

TWENTY-SIXTH DAY

FIFTH COUNCILMANIC YEAR — SESSION OF 1999-2004

JOURNAL
CITY COUNCIL OF BALTIMORE

November 29, 2004

Sister Mary Fitzgerald, S.S.N.D., Institute of Notre Dame High School, 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

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

God, you have made us. We are different colors, different heights, and different shapes. We are rich and poor; we are old and young; we are all your children. Teach us to cooperate rather than to compete, to respect rather than to revile, to forgive rather than to condemn. You, God turn from no one. May we learn to be like you, to be open to the share of the divine that you have implanted in each of your people. Empower us to forge a bond of love that will make the community of our planning and words a living reality. We ask you tonight to direct us in what we are about to do and guide us in doing it that every prayer and work of ours may glorify your goodness and lead to a better world for all the citizens of Baltimore.

Let the people say, "Amen."

JOURNAL APPROVED

The Journal of November 22, 2004 was read and approved.

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

November 23, 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 04-1339 - An Ordinance concerning - Department of Personnel – Renaming to be “Department of Human Resources” - For the purpose of changing Code references to the Department of Personnel and the Personnel Director to refer instead to the Department of Human Resources and the Human Resources Director, respectively; changing references to the former Division of Occupational Medicine to refer instead to its successor, the City of Baltimore Occupational Medical Service; deleting obsolete references to and the former Division of Occupational Safety; correcting obsolete references to the Civil Service Commission; clarifying, correcting, and conforming certain language; and generally relating to Baltimore City personnel and human resources.

C.C. Bill 04-1407 - An Ordinance concerning - Rezoning — 1901 Light Street, 1921 Light Street, Bed of Johnson Street, and Block 1947, Lot 1 - For the purpose of changing the zoning for the properties known as 1901 Light Street, 1921 Light Street, bed of Johnson Street, and Block 1947, Lot 1, as outlined in red on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District.

C.C. Bill 04-1408 - An Ordinance concerning - Planned Unit Development — Designation — 1901 Light Street, 1921 Light Street, Bed of Johnson Street, and Block 1947, Lot 1 - For the purpose of approving the application of Mark Eisenberg, L-A Investment Acquisitions, LLC, Ossani Investments, Inc., and the Mayor and City Council of Baltimore, which are the owners or contract purchaser of 1901 Light Street, 1921 Light Street, bed of Johnson Street, and Block 1947, Lot 1 (collectively, the “Property”), to have the Property designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

C.C. Bill 04-1424 - An Ordinance concerning - Sale of Property — Former Bed of Johnson Street - 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 Johnson Street and no longer needed for highway or other public use; and providing for a special effective date.

C.C. Bill 04-1429 - An Ordinance concerning - Rezoning — 1328 Haubert Street - For the purpose of 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.

C.C. Bill 04-1481 - An Ordinance concerning - Sale of Property — 1505 Cox Street - 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 property known as 1505 Cox Street, Block 3567, Lot 035 and no longer needed for public use; and providing for a special effective date.

C.C. Bill 04-1514 - An Ordinance concerning - City Property – Expanding Name and Conforming Names of Senator Troy Brailey Park to be “Senator Troy Brailey – Easterwood Park” and Easterwood Recreation Center - For the purpose of expanding the name of Senator Troy Brailey Park, located at 1522 North Bentalou Street, to be “Senator Troy Brailey – Easterwood Park” and expanding the name of Easterwood Recreation Center, located at 1530 N. Bentalou Street, to be “Senator Troy Brailey – Easterwood Recreation Center”.

