

SIXTEENTH DAY

FIFTH COUNCILMANIC YEAR—SESSION OF 1999-2004

**JOURNAL
CITY COUNCIL OF BALTIMORE**

June 21, 2004 - 3 p.m. Meeting

Reverend Dr. Michael W. Hopkins, Pastor of Lamb of Life Baptist Church, 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes

Absent - Councilmember Abayomi

JOURNAL APPROVED

The Journal of June 14, 2004 was read and approved.

**ANNOUNCEMENT BY PRESIDENT DIXON
CONCERNING THE ADOPTION OF THE FISCAL YEAR 2005 REAL PROPERTY TAX RATE**

The following statement was read by President Dixon:

The City Council will consider the adoption of the Fiscal Year 2004 Real Property Tax Rate at the next meeting of the City Council on Monday, June 21, 2004, at 5 p.m.

INTRODUCTION AND READ FIRST TIME

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

Bill No. 04-1423 - By President Dixon (The Administration):

An Ordinance 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 (1) a 3.5-foot alley, (2) a 4-foot alley, and (3) a 2-foot alley and no longer needed for highway or other public use; and providing for a special effective date.

The bill was read the first time and referred to the Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore City Parking Authority, Department of Real Estate, Department of Finance, Board of Estimates, Finance Committee.

Bill No. 04-1424 - By President Dixon (The Administration):

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 the former bed of Johnson Street and no longer needed for highway or other public use; and providing for a special effective date.

The bill was read the first time and referred to the Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore City Parking Authority, Department of Real Estate, Department of Finance, Board of Estimates, Finance Committee.

Bill No. 04-1425 - By Councilmember Pugh, President Dixon, Councilmembers Holton, Spector, Rawlings Blake, Welch, D'Adamo, Young, Cain, Garey, Branch, Carter, Reisinger, Stukes:

An Ordinance establishing a charge for the removal of eviction chattels; providing for the collection and enforcement of the charge; defining certain terms; correcting, clarifying, and conforming certain language; and generally relating to the removal and disposal of eviction chattels.

The bill was read the first time and referred to the City Solicitor, Police Department, Department of Public Works, Department of Finance, Department of Housing and Community Development, Taxation Committee.

Bill No. 04-1426 - By Councilmembers Stukes, Reisinger (by request):

An Ordinance changing the zoning for the property known as 3100 Waterview Avenue, as outlined in red on the accompanying plat, from the M-2-1 Zoning District to the R-6 Zoning District.

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

Bill No. 04-1427 - By Councilmembers Stukes, Reisinger (by request):

An Ordinance approving the application of Waterview Avenue, LLC, owner of certain property known as 3100 Waterview Avenue and Ward 25, Section 05, Block 7610, Lot 019, (collectively, the “Property”) to have that Property designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

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

Bill No. 04-1428 - By Councilmember Garey (by request):

An Ordinance changing the zoning for the property known as 1300 East Clement Street and a portion of the property known as 1450 Beason Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District.

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

Bill No. 04-1429 - By Councilmembers Reisinger, Stukes (by request):

An Ordinance changing the zoning for the property known as 1328 Haubert Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the R-8 Zoning District.

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

Bill No. 04-1430 - By President Dixon, Councilmembers Holton, Spector, Rawlings Blake, Stancil, Welch, Stukes, Cain, Garey, Branch, Carter, Curran:

An Ordinance imposing a tax on persons who deliver energy to governmental users; defining certain terms; requiring certain reports to be made and records to be kept; imposing interest on unpaid taxes; imposing certain other civil and criminal penalties; providing for a special effective date; and generally relating to the imposition and collection of a tax on the delivery of energy to governmental entities.

The bill was read the first time and referred to the City Solicitor, Department of Finance, Board of Estimates, Taxation Committee.

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS NO. 9115, 9116, 9117, 9118, 9119, 9120, 9121, 9122, 9123, 9124, 9125, 9126, 9127, 9128, 9129, 9130, 9131, 9132, 9133, 9134, 9135, 9136, 9137, 9138, 9139, 9140, 9141, 9142, 9143, 9144, 9145, 9146, 9147, AND 9148 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

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

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

ACTION ON EXECUTIVE APPOINTMENTS

Councilmember Young made a motion, which was duly seconded, that the favorable report of the Committee on Executive Appointments be adopted.

The Appointment of

DAVID W. WALLACE, P.E.

Chair

BOARD:

Baltimore City Parking Authority Board

EXPIRATION OF TERM:

December 31, 2004

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Young made a motion, which was duly seconded, that the appointment of David W. Wallace, P.E. be confirmed.

The roll was called, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the appointment of David W. Wallace, P.E. confirmed.

Councilmember Young made a motion, which was duly seconded, that the favorable report of the Committee on Executive Appointments be adopted.

