14(4)”; and, after line 20, insert:

“BY repealing and reordaining, with amendments
Article 31 - Transit and Traffic
Section(s) 18-8
Baltimore City Code
(Edition 2000)”.

Amendment No. 3

On page 2, after line 5, insert:

“(4) Article 31. Transit and Traffic

§ 16-12. Vehicles on sidewalks § 50

§ 18-8. RIDING {BICYCLES} ON SIDEWALK § 50”.

Amendment No. 4

On page 2, after line 18, insert:

“Article 31. Transit and Traffic

Subtitle 18. Bicycles

§ 18-8. Riding on sidewalk.

(a) Riding prohibited.

It is unlawful for any person to [propel] RIDE a bicycle on any sidewalk or footway of this City.

(b) Walking, STANDING permitted.

However, when dismounted and on foot, A PERSON MAY:

- (1) [he may] lead the bicycle on a sidewalk or footway in [such] A manner [as not to cause obstruction thereon] THAT DOES NOT OBSTRUCT THE SIDEWALK OR FOOTWAY; and
- (2) [he may] allow the bicycle to remain standing on the sidewalk or footway in [such] A manner [as not to cause obstruction thereon] THAT DOES NOT OBSTRUCT THE SIDEWALK OR FOOTWAY.

(C) ENFORCEMENT BY CITATION.

- (1) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SECTION MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}.
- (2) THE ISSUANCE OF A CIVIL CITATION TO ENFORCE THIS SECTION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW."

The roll was called on the amendment, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The President declared the amendments adopted and ordered the bill printed in enrolled form.

The President laid before the City Council:

BILL NO. 03-1199 - An Ordinance correcting certain technical errors and omissions in the City Code; adding an express statement of right to seek appellate review of certain administrative actions; repealing certain obsolete provisions; recodifying an erroneously omitted provision governing certain fees for small haulers; correcting certain filing requirements for candidates to conform to State requirements; correcting, clarifying, and conforming certain language; and providing for a special effective date.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger - Total 16.

Nays - 0.

Out of Chambers - Councilmember Stukes - Total 1.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The bill was read and approved, and the bill was declared "Passed".

The President laid before the City Council:

BILL NO. 03-1261 - An Ordinance permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 6712 Harford Road, as outlined in red on the accompanying plat.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger - Total 16.

Nays - 0.

Out of Chambers - Councilmember Stukes - Total 1.

Absent - Councilmembers Stancil, Abayomi - Total 2.

The bill was read and approved, and the bill was declared "Passed".

**BILL 03-1244 ORDERED WITHDRAWN FROM
THE FILES OF THE COUNCIL**

On the motion made, seconded, and approved by the Council

“An Ordinance establishing certain sidewalk regulations for certain districts; defining certain terms; providing for certain enforcement conditions and procedures; imposing certain civil penalties; providing for the automatic termination of this Ordinance; and generally relating to the regulation and use of streets and highways.”

was ordered withdrawn from the files of the Council.

**BILL 04-1292 ORDERED WITHDRAWN FROM
THE FILES OF THE COUNCIL**

On the motion made, seconded, and approved by the Council

“An Ordinance permitting, subject to certain conditions, the establishment, maintenance, and operation of a pharmacy: drive-in on the property known as 4101 Patterson Avenue, as outlined in red on the accompanying plat.”

was ordered withdrawn from the files of the Council.

**BILL 04-1361 ORDERED WITHDRAWN FROM
THE FILES OF THE COUNCIL**

On the motion made, seconded, and approved by the Council

“A Resolution of the Mayor and City Council limiting the methods by which an appropriation may be used for a purpose other than that named in the Ordinance of Estimates; and submitting this amendment to the qualified voters of the City for adoption or rejection.

was ordered withdrawn from the files of the Council.

WITHDRAWAL OF SPONSORSHIP FOR BILL 03-1227

Councilmember Harris requested that his withdrawal as a sponsor for Bill 03-1227 be noted in the Journal. It was so ordered.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3
WITH REGARD TO BILL NO. 04-1366**

Councilmember Mitchell made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 04-1366.

The motion carried without exception, and the President declared the rules suspended with regard to the bill. Then Councilmember Mitchell announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 04-1301**

Councilmember Mitchell made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 04-1301.