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. 04-1570 - By Councilmember Pugh, President Dixon, Councilmembers Branch, Young, Reisinger, Mitchell, Rawlings Blake, Welch, Holton, Stancil, Stukes, Carter:

Introduced: November 29, 2004
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Request for State Legislation – Pilot Study – Baltimore City Public Schools Compulsory Attendance Age 18

FOR the purpose of requesting the Baltimore City Senate and House Delegations to the 2005 Maryland General Assembly to introduce legislation to require the State Superintendent of

Education to institute a pilot program in the Baltimore City Public School system to raise the compulsory school attendance age to 18, urging the Governor, the Mayor, the State Superintendent of Education, the Chief Executive Officer of the Baltimore City Public School System, and the Board of School Commissioners to support the pilot program, and imploring teachers, students, and parents of the Baltimore City Public Schools to endorse this change in the compulsory attendance age that seeks to aid our children in securing a productive future.

Recitals

In January 2003, the Baltimore City Council adopted a resolution requesting the 2003 Maryland General Assembly to adopt legislation to make 18 the compulsory attendance age for all students in the State, based on information from the U.S. Department of Education National Center for Education Statistics that showed that over the last decade between 347,000 and 544,000 10th- through 12th- grade students left school each year without successfully completing a high school program. In October 2000, the most recent year for which data was available, some 3.8 million young adults were not enrolled in a high school program and had not completed high school. The nation's drop out rates for minority and low-income students remain disproportionately high when compared to their white and middle/high-income counterparts.

The social problems facing many Baltimore communities confirm national studies that show that dropping out of school carries a high price, dooming a young adult to a continued cycle of missed opportunities and lower expectations. Nationally, 18% of workers with less than a year of high school live below the poverty line, compared to 13% of those who dropped out later in high school and 7% who graduated. Dropouts comprise nearly half of the heads of households on welfare and a similar percentage of the prison population. These statistics do not bode well for our City where the high-school dropout rate approaches 46%–50% of the population over the age of 16.

Data from the Maryland State Police Uniform Crime Report on juvenile violent and non-violent offense arrests indicates that documented risk factors for juvenile delinquency include a lack of educational and job opportunities, poverty, family violence, and inadequate supervision. Poor school performance, including absence from school and falling behind one or more grade levels, increases the likelihood of involvement in criminal activity.

The City-State Partnership for managing the Baltimore school system, that was enacted by law in 1997, has resulted in improved outcome for the elementary grades, where most of the resources have been targeted, but drop out rates for middle and high school students remain virtually unchanged. On state-wide performance assessment tests, student achievement falls far short of State standards in all subjects and all grades, and it is predicted that, if current rates of learning continue, the Baltimore City Public School System could meet State standards between 2012 and 2018, long past the time those currently in the upper grades will have graduated, been pushed out, or have dropped out of the system.

Proposed legislation to institute a pilot program to raise the compulsory attendance age to 18 in Baltimore City will address the needs of children who have not benefitted from modern educational practices that address the total developmental and social needs of the student. The program can be structured to take into account social realities by providing apprenticeships, work study, or independent study for students who have prematurely entered the world of parenthood. Raising the compulsory attendance age will provide those who need it additional time, without stigma, and allow graduation before the age of 18 for those who don't.

By authorizing a pilot program in Baltimore, the State Department of Education will benefit by gauging the efficacy of raising the compulsory age to 18 while a generation of Baltimore City students will gain additional time to satisfy the requirements for graduation without undue pressure from their peers and a society that threatens to pass them by.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That this Body respectfully requests the Baltimore City Senate and House Delegations to the 2005 Maryland General Assembly to introduce legislation to require the State Superintendent of Education to institute a pilot program in the Baltimore City Public School system to raise the compulsory school attendance age to 18, urges the Governor, the Mayor, the State Superintendent of Education, the Chief Executive Officer of the Baltimore City Public School System, and the Board of School Commissioners to support the pilot program, and implores teachers, students, and parents of the Baltimore City Public Schools to endorse this change in the compulsory attendance age that seeks to aid our children in securing a productive future.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Mayor, the Honorable Chairs and Members of the Baltimore City Delegation to the 2005 Session of the Maryland General Assembly, the State Superintendent of Education, the Chief Executive Officer of the Baltimore City Public School System, the Board of School Commissioners, and the Mayor's Legislative Liaison to the City Council.