The Appointment of

TODD M. BORZ

Member

BOARD:

Board of Electrical Examiners and Supervisors

EXPIRATION OF TERM:

December 31, 2004

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Young made a motion, which was duly seconded, that the appointment of Todd M. Borz be confirmed.

The roll was called, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the appointment of Todd M. Borz confirmed.

Councilmember Young made a motion, which was duly seconded, that the favorable report of the Committee on Executive Appointments be adopted.

The Appointment of

Journal of the City Council

ROBERT W. SCHAEFER

Member

BOARD:

Fire and Police Employees' Retirement System Board

EXPIRATION OF TERM:

December 31, 2004

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Young made a motion, which was duly seconded, that the appointment of Robert W. Schaefer be confirmed.

The roll was called, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the appointment of Robert W. Schaefer confirmed.

Councilmember Young made a motion, which was duly seconded, that the favorable report of the Committee on Executive Appointments be adopted.

The Appointment of

THURMAN W. ZOLLICOFFER, JR.

Member

BOARD:

Fire and Police Employees' Retirement System Board

EXPIRATION OF TERM:

December 31, 2004

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Young made a motion, which was duly seconded, that the appointment of Thurman W. Zollicoffer, Jr. be confirmed.

The roll was called, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the appointment of Thurman W. Zollicoffer, Jr. confirmed.

Councilmember Young made a motion, which was duly seconded, that the favorable report of the Committee on Executive Appointments be adopted.

The Appointment of

SEAN MALONE

Labor Commissioner for Baltimore City

EXPIRATION OF TERM:

December 7, 2004

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Young made a motion, which was duly seconded, that the appointment of Sean Malone be confirmed.

The roll was called, resulting as follows:

Yeas - President and Councilmembers Cain, D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the appointment of Sean Malone confirmed.

COMMITTEE REPORTS

BILL NO. 04-1298 REPORTED FAVORABLY, WITH AMENDMENT, AND ORDERED PRINTED FOR THIRD READING

Councilmember Holton, for the Finance Committee, reported Bill No. 04-1298 favorably, with amendment.

An Ordinance authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as the S/S West 34th Street, 69 feet 11 inches west of Elm Avenue, Block 3511, Lot 017 and no longer needed for public use; and providing for a special effective date.

Amendment to City Council Bill No. 04-1298

Amendment No. 1

On page 1, in line 19, strike “1,425” and substitute “1,200”.

The amendment was 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. 04-1299 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Holton, for the Finance Committee, reported Bill No. 04-1299 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 the former bed of Clinton Street, extending from Mertens Avenue southerly 444 feet to Newgate Avenue, and no longer needed for public use; and providing for a special effective date.

Favorable report adopted, with Councilmember Cain Passing.

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

**BILL NO. 04-1307 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Holton, for the Finance Committee, reported Bill No. 04-1307 favorably.

An Ordinance 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 bed of High Street and a portion of the former bed of Temple Street, Block 1266, Lot 30, and Block 1267, Lots 1/14, 44A and 44B and no longer needed for public use; and providing for a special effective date.

Favorable report adopted, with Councilmember D’Adamo out of Chambers.

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

**BILL NO. 04-1314 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Holton, for the Finance Committee, reported Bill No. 04-1314 favorably.

An Ordinance authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain properties located along Hawkins Point Road and Pennington Avenue between Chemical Road and Open Street, and needed for the Hawkins Point Sanitary Sewer Force Main Project; 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. 04-1315 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Holton, for the Finance Committee, reported Bill No. 04-1315 favorably.

An Ordinance authorizing the Mayor and City Council of Baltimore to make a property exchange for the benefit of Baltimore County and convey a drainage utility and road easement over and upon the land located at or near the Liberty Watershed in Baltimore County near the intersection of Ivy Mill Road and Wood Gait Court; 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. 04-1302 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Curran, for the Taxation Committee, reported Bill No. 04-1302 favorably, with amendments.

An Ordinance consolidating and expanding the provisions governing the licensing, registration, and regulation of amusement devices; defining certain terms; requiring certain devices to be licensed and registered; establishing certain fees; correcting, clarifying, and conforming certain language; imposing certain penalties; and generally relating to the licensing, registration, and regulation of amusement devices.

Amendments to City Council Bill No. 04-1302

Amendment No. 1

On page 1, in line 6, after the second semicolon, insert “authorizing the confiscation or disabling of unlicensed or unregistered devices under certain circumstances;”; and, on the same page, in line 15, strike “2-18” and substitute “2-19”.

Amendment No. 2

On page 6, in line 9, strike “DEVISE” and substitute “DEVICE”; and, in line 10, after “PERSON”, insert “FIRST”.