Journal of the City Council

The motion carried without exception, and the President declared the rule suspended with regard to the bill. Then Councilmember Mitchell announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 03-1135**

Councilmember Mitchell made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 03-1135.

The motion carried without exception, and the President declared the rule suspended with regard to the bill. Then Councilmember Mitchell announced a hearing date for the bill.

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 04-1310**

Councilmember Mitchell made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 04-1310.

The motion carried without exception, and the President declared the rule suspended with regard to the bill. Then Councilmember Mitchell announced a hearing date for the bill.

ADJOURNMENT

On motion of Councilmember Rawlings Blake, duly seconded, the City Council adjourned to meet on Monday, May 10, 2004, at 5:00 p.m.

Consent Calendar

- CR 8746** President Dixon, All Members
A City Council RESOLUTION congratulating West Baltimore Middle School Principal, Everett X. Garnett on receiving a cash award of \$2,926.82 for gains made on the 2003 Maryland School Performance Recognition Program (MSPAP).
- CR 8747** Carter, Young
A City Council RESOLUTION on the death of James K. Coffey.
- CR 8748** Young
A City Council RESOLUTION congratulating Steven and Duran Little on the Grand Opening of their family business “Headquarters Barbershop and Salon/Store on April 7th, 2004.
- CR 8749** Branch
A City Council RESOLUTION congratulating Dorothy Hale on her work with the Mayor’s Office and the Baltimore City Child Care Resource Center in developing programs that enhance training opportunities for child care providers.
- CR 8750** Stukes, All Members
A City Council RESOLUTION congratulating New Testament Baptist Church, Inc. on its conscientious and faithful efforts to serving the Lord through service, love, and hope for the winning of souls through its growth in Christ.
- CR 8751** Welch
A City Council RESOLUTION on the death of Arnold Paige.
- CR 8752** Welch
A City Council RESOLUTION on the death of Kenneth Paige Felton.
- CR 8753** President Dixon, All Members
A City Council RESOLUTION congratulating Providence Baptist Church on its HIV/AIDS Awareness workshop held to educate the community.
- CR 8754** Young
A City Council RESOLUTION congratulating Carrie Glascoe on the celebration of her 91st birthday.
- CR 8755** President Dixon, All Members
A City Council RESOLUTION congratulating Darryl Mason on his presentation at James McHenry Elementary School, teaching Baltimore City students about astronomy.
- CR 8756** President Dixon, All Members
A City Council RESOLUTION congratulating the Mighty Dells on their induction into the Rock N’ Roll Hall of Fame after singing together for 50 years and their performance at the Annual Pre-Mothers Day Cabaret Show and Dance at the 5th Regiment Armory in Baltimore, Maryland.

- CR 8757** President Dixon, All Members
A City Council RESOLUTION on the death of Sam Moss, November 9, 1917 – April 15, 2004.
- CR 8758** Branch, Young
A City Council RESOLUTION congratulating Julia Campbell on the celebration of her 80th birthday on April 29th.
- CR 8759** Stukes, All Members
A City Council RESOLUTION on the death of Timmy Langford, Jr., October 17, 1959 – April 20, 2004.
- CR 8760** President Dixon, All Members
A City Council RESOLUTION on the death of Ethel Wimbish.
- CR 8761** President Dixon, All Members
A City Council RESOLUTION on the death of Shan-Taisha Demetrius Jones.
- CR 8762** President Dixon, All Members
A City Council RESOLUTION congratulating Peggy Waxter on the celebration of her 100th birthday.
- CR 8763** Stukes, All Members
A City Council RESOLUTION on the death of Shan-Taisha Demetrius Jones, June 9, 1999 – April 18, 2004.
- CR 8764** Stukes, All Members
A City Council RESOLUTION congratulating Clair Natta, Marlon Richardson, Brenda Hunt, Point Fortin on their outstanding dedication and support they have provided in making this 24th Annual Point Fortin Borough Day Festival a special and memorable occasion.
- CR 8765** Mitchell
A City Council RESOLUTION congratulating Harlem Park Elementary, Rosemont Elementary, Calverton Middle, Samuel Coleridge-Taylor Elementary, and Robert W. Coleman Elementary Schools on making substantial and substained progress toward achieving State standards during the 2003 Maryland School Performance Recognition Program.
- CR 8766** Welch
A City Council RESOLUTION congratulating St. Edward's Roman Catholic Church on its Annual Women's Day celebration "Women in the Struggle – His Strength is Perfect" and commemorating Mother's Day.
- CR 8767** President Dixon, All Members
A City Council RESOLUTION congratulating Thurman Zollicoffer on his tenure as Baltimore's City Solicitor.
- CR 8768** President Dixon, All Members
A City Council RESOLUTION congratulating Tom Joyner, Chairman and Founder of the Tom Joyner Foundation on his contribution t historically Black colleges and universities across the United States.