Councilmember Pugh 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the Rules "Suspended".

Then Councilmember Pugh 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the Resolution "Adopted".

Bill No. 04-1571 - By Councilmembers Stukes, Branch, Young, Reisinger, Mitchell, Pugh, Rawlings Blake, Holton, Welch, Stancil:

A Resolution calling upon the Mayor, the Baltimore Police Commissioner, the Health Commissioner, and the Baltimore City Criminal Justice Coalition to work together to develop a comprehensive approach to prostitution that incorporates the varied approaches of predicting social and economic trends that put women in danger of turning to prostitution as a means of survival; to cooperate in developing and implementing social safety-nets and legal interventions that discourage women from engaging in this illegal and demoralizing activity; and to concentrate law enforcement efforts in apprehending and adjudicating the social deviants that habitually prey on this vulnerable and stigmatized population.

The bill was read the first time and referred to the Police Department, Health Department, Baltimore City Criminal Justice Coalition, Education and Labor Subcommittee.

Bill No. 04-1572 - By Councilmembers Stukes, Harris, Curran:

Introduced: November 29, 2004
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Million Man March – Ten Year Anniversary Fund

FOR the purpose of establishing the Baltimore City Council Million Man March Ten Year Anniversary Fund to celebrate the 10 year anniversary of the Million Man March and to set up a program to help raise funds for the Mt. Auburn cemetery in honor of the occasion.

Recitals

On October 16th 1995, hundreds of thousands of African American men met on the mall in Washington D.C., raised their hands and took a pledge to improve their lives and the lives of their wives, children and families. This day was a monumental day in Black history. In the year 2005, we are going to be given the opportunity to celebrate the 10 year anniversary of this occasion. Out of all the major cities in the country, Baltimore City had the highest per capita turnout of people that went to the march. Therefore, we as a city should do something special to commemorate this day.

First, Baltimore City will be divided into 10 "villages", each village representing 1 year since the march. The goal of each village will be to help raise \$100,000, with all 10 totaling \$1,000,000, in honor of the million man march. In order to facilitate this fund raising process, each "village" will have an organizational center. Whether it be a church, a school or some other establishment in the area, these centers will serve as a financial and spiritual center for the fund raising operation.

The money raised will go to help restore Mount Auburn Cemetery. Mount Auburn Cemetery was established in 1872 by the Sharp Street Methodist Church, as one of the first cemeteries owned and operated by free African-Americans. It was known as the "City of the Dead Colored People", and was said to be the final resting place for persons important to the African-American community. Among the first persons buried there were runaway slaves who had escaped by way of the Underground Railroad.

Many community leaders, civil rights activists, physicians, lawyers, jurists, and publishers are among the 79,000 persons buried on these 33 acres. Though, declared an historical landmark by the Commission of Historical and Architectural Preservation, the cemetery has fallen into an embarrassing state of neglect and disrepair.

Mount Auburn was an integral part of the community at a time when African-Americans were segregated into the confines of a narrow world. From birth in a "colored" ward to burial in a "colored" cemetery, African-Americans lived an almost separate existence, bounded on all sides by racial discrimination.

Baltimore City has neglected this landmark long enough, and now with the 10th year anniversary of the Million Man March approaching, we as a city have an opportunity to not only celebrate the freedom we have in this country, but to save one of our most historical African American landmarks.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Council establish the Baltimore City Council Million Man March Ten Year Anniversary Fund to celebrate the 10 year anniversary of the Million Man March and to set up a program to help raise funds for the Mt. Auburn cemetery in honor of the occasion. .

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to The Mayor, The Mayor's Legislative Liaison to the Council, Department of Finance.

Councilmember Stukes 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the Rules "Suspended".

Then Councilmember Stukes 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

The President declared the Resolution "Adopted".