Amendment No. 3

On page 6, in line 28, strike beginning with “EXCEPT” through “THE” and substitute “THE”; and, on page 7, in line 1, strike beginning with “A” through “IF” and substitute “IF”; and, on page 7, in line 3, after “SUBTITLE”, insert “, THE DEVICE IS EXEMPT FROM THE REGISTRATION FEE PROVIDED FOR IN § 2-15(B) OF THIS SUBTITLE”.

Amendment No. 4

On page 8, after line 20, insert:

“§ 2-18. OPERATING WITHOUT LICENSE.**(A) ORDER.**

IF AN AMUSEMENT DEVICE IS OPERATED WITHOUT A LICENSE OR REGISTRATION REQUIRED BY THIS SUBTITLE, THE DIRECTOR SHALL ISSUE A WRITTEN ORDER TO THE PROPRIETOR OR OTHER PERSON IN CHARGE OF THE PREMISES TO:

(1) IMMEDIATELY RENDER THE DEVICE INOPERABLE; AND

(2) WITHIN 5 WORKING DAYS OF THE ORDER:

(I) OBTAIN THE REQUIRED LICENSE OR REGISTRATION; OR

(II) REMOVE THE DEVICE FROM THE PREMISES.

(B) CONFISCATION OR DISABLEMENT.

THE DIRECTOR MAY CONFISCATE THE AMUSEMENT DEVICE OR RENDER IT INOPERABLE IF:

- (1) THE DEVICE IS NOT IMMEDIATELY RENDERED INOPERABLE, AS ORDERED UNDER SUBSECTION (A)(1) OF THIS SECTION;
- (2) AFTER HAVING BEEN RENDERED INOPERABLE, THE DEVICE IS PLACED BACK IN OPERATION WITHOUT THE REQUIRED LICENSE OR REGISTRATION; OR
- (3) THE REQUIRED LICENSE OR REGISTRATION IS NOT OBTAINED WITHIN THE PERIOD SPECIFIED IN SUBSECTION (A)(2) OF THIS SECTION AND THE DEVICE HAS NOT BEEN REMOVED FROM THE PREMISES.

(C) REDEEMING CONFISCATED DEVICE.

(1) IF AN AMUSEMENT DEVICE IS CONFISCATED BY THE DIRECTOR UNDER THIS SECTION, THE OWNER MAY REDEEM THE DEVICE ON PAYMENT OF:

(I) A RECOVERY CHARGE, AS ESTABLISHED BY THE BOARD OF ESTIMATES FROM TIME TO TIME; AND

(II) ALL OUTSTANDING REGISTRATION AND LICENSING FEES, INTEREST, AND PENALTIES.

(2) THE RECOVERY CHARGE WILL BE SET TO COVER THE COSTS OF TRANSPORTATION, STORAGE, AND OTHER RELATED EXPENSES.

(3) IF A DEVICE IS NOT REDEEMED WITHIN 180 DAYS AFTER ITS CONFISCATION, THE DEVICE IS CONSIDERED ABANDONED.

(D) REINSTATING DISABLED DEVICE.

(1) IF AN AMUSEMENT DEVICE IS RENDERED INOPERABLE BY THE DIRECTOR UNDER THIS SECTION, THE OWNER MAY HAVE THE DEVICE REINSTATED ON PAYMENT OF:

(I) A REINSTATEMENT CHARGE, AS ESTABLISHED BY THE BOARD OF ESTIMATES FROM TIME TO TIME; AND

(II) ALL OUTSTANDING REGISTRATION AND LICENSING FEES, INTEREST, AND PENALTIES.

(2) THE REINSTATEMENT CHARGE WILL BE SET TO COVER ALL COSTS ASSOCIATED WITH RENDERING THE DEVICE INOPERABLE AND OPERABLE.”;

and, on the same page, in line 21, strike “§ 2-18” and substitute “§ 2-19”.

The amendments were read and adopted, with Councilmembers Young and Reisinger Passing.

Favorable report, as amended, adopted, with Councilmembers D’Adamo and Mitchell voting Nay and with Councilmembers Young and Reisinger Passing.

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

**BILL NO. 04-1359 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Mitchell, for the Taxation Committee, reported Bill No. 04-1359 favorably, with amendments.

An Ordinance reconstituting and reformulating the energy tax; imposing an energy tax on persons who deliver, manufacture, or produce energy; defining certain terms; establishing certain rates; requiring certain reports to be made and records to be kept; imposing interest on unpaid taxes; imposing certain other civil and criminal penalties; providing for a special effective date; and generally relating to the imposition and collection of an energy tax.