- CR 8769** President Dixon, All Members
A City Council RESOLUTION congratulating Patti LaBelle on her stellar career and changing the lives of so many people with her music and commitment to her community.
- CR 8770** President Dixon, All Members
A City Council RESOLUTION congratulating Coppin State University on being honored as “School of the Month” by the Tom Joyner Morning Show and the Tom Joyner Foundation.
- CR 8771** Stukes, All Members
A City Council RESOLUTION on the death of “Mother” Marian Brown, March 17, 1908 – April 22, 2004.
- CR 8772** President Dixon, All Members
A City Council RESOLUTION on the death of Joann Kells, May 15, 1953 – April 22, 2004.
- CR 8773** Welch
A City Council RESOLUTION congratulating Fulton Baptist Church, Inc. on the celebration of its 100th Anniversary, “A Century of Worshipping, Witnessing and Serving a Mighty God”.
- CR 8774** Welch
A City Council RESOLUTION congratulating Clarks Beauty Salon on the celebration of its Anniversary.
- CR 8775** Welch
A City Council RESOLUTION congratulating Barbara Chambers (20 years), Anita Hofmeister (30 years), Renee Green (10 years) on their creative abilities as a stylist/designer and commemorating their years of hard work and dedicated service.
- CR 8776** President Dixon, All Members
A City Council RESOLUTION congratulating B’Nai Israel Congregation of Baltimore on the celebration of its 131st Anniversary and being the longest continually operated Traditional Orthodox Synagogue in Maryland.
- CR 8777** President Dixon, All Members
A City Council RESOLUTION congratulating Father Richard Lawrence on receiving the “Community Leadership Award” from B’Nai Israel Congregation of Baltimore.
- CR 8778** President Dixon, All Members
A City Council RESOLUTION congratulating Dr. Steve Glaser on receiving the “Special Recognition Award” from B’Nai Israel congregation of Baltimore.
- CR 8779** President Dixon, All Members
A City Council RESOLUTION congratulating Bertram (Buddy) Koppel on receiving the “Person of the Year Award” from B’Nai Israel congregation of Baltimore.
- CR 8780** President Dixon, All Members
A City Council RESOLUTION congratulating the Dyslexia Tutoring Program on the occasion of Dyslexia Awareness Week in Baltimore City, April 26, 2004 – May 3, 2004.

- CR 8781** Cain, D’Adamo, Garey, All Members
A City Council RESOLUTION on the death of Joseph J. Quattrocchi.
- CR 8782** President Dixon, All Members
A City Council RESOLUTION congratulating Charles A. Johnson on the celebration of his retirement from the Baltimore City Public School System after 36 years of service.
- CR 8783** President Dixon, All Members
A City Council RESOLUTION congratulating Beverly J. Shaeffers on the celebration of her retirement after 36 years of service with the Social Security Administration.
- CR 8784** President Dixon, All Members
A City Council RESOLUTION congratulating Madame Simone Elivet Gbagbo, 1st Lady of the Ivory Coast, on her formal visit to Baltimore and proclaiming Monday, May 10, 2004 through Friday, May 15, 2004 “Ivory Coast Week” in Baltimore.
- CR 8785** Welch
A City Council RESOLUTION congratulating Reverend Florence M. Alcorn on being the recipient of an Honorary Doctor of Humane Letters Degree from the Eastern Theological Seminary.
- CR 8786** President Dixon, All Members
A City Council RESOLUTION congratulating Dr. Annie L. Lemaster on the celebration of her retirement after 25 years of service with the Baltimore City Public School System.
- CR 8787** President Dixon, All Members
A City Council RESOLUTION congratulating Hip Hop Summit Action Network on its Nationwide Tour of Voter Empowerment.
- CR 8788** President Dixon, All Members
A City Council RESOLUTION congratulating Lyque Jeanette Jackson on the celebration of her retirement after 18 years of service with the Department of Public Works/Fleet Management.
- CR 8789** Welch
A City Council RESOLUTION congratulating Rodney Eric and Mary Galloway on the celebration of their marriage.
- CR 8790** Curran
A City Council RESOLUTION on the death of Kneass C. “Hoss” Harrington, Sr.
- CR 8791** Welch
A City Council RESOLUTION congratulating Diamonte’ Brown on receiving her Bachelor of Arts Degree in Sports Management and Communication from the School of Kinesiology at the University of Michigan.
- CR 8792** President Dixon, All Members
A City Council RESOLUTION congratulating Baltimore City Employees on the 2nd Annual Health and Fitness Day.