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS NO. 9932, 9933, 9934, 9935, 9936, 9937, 9938, 9939, 9940, 9941, 9942, 9943, 9944, 9945, 9946, 9947, 9948, 9949, 9950, 9951, 9952, 9953, 9954, 9955, 9956, 9957, 9958, 9959, 9960, 9961, AND 9962 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.

COMMITTEE REPORTS

BILL NO. 04-1490 REPORTED FAVORABLY, WITH AMENDMENTS, AND ORDERED PRINTED FOR THIRD READING

Councilmember Garey, for the Land Use and Planning Committee, reported Bill No. 04-1490 favorably, with amendments.

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 148 South Monastery Avenue, as outlined in red on the accompanying plat.

Amendments to City Council Bill No. 04-1490

Amendment No. 1

On page 1, in line 16, strike “condition that the” and substitute “following conditions:”

1. The maximum number of residents is 9, including a resident manager.
2. 24-hour supervision must be provided.
3. Sleeping rooms for clients may not be in the basement.
4. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
5. The”;

and, in line 17, strike “complies” and substitute “must comply”.

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. 04-1371 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Mitchell, for the Taxation Committee, reported Bill No. 04-1371 favorably, with amendments.

An Ordinance authorizing certain deductions to be made pursuant to a divorce-settlement agreement under certain circumstances; correcting, clarifying, and conforming certain language; and generally relating to the assignment of pensions, annuities, and retirement allowances.

Amendments to City Council Bill No. 04-1371

Amendment No. 1

On page 1, strike line 3 in its entirety and substitute “**Attachments and Assignments**”; and, on the same page, strike beginning with “authorizing” in line 4 through “allowances” in line 7, and substitute:

“amending and clarifying certain anti-alienation provisions that exempt and protect pension benefits from attachment and assignment for the benefit of creditors; adding certain exceptions to the prohibitions against assignments; adding a new anti-alienation provision for the Elected Officials’ Retirement System; clarifying, correcting, and conforming certain language; and generally relating to the Retirement Systems of Baltimore City”.

Amendment No. 2

On page 1, after line 12, insert:

“BY adding
Article 22 - Retirement Systems
Section(s) 25
Baltimore City Code
(Edition 2000)”.

Amendment No. 3

Strike beginning with “**Subtitle**” on page 1, line 17, through the period on page 3, line 11, and substitute:

“Subtitle – Employees’ Retirement System

§ 11. Exemption from assignment and execution.

[The right of a person to a pension, an annuity, a retirement allowance, or a total retirement benefit, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit or death benefit, or any other right or benefit accrued or accruing to any person under the provisions of this subtitle, and the moneys in the various funds created by this subtitle, shall not be subject to execution, garnishment, attachment, or any other process whatsoever, and shall be unassignable, except as follows:

- (a) deductions may be made from the pension, annuity or total retirement benefits of a retired member or beneficiary for any payroll deduction authorized by the City for its employees, provided that the retired member or beneficiary has consented thereto in writing on a form approved by the Director of Finance; and
- (b) the accumulated contributions or any part thereof of a member withdrawing from service may be paid to any person, firm or corporation for which payroll deductions are authorized by the City for its employees, provided that the member has consented thereto in writing.]

(A) IN GENERAL.

- (1) IN THIS SECTION, “SYSTEM” MEANS EITHER THE EMPLOYEES’ RETIREMENT SYSTEM OR THE ELECTED OFFICIAL’S RETIREMENT SYSTEM, AS APPLICABLE TO THE CIRCUMSTANCES.
- (2) A PERSON MAY NOT ATTACH, EXECUTE, GARNISH, OR OTHERWISE SEIZE ANY CURRENT OR FUTURE BENEFIT PROVIDED BY A SYSTEM OR ANY MONEY IN A FUND OR AN ACCOUNT CREATED BY A SYSTEM.
- (3) ALL CURRENT AND FUTURE BENEFITS PROVIDED BY A SYSTEM AND ALL MONEY IN A FUND OR AN ACCOUNT CREATED BY A SYSTEM ARE UNASSIGNABLE, EXCEPT AS SPECIFIED IN THIS SECTION.