Amendments to City Council Bill No. 04-1359

Amendment No. 1

On page 1, strike beginning with “imposing” in line 3 through “energy” in line 4 and substitute “repealing separate provisions for a fuel tax”; and, after line 12, insert:

“BY repealing
Article 28 - Taxes
Section(s) 20-1 through 20-17, inclusive, and
the subtitle “Subtitle 20. Fuel Tax”
Baltimore City Code
(Edition 2000)”.

Amendment No. 2

On page 2, in line 17, strike all brackets; and, in line 25, after “person”, strike the comma; and strike beginning with “GOVERNMENTAL” in line 25 through “ENTITY” in line 26; and, in line 30, before “subject”, strike the bracket; and, in line 31, strike the bracket.

Amendment No. 3

On page 3, in line 2, strike “EACH PERSON WHO DELIVERS”; and, in line 3, strike “ANY USER”; and, in lines 2, 3, 4, and 5, in each instance, strike all brackets; and, in line 4, strike “§ 25-13 of”; and, in line 8, after the semicolon, insert “AND”; and, in line 9, strike the semicolon and substitute a period; and, at the beginning of line 10, insert an opening bracket; and, in line 29, strike “§ 25-13.”; and, in the same line, strike all brackets.

Amendment No. 4

On page 4, in line 2, before “sells”, strike the bracket; and, in line 3, after “or”, strike the bracket; and, in line 7, strike “users” and substitute “PERSONS, GOVERNMENTAL ENTITIES, INSTRUMENTALITIES, AND UNITS, AND OTHERS”; and, in lines 7 and 8, in each instance, strike the bracket; and, in line 9, before “DELIVERY”, insert “SALE, DISTRIBUTION, OR”; and, in line 10, strike “RATES” and substitute “UNITS”; and, in line 11, before “PRESCRIBED”, insert “DEFINED AND”.

Amendment No. 5

On page 4, in line 12, strike “*on certified data*” and substitute “OF BASE YEAR RATES”; and, in line 13, strike “The” and substitute “FOR EACH CLASS OF ENERGY AND EACH CLASS OF USER, THE”; and, in the same line, strike beginning with “the proposed” through “year” and substitute “A BASE YEAR TAX RATE FOR FISCAL YEAR 2005”; and, in line 14, strike “for each”; and, at the end of that line, insert “FROM EACH CLASS OF USER FOR EACH”; and, in line 15, strike “AND USER”; and, in the same line, after “by”, strike the opening bracket; and, strike beginning with the comma in line 15 through “SECTION” in line 16; and, in line 17, after “units”, insert “OF EACH CLASS OF ENERGY”; and, in the same line, before “users”, insert “THE CLASS OF”; and, in lines 17 and 18, strike “for that classification”; and, after line 20, insert:

“(D) ANNUAL ADJUSTMENTS.

FOR FISCAL YEAR 2006 AND EACH SUBSEQUENT FISCAL YEAR, THESE TAX RATES SHALL BE ADJUSTED BY THE PERCENTAGE CHANGE IN THE WASHINGTON-BALTIMORE CONSUMER PRICE INDEX, AS REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR, COMPARING DECEMBER OF THE PRECEDING CALENDAR YEAR TO THE DECEMBER OF THE NEXT PRECEDING CALENDAR YEAR.”;

and strike line 21 in its entirety and substitute “(E) PERCENTAGE TO BE PAID.”; and strike lines 22 and 23, in their entireties; and, in line 24, strike “(2)”; and, in the same line, strike “THE FACTOR TO BE APPLIED IS 0.04” and substitute “THE USER IS REQUIRED TO PAY THE FOLLOWING PERCENTAGE OF THAT YEAR’S TAX RATE”; and, in line 25, strike “(I)” and substitute “(1)”; and, at the end of line 26, strike the semicolon and substitute a dash; and after line 26, insert “– FISCAL YEAR 2005 AND SUBSEQUENT, 25%.”; and strike lines 27 and 28, in their entireties; and, in line 29, strike “(III)” and substitute “(2)”; and, in line 32, strike “FACTOR TO BE APPLIED IS” and substitute “FULL TAX SHALL BE PAID.”; and, in line 33, strike “(1)” and substitute “(4)”; and, on page 5, in line 10, strike the period and substitute a dash; and, after line 10, insert “– FISCAL YEARS 2005 AND 2006, 25%; FISCAL YEAR 2007 AND

SUBSEQUENT, 0%.”; and, on page 5, strike line 11 in its entirety; and, in line 12, strike “(I)” and substitute “(3)”; and, in line 17, strike the period and substitute a dash; and, after line 17, insert:

– FISCAL YEAR 2005, 0%; FISCAL YEAR 2006 AND
SUBSEQUENT, 75%.

(4) ALL OTHER USERS –
– FISCAL YEAR 2005 AND SUBSEQUENT, 100%.”;

and, and, in lines 18 and 23, strike “(E)” and “(F)”, respectively, and substitute “(F)” and “(G)”, respectively.