- CR 8793 Pugh, All Members**
A City Council RESOLUTION congratulating Under Armour, CareFirst Blue Cross Blue Shield, Legg Mason Funds, Johns Hopkins Emergency Medicine, Aegon/Monumental Life, Nextel, CitiFinancial, WBAL-TV, WBAL Radio, Holiday Inn, Renaissance Hotel, Utz Quality Foods, Leukemia Lymphoma Society, Special Olympics Maryland, Pepsi-Cola, Sweetheart Cups, Geico, Merritt Athletic Clubs, Baltimore Business Journal, Daily Record, and the Baltimore Sun on their contribution to the success of the 2003 Baltimore Marathon.
- CR 8794 President Dixon, All Members**
A City Council RESOLUTION congratulating the Fallstaff Neighborhood on the dedication of its new sign and its 15th Annual NeighborGood Day.
- CR 8795 Welch**
A City Council RESOLUTION congratulating Elliott Wiley, Jr. on the occasion of his graduation from Tufts University.
- CR 8796 Welch**
A City Council RESOLUTION congratulating Maude Fugett on the occasion of her graduation from Roland Park Country School.
- CR 8797 Welch**
A City Council RESOLUTION congratulating Leslie Sword on receiving her Masters Degree from U.C.L.A.
- CR 8798 Welch**
A City Council RESOLUTION congratulating Shawn C. Hanson on the occasion on his graduation from Overleigh High School.
- CR 8799 Welch**
A City Council RESOLUTION congratulating Jasmine Shamir Sullivan on the occasion of her graduation from Marymount University.
- CR 8800 President Dixon, All Members**
A City Council RESOLUTION on the death of Florence Hargrove.
- CR 8801 Stukes, All Members**
A City Council RESOLUTION congratulating Annie Harris – President, Gladys Wheeler – Vice President, Barbara Mallory – Secretary, Ethel Allen – Financial Secretary, Deaconess Marion Curry – Treasurer, Bernice Brooks – Chaplain, Annie Askins, Daisy Covington, Evelyn Murfree, Virginia Rooks, Millie Thomas, Leona Young, Helen Barnes, Lucille Green, Mildred Player, Ellen Thomas, and Florarene Williams on their faithful and dedicated service to the First Baptist Church of Cherry Hill “Flower Circle Ministry-Anniversary Celebration 2004” and for the support they have provided in making this a special and memorable occasion.
- CR 8802 Young**
A City Council RESOLUTION congratulating Nancy Berry on the celebration of her 70th birthday.

- CR 8803 Welch**
A City Council RESOLUTION congratulating Frederick Douglass High School Alumni Association on the occasion of its Annual Alumni Day celebration.
- CR 8804 Stukes, All Members**
A City Council RESOLUTION congratulating Maxine R. Hopkins on the celebration of her 74th birthday.
- CR 8805 President Dixon, All Members**
A City Council RESOLUTION congratulating Odessa Coleman on her service rendered as Advisor to the Usher Board of the Jesus Saves Church for All People.
- CR 8806 President Dixon, All Members**
A City Council RESOLUTION congratulating Rev. Dr. John and Pearl Highsmith on the celebration of their Usher's Anniversary at the Jesus Saves Church for All People.
- CR 8807 Young**
A City Council RESOLUTION on the death of Diane Whitner-Graves.
- CR 8808 Stukes, All Members**
A City Council RESOLUTION congratulating Craig Ringold on the celebration of 4 years of sobriety.
- CR 8809 Abayomi, All Members**
A City Council RESOLUTION on the death of James Thomas Matthews.