(B) EXCEPTIONS – PAYROLL DEDUCTIONS.

A RETIREE OR BENEFICIARY OF A SYSTEM MAY ELECT TO HAVE THE BOARD OF TRUSTEES DEDUCT FROM HIS OR HER ALLOWANCE, LUMP-SUM BENEFIT PAYMENT, OR RETURN OF CONTRIBUTIONS, ANY PAYROLL DEDUCTION OR PAYMENT AUTHORIZATION AUTHORIZED BY THE CITY FOR ITS EMPLOYEES, IF THE RETIREE OR BENEFICIARY HAS CONSENTED TO THE DEDUCTION IN WRITING ON A FORM APPROVED BY THE DIRECTOR OF FINANCE.

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(C) EXCEPTIONS – COURT ORDERS.

A COURT OF COMPETENT JURISDICTION MAY EXPRESSLY ORDER THAT A BENEFIT OR PAYMENT BY A SYSTEM BE ASSIGNED PURSUANT TO:

- (1) A DECREE OR ORDER OF ALIMONY OR CHILD SUPPORT;
- (2) A DOMESTIC RELATIONS ORDER AS DEFINED IN SUBSECTION (D) OF THIS SECTION; OR
- (3) A COURT ORDER APPOINTING THE ASSIGNEE AS GUARDIAN OVER THE PROPERTY OF THE MEMBER.

(D) EXCEPTIONS – DOMESTIC RELATIONS ORDERS.

A MEMBER'S COURT-APPROVED PROPERTY SETTLEMENT AGREEMENT INCIDENT TO A DIVORCE DECREE OR A DIVISION OF MARITAL PROPERTY PURSUANT TO A COURT ORDER AUTHORIZING THE PAYMENT OF PENSION BENEFITS TO AN ALTERNATE PAYEE (AS DEFINED IN THE INTERNAL REVENUE CODE, 26 U.S.C. §414(P)(8), AS AMENDED) SHALL BE ACCEPTED BY THE BOARD AS A DOMESTIC RELATIONS ORDER IF THAT DECREE OR ORDER:

- (1) DOES NOT REQUIRE A SYSTEM TO PROVIDE ANY TYPE OR FORM OF BENEFIT OR ANY OPTIONS NOT ALREADY PROVIDED BY THE SYSTEM;
- (2) REQUIRES A SYSTEM TO PROVIDE NO MORE THAN THE TOTAL AMOUNT OF BENEFITS THAT THE MEMBER WOULD OTHERWISE RECEIVE (DETERMINED ON THE BASIS OF ACTUARIAL VALUES);
- (3) SPECIFIES THE AMOUNT OR PERCENTAGE OF THE MEMBER'S BENEFITS TO BE PAID BY THE SYSTEM TO AN ALTERNATE PAYEE OR THE MANNER IN WHICH THE AMOUNT OR PERCENTAGE IS TO BE DETERMINED;
- (4) SPECIFIES (OR, TO PROTECT THE PARTIES' PRIVACY, REQUIRES SUBMISSION BY SEPARATE WRITING OF) THE NAME, SOCIAL SECURITY NUMBER, BIRTH DATE, AND LAST KNOWN MAILING ADDRESS OF THE MEMBER AND OF THE ALTERNATE PAYEE COVERED BY THE ORDER AND STATES THAT IT IS THE RESPONSIBILITY OF THE ALTERNATE PAYEE TO KEEP A CURRENT MAILING ADDRESS ON FILE WITH THE SYSTEM;
- (5) DOES NOT GRANT AN ALTERNATE PAYEE ANY OF THE RIGHTS, OPTIONS, OR PRIVILEGES OF A RETIREE OR BENEFICIARY OTHER THAN AN ASSIGNED PERCENTAGE OR AMOUNT OF THE MEMBER'S PENSION BENEFIT OR SURVIVORSHIP BENEFIT;

(6) DOES NOT REQUIRE A SYSTEM TO COMMENCE PAYMENT OF ANY TYPE OR FORM OF BENEFIT TO AN ALTERNATE PAYEE PRIOR TO A MEMBER'S ACTUAL DATE OF RETIREMENT OR DEATH; AND

(7) DOES NOT REQUIRE A SYSTEM TO TREAT THE ALTERNATE PAYEE AS A SURVIVING SPOUSE.