Amendment No. 6

On page 5, in line 19, strike all brackets; and, in the same line, strike “, firm, or corporation”; and, in the same line, strike “VENDOR”; and, in lines 28 and 33, in each instance, strike the bracket.

Amendment No. 7

On page 6, in line 1, strike “§ 25-14.”; and, in the same line, strike all brackets; and, in line 5, before “billed” strike the bracket; and, in the same line, before “during”, insert an opening bracket; and, in line 15, strike the bracket; and, on page 7, in lines 5, 6, and 29, in each instance, strike the bracket; and, in line 8, strike “, firm, or corporation”.

Amendment No. 8

On page 8, in line 1, strike “§ 25-15.”; and, in the same line, strike all brackets; and, in line 23, strike “§ 25-16.” and substitute “§ 25-20.”; and, on page 9, in lines 6, 16, 17, and 29, strike “§ 25-17.”, “§ 25-18.”, and “§ 25-19.”, respectively, and substitute “§ 25-21.”, “§ 25-22.”, and “§ 25-23.”, respectively.

Amendment No. 9

On page 8, in line 14 and in line 24, and on page 9, in line 11 and in line 12, in each instance, after “PART”, strike “1” and substitute “2”.

Amendment No. 10

On page 9, strike lines 23 through 30, in their entireties; and, on page 10, strike lines 1 through 37, in their entireties; and, on page 11, strike lines 1 through 4, in their entireties.

Amendment No. 11

On page 11, after line 4, insert:

“SECTION 2. AND BE IT FURTHER ORDAINED, That §§ 20-1 through 20-17, inclusive, and the subtitle designation “Subtitle 20. Fuel Tax” of Article 28, Baltimore City Code (Edition 2000), are repealed.

SECTION 3. AND BE IT FURTHER ORDAINED, That notwithstanding §25-14(g), for Fiscal Year 2005, the rates computed shall be published in the summary of the adopted budget.”.

Amendment No. 12

On page 11, after line 12, insert:

“SECTION 6. AND BE IT FURTHER ORDAINED, That, on or before October 1, 2005, and October 1 of each 5th year following, the Director of Finance shall submit a report to the City Council on the revenues derived from and the effect of the tax established under this Ordinance during the preceding fiscal years.”;

and, in line 13, strike “6” and substitute “7”.

Amendment No. 13

On page 11, in line 13, after “effect”, insert “on the date it is enacted for all units of energy delivered after July 1, 2004 and billed after August 1, 2004.”; and strike beginning with “as follows” in line 13 through the end of line 17.

The amendments were read and adopted, with Councilmembers Stancil and Reisinger voting Nay and with Councilmember Young Passing.

Then Councilmember Stancil made a motion, which was seconded, to offer an amendment to the Committee Amendments.

Amendment to Bill 04-1359

Amendment No. 1

{Residential}

On page 4, after line 26, strike the new line there added by Committee Amendment 5, and substitute “- FISCAL YEAR 2005 AND SUBSEQUENT, 0%.”.

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

Yeas - Councilmembers D’Adamo, Stancil, Pugh, Welch, Reisinger - Total 5.

Nays - President and Councilmembers Cain, Garey, Branch, Carter, Curran, Harris, Mitchell, Holton, Rawlings Blake, Spector, Stukes - Total 12.

Pass - Councilmember Young - Total 1.

Absent - Councilmember Abayomi - Total 1.

The amendment failed because of a lack of a majority.

The roll was called on the adoption of the favorable report, as amended, resulting as follows:

Yeas - President and Councilmembers Cain, Garey, Branch, Carter, Curran, Harris, Mitchell, Welch, Holton, Rawlings Blake, Spector, Stukes - Total 13.

Nays - Councilmembers D'Adamo, Stancil, Pugh, Reisinger - Total 4.

Pass - Councilmember Young - Total 1.

Absent - Councilmember Abayomi - Total 1.

Favorable report, as amended, adopted.

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

THIRD READING

The President laid before the City Council:

BILL NO. 03-1143 - An Ordinance amending the Urban Renewal Plan for Charles/North Revitalization Area to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots, and revise exhibits attached to the Plan to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; 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, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Rawlings Blake, Spector, Reisinger, Stukes - Total 16.

Nays - 0.

Out of Chambers - Councilmembers D'Adamo, Holton - Total 2.

Absent - Councilmember Abayomi - Total 1.

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

The President laid before the City Council:

BILL NO. 04-1300 - An Ordinance condemning and closing Clinton Street, extending from Mertens Avenue southerly 444 feet to Newgate Avenue, as shown on Plat 347-A-64 in the Office of the Department of Public Works; 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 Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Rawlings Blake, Spector, Stukes - Total 14.

Nays - 0.

Pass - Councilmember Cain - Total 1.

Out of Chambers - Councilmembers D'Adamo, Holton, Reisinger - Total 3.

Absent - Councilmember Abayomi - Total 1.

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

The President laid before the City Council:

BILL NO. 04-1328 - An Ordinance granting a franchise to TV Realty Associates LLC and Piazza Enterprises LLC to construct, use, and maintain an 8-foot high ornamental steel fence and gate enclosing an approximately 459 square foot portion of the Albemarle Street right-of-way, located to the rear of 801 Eastern Avenue, and beginning at the southwest corner of Albemarle Street and Duker Alley extending southerly along the west side of Albemarle Street, subject to certain terms, conditions, and reservations; 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, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Rawlings Blake, Spector, Reisinger, Stukes - Total 16.

Nays - 0.

Out of Chambers - Councilmembers D'Adamo, Holton - Total 2.

Absent - Councilmember Abayomi - Total 1.

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

The President laid before the City Council:

BILL NO. 04-1333 - An Ordinance granting a franchise to Cambrex Bio Science Baltimore, Inc., to construct, use, and maintain a private communications ductbank under and across the

5900 block of East Lombard Street, subject to certain terms, conditions, and reservations; 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, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger - Total 16.

Nays - 0.

Out of Chambers - Councilmembers D'Adamo, Stukes - Total 2.

Absent - Councilmember Abayomi - Total 1.

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

The President laid before the City Council:

BILL NO. 04-1357 - An Ordinance reconstituting and reformulating the telecommunications tax; imposing a telecommunications tax on persons who lease, license, or sell wired or wireless ~~telephone~~ telecommunications lines to certain customers; defining certain terms; establishing certain exemptions; requiring certain reports to be made and records to be kept; imposing interest on unpaid taxes; imposing certain other civil and criminal penalties; providing for a special effective date; and generally relating to the imposition and collection of a telecommunications tax.

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, Garey, Branch, Carter, Young, Curran, Stancil, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger - Total 14.

Nays - Councilmember Mitchell - Total 1.

Pass - Councilmember Harris - Total 1.

Out of Chambers - Councilmembers D'Adamo, Stukes - Total 2.

Absent - Councilmember Abayomi - Total 1.

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

The President laid before the City Council:

BILL NO. 04-1358 - An Ordinance modifying the recordation tax rate; establishing a partial exemption for certain residential properties; correcting, clarifying, and conforming certain language; and providing for a special effective date.

Then Councilmember Mitchell offered the following amendment to the bill:

Amendment to City Council Bill No. 04-1359

Amendment No. 1

On page 2, in line 17, after “2004”, insert “, as to any instrument conveying title or securing a debt that contains a notary acknowledgment dated on or after September 1, 2004, and is presented for recordation on or after September 1, 2004”.

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.

Pass - Councilmember Stancil - Total 1.

Absent - Councilmember Abayomi - Total 1.

The President declared the amendment adopted.

Then Councilmember Pugh made a motion, which was seconded, to offer amendments to the bill:

Amendments to City Council Bill No. 04-1359

Amendment No. 1

On page 1, in line 1, strike “**Tax**” and substitute “**and Transfer Taxes**”; and, in the same line, strike “**Rate**” and substitute “**Rates and Exemptions**”; and, in line 2, after “exemption”, insert “from the transfer tax”; and, at the end of line 7, insert “and 17-8(intro)”; and, in line 12, strike “16-2” and substitute “17-8.1”.

Amendment No. 2

On page 2, strike lines 6 through 12, in their entirety, and substitute:

“Subtitle 17. Transfer Tax§ 17-8. [Exemptions] GENERAL EXEMPTIONS.

The tax levied and imposed by this subtitle [shall] DOES not apply to the following:

....

§ 17-8.1. PARTIAL EXEMPTION FOR OWNER-OCCUPIED RESIDENCE.(A) IN GENERAL.

THE TAX LEVIED AND IMPOSED BY THIS SUBTITLE DOES NOT APPLY TO THE FIRST \$30,000 OF THE TAXABLE BASIS ON THE TRANSFER OF OWNER-OCCUPIED RESIDENTIAL PROPERTY IF THE WRITTEN INSTRUMENT INTENDED TO EFFECT THE TRANSFER IS ACCOMPANIED BY A STATEMENT, SIGNED UNDER OATH BY THE TRANSFEREE, THAT THE TRANSFEREE WILL USE THE PROPERTY AS THE TRANSFEREE’S PRINCIPAL RESIDENCE BY ACTUALLY OCCUPYING THE PROPERTY FOR AT LEAST 7 MONTHS OF THE 12-MONTH PERIOD IMMEDIATELY FOLLOWING THE TRANSFER.