(E) EXCEPTIONS – FEDERAL TAX LIENS.

IN SATISFACTION OF A U.S. INTERNAL REVENUE SERVICE NOTICE OF LEVY FOR UNPAID TAXES OF A MEMBER OR BENEFICIARY THAT HAS TERMINATED EMPLOYMENT, A SYSTEM MAY PAY ALL OR PART OF:

(1) A MEMBER'S OR BENEFICIARY'S BENEFITS FROM THE SYSTEM; OR

(2) A MEMBER'S REFUND OF ACCUMULATED CONTRIBUTIONS, IN WHICH CASE THE NON-TAX-DEFERRED PORTION OF THOSE CONTRIBUTIONS SHALL BE DEEMED TO HAVE BEEN PAID IN SATISFACTION OF THE LEVY BEFORE ANY TAX-DEFERRED CONTRIBUTIONS.

(F) EXCEPTIONS – POWER OF ATTORNEY.

A SYSTEM MAY PAY THE BENEFITS OTHERWISE DUE A MEMBER OR BENEFICIARY TO THAT MEMBER'S OR BENEFICIARY'S ATTORNEY-IN-FACT, AS AGENT OF THE MEMBER OR BENEFICIARY, IF THE MEMBER OR BENEFICIARY PROPERLY DESIGNATED THE ATTORNEY-IN-FACT TO ACT AS AGENT UNDER A DULY EXECUTED DURABLE POWER OF ATTORNEY.

(G) EXCEPTIONS – CUSTODIAN UNDER UNIFORM TRANSFERS TO MINORS' ACT.

A SYSTEM MAY PAY THE BENEFITS OTHERWISE DUE A MINOR BENEFICIARY TO A CUSTODIAN VALIDLY APPOINTED FOR THE MINOR UNDER THE MARYLAND UNIFORM TRANSFERS TO MINORS ACT, TITLE 13, SUBTITLE 3, OF THE MARYLAND ESTATES AND TRUSTS ARTICLE OR A SIMILAR OUT-OF-STATE PROVISION.

(H) EXCEPTIONS – TRUSTEE.

A SYSTEM MAY PAY THE BENEFITS OTHERWISE DUE A MEMBER OR BENEFICIARY TO THE MEMBER'S OR BENEFICIARY'S TRUSTEE, AS TRUSTEE OF THE MEMBER OR BENEFICIARY, IF THE TRUSTEE WAS DESIGNATED TRUSTEE OF THE MEMBER OR BENEFICIARY UNDER AN ENFORCEABLE *INTER VIVOS* OR TESTAMENTARY TRUST AGREEMENT.

(I) EXCEPTIONS – REPRESENTATIVE PAYEE.

A SYSTEM MAY PAY THE BENEFITS OTHERWISE DUE A MEMBER OR BENEFICIARY TO THE MEMBER'S OR BENEFICIARY'S SOCIAL SECURITY

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“REPRESENTATIVE PAYEE” PURSUANT TO THE SOCIAL SECURITY ACT, 42 U.S.C. §405(J), AS AMENDED.

(J) EXCEPTIONS – PAYMENTS OF FUNERAL EXPENSES.

A SYSTEM MAY PAY ALL OR PART OF A DEATH BENEFIT PAYABLE ON ACCOUNT OF THE DEATH OF A MEMBER TO A FUNERAL ESTABLISHMENT PROVIDING FUNERAL SERVICES TO THE DECEASED MEMBER, IF THE BENEFICIARY OF THE MEMBER HAS CONSENTED TO THAT PAYMENT IN WRITING ON A FORM APPROVED BY THE BOARD.