(B) APPLICATION.

(1) EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, THE EXEMPTION PROVIDED BY THIS SECTION APPLIES ONLY AGAINST THE TAX THAT THE TRANSFEREE HAS AGREED BY CONTRACT TO PAY OR, IN THE ABSENCE OF AN AGREEMENT, IS RESPONSIBLE FOR PAYING UNDER STATE REAL PROPERTY ARTICLE, §14-104(B) {“DIVISION OF ... TAX: PRESUMPTION”}.

(2) THE EXEMPTION PROVIDED BY THIS SECTION APPLIES AGAINST THE TAX TO BE PAID BY THE TRANSFEROR IF THE TRANSFEROR HAS AGREED BY CONTRACT TO PAY THE ENTIRE AMOUNT OF THE TAX OR IS OTHERWISE RESPONSIBLE FOR PAYING THE ENTIRE AMOUNT UNDER STATE REAL PROPERTY ARTICLE, §14-104(C) {“DIVISION OF ... TAX: FIRST-TIME MARYLAND HOME-BUYERS”}.

Amendment No. 3

On page 2, in line 17, after “2004”, insert “, as to any instrument conveying title or securing a debt that contains a notary acknowledgment dated on or after September 1, 2004, and is presented for recordation on or after September 1, 2004”.

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

Yeas - President and Councilmembers D’Adamo, Stancil, Mitchell, Pugh, Reisinger - Total 6.

Nays - Councilmembers Cain, Garey, Branch, Carter, Young, Curran, Welch, Holton, Rawlings Blake, Spector, Stukes - Total 11.

Out of Chambers - Councilmember Harris - Total 1.

Absent - Councilmember Abayomi - Total 1.

The amendments failed for lack of a majority.

The President ordered the bill, as amended, printed in enrolled form.

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 04-1368**

Councilmember Holton made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 04-1368.

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

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 04-1396**

Councilmember Holton made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 04-1396.

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

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 04-1397**

Councilmember Holton made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 04-1367.

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

ADJOURNMENT

On motion of Councilmember Rawlings Blake, duly seconded, the City Council adjourned to meet on Monday, June 21, 2004, at 5:00 p.m.

Consent Calendar

- CR 9115 Mitchell**
A City Council RESOLUTION congratulating African American Tourism Council of Maryland, Inc. on its 3rd Annual African American Heritage Festival Week, June 14-20, 2004.
- CR 9116 Pugh, All Members**
A City Council RESOLUTION congratulating Evelyn Anita Taylor on the celebration of her 60th birthday.
- CR 9117 D'Adamo**
A City Council RESOLUTION congratulating Roderick Dotson on the occasion of his retirement from the Baltimore City Police Department after 24 years of dedicated service to the department and the citizens of Baltimore.
- CR 9118 Stukes, All Members**
A City Council RESOLUTION on the death of Patricia Sue Robinson, June 6, 1942 – June 8, 2004.
- CR 9119 D'Adamo**
A City Council RESOLUTION congratulating Lt. Eugene O'Sullivan on the occasion of his retirement from the Baltimore City Police Department after 30 years of dedicated service to the department and the citizens of Baltimore.
- CR 9120 D'Adamo**
A City Council RESOLUTION congratulating Sgt. John Sturgeon on the occasion of his retirement from the Baltimore City Police Department after 30 years of dedicated service to the department and the citizens of Baltimore.
- CR 9121 D'Adamo**
A City Council RESOLUTION congratulating Officer Vernetta Hale on the occasion of her retirement from the Baltimore City Police Department after 20 years of dedicated service to the department and the citizens of Baltimore.
- CR 9122 D'Adamo**
A City Council RESOLUTION congratulating Officer Larry Ford on the occasion of his retirement from the Baltimore City Police Department after 20 years of dedicated service to the department and the citizens of Baltimore.
- CR 9123 D'Adamo**
A City Council RESOLUTION congratulating Officer Connie Carney on the occasion of her retirement from the Baltimore City Police Department after 21 years of dedicated service to the department and the citizens of Baltimore.
- CR 9124 President Dixon, All Members**
A City Council RESOLUTION congratulating Gentry Davenport Brice on the celebration of his 90th birthday on June 24th.
- CR 9125 Curran**
A City Council RESOLUTION congratulating Sgt. Drew Hall, Vernetta Hale, Connie Carney and Jim Bocklage on the occasion of their retirement from the Northeastern District Community Relations Unit of the Baltimore City Police Department.

- CR 9126** President Dixon, All Members
A City Council RESOLUTION congratulating Lenora Knox on 32 years of dedicated service to the Baltimore City Public School System.
- CR 9127** Stukes
A City Council RESOLUTION congratulating Ann Goodman on her outstanding and dedicated work with the students and staff at the historical Cherry Hill Elementary/Middle School #159.
- CR 9128** Carter
A City Council RESOLUTION congratulating Sonika McFadden on her graduation from Southeast Middle School.
- CR 9129** Carter
A City Council RESOLUTION congratulating Shameka McFadden on her graduation from Southeast Middle School.
- CR 9130** President Dixon, All Members
A City Council RESOLUTION congratulating Annie Porter on her retirement from Baltimore City Housing Inspection Services after 29 years of dedicated service.
- CR 9131** President Dixon, All Members
A City Council RESOLUTION congratulating Cheryl C. Williams on her retirement from the Baltimore City Public School System after more than 30 years of service.
- CR 9132** Welch
A City Council RESOLUTION congratulating the Frances Ellen Watkins Harper Temple #429 on its Annual Senior's Luncheon, "Seniors Spread the Knowledge, Share the Wisdom".
- CR 9133** President Dixon, All Members
A City Council RESOLUTION congratulating Rose Biggus on her retirement after 24 years of service with the Baltimore City Public School System.
- CR 9134** President Dixon, All Members
A City Council RESOLUTION congratulating Unsey Hamilton on his retirement after 30 years of service with the Baltimore City Public School System.
- CR 9135** Stukes, All Members
A City Council RESOLUTION congratulating Ralph Mallory – President, Julius Murfree – Vice President and Program Chairman, Trustee Kinston Stanley – Recording Secretary, Richard Lewis – Financial Secretary, Deacon Harvey Braxton – Treasurer, Deacon Horace Miller – Chaplain; Members – Deacon Allen Bland, Sr., George Quives, James Cunningham, and Deacon Charles Jeffreys, Deacon Clovis Wheeler, Charles Myers, Douglass Griffin, Benjamin Boone, Rev. George Brown, Deacon Tim Gasque, John Sykes, Trustee Zembra Williams, Jerry Harps, Jr., and Albert Ceo; and Honorary Members – Deacon Walter Harvey, Trustee Samuel Howze and Trustee Richard Mays, on the celebration of the 45th Men's Everready Christian Club Ministry Anniversary and for the faithful and dedicated service they have shown to their families, friends and the citizens in the surrounding community.
- CR 9136** Stukes, All Members
A City Council RESOLUTION on the death of Carrie Coit.

- CR 9137 President Dixon, All Members**
A City Council RESOLUTION congratulating African-American Heritage Festival Foundation on its weekend celebration in Baltimore, Maryland, Friday, June 18th through Sunday, June 20th, 2004.
- CR 9138 Young**
A City Council RESOLUTION congratulating Anne H. Grady on 46 years of loyal and devoted service with the department of Admitting, Johns Hopkins Hospital.
- CR 9139 Stukes, All Members**
A City Council RESOLUTION congratulating Rev. Dr. Daniel E. Moore on receiving his “Honorary Doctorate Degree” and graduating from the Wilbur H. Waters School of Religion.
- CR 9140 Stukes, All Members**
A City Council RESOLUTION on the death of Martha Thomas, September 8, 1968 – June 13, 2004.
- CR 9141 Stukes, All Members**
A City Council RESOLUTION on the death of James Edward (Ed) Pfeiffer, January 7, 1938 – June 16, 2004.
- CR 9142 Stukes, All Members**
A City Council RESOLUTION on the death of Ralph Samuel, November 1, 1923 – June 15, 2004.
- CR 9143 D’Adamo**
A City Council RESOLUTION congratulating Colonel Mark S. Chaney on being named Superintendent of the Maryland Natural Resources Police and on his Oath of Office ceremony.
- CR 9144 D’Adamo**
A City Council RESOLUTION congratulating Reverend Luigi Esposito (Father Lou) on the occasion of the 40th Anniversary of his Priestly Ordination and his service to the community of Our Lady of Pompei.
- CR 9145 Young**
A City Council RESOLUTION congratulating Margaret L. Wilson on 41 years of service to the Baltimore City Public School System.
- CR 9146 D’Adamo**
A City Council RESOLUTION congratulating St. Brigid Roman Catholic Church on the occasion of its 150th Anniversary celebration.
- CR 9147 Welch**
A City Council RESOLUTION congratulating Gene and Dorothy McNeil on 54 years of blissful marriage.

CR 9148 Branch

A City Council RESOLUTION congratulating Sally Dwork-Fisher, Deborah Gardner, Gregory Countess, Carolyn Johnson, Hannah Lieberman, Karen Forbes, Shoynia Hawkins, Claudia Dockes, and Marvin Briscoe on their service above and beyond the call of duty for the relocation and legal assistance on behalf of the residents of Chapel NDP Apartment Complex.