(K) NOTICE TO BOARD OF TRUSTEES.

AN ASSIGNMENT UNDER THIS SECTION APPLIES ONLY TO BENEFITS PAID AFTER THE BOARD OF TRUSTEES RECEIVES:

- (1) WRITTEN NOTICE OF THE COURT DECREE OR ORDER, POWER OF ATTORNEY, CUSTODIAL INSTRUMENT OF DESIGNATION, TRUST DOCUMENT, PAYEE REPRESENTATIVE CERTIFICATION, ASSIGNMENT TO FUNERAL ESTABLISHMENT, OR NOTICE OF TAX LEVY; AND
- (2) ANY ADDITIONAL INFORMATION THAT THE BOARD OF TRUSTEES REQUIRES.

(L) NOTICE OF FRAUD OR MISUSE.

IF THE BOARD OF TRUSTEES, THE SOCIAL SECURITY ADMINISTRATION, OR A COURT OF COMPETENT JURISDICTION DETERMINES THAT FUNDS PAID TO ANY PERSON UNDER THIS SECTION HAVE BEEN MISUSED, PAYMENT OF BENEFITS WILL BE PROMPTLY REVOKED.

(M) LIMITATION ON BOARD'S LIABILITY.

THE BOARD OF TRUSTEES IS NOT LIABLE FOR AN IMPROPER PAYMENT TO A PERSON THAT RESULTS FROM THE BOARD'S NONRECEIPT OF:

- (1) WRITTEN NOTICE OF THE COURT DECREE OR ORDER, POWER OF ATTORNEY, CUSTODIAL INSTRUMENT OF DESIGNATION, TRUST DOCUMENT, PAYEE REPRESENTATIVE CERTIFICATION, ASSIGNMENT TO FUNERAL ESTABLISHMENT, OR NOTICE OF TAX LEVY; OR
- (2) ANY ADDITIONAL INFORMATION THAT THE BOARD REQUIRED IN ORDER TO EXECUTE THE PAYMENT.

Subtitle – Elected Officials’ Retirement System

§ 25. EXEMPTION FROM ASSIGNMENT AND EXECUTION.

ANY CURRENT OR FUTURE BENEFIT PROVIDED BY THIS SYSTEM AND ANY MONEY IN A FUND OR AN ACCOUNT CREATED BY THIS SYSTEM IS EXEMPT FROM ATTACHMENT, ASSIGNMENT, OR EXECUTION AS PROVIDED IN § 11 OF THIS ARTICLE, SUBJECT TO THE EXCEPTIONS DELINEATED IN THAT SECTION.

Subtitle – Fire and Police Employees’ Retirement System

§ 38. Exemption from assignment and execution.

[The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit or death benefit, or any right or benefit accrued or accruing to any person under the provisions of this subtitle, and the moneys in the various funds created by this subtitle, shall not be subject to execution, garnishment, attachment, or any other process whatsoever and shall be unassignable except as follows:

- (a) deductions may be made from the pension, annuity or retirement allowance of a retired member for any payroll deduction authorized by the City for its employees, provided that the retired member has consented thereto in writing on a form approved by the Director of Finance; and
- (b) the accumulated contributions or any part thereof of a member withdrawing from service may be paid to any person, firm or corporation for which payroll deductions are authorized by the City for its employees, provided that the member has consented thereto in writing.]

(A) IN GENERAL.

- (1) A PERSON MAY NOT ATTACH, EXECUTE, GARNISH, OR OTHERWISE SEIZE ANY CURRENT OR FUTURE BENEFIT PROVIDED BY THIS SYSTEM OR ANY MONEY IN A FUND OR AN ACCOUNT CREATED BY THIS SYSTEM.
- (2) ALL CURRENT AND FUTURE BENEFITS PROVIDED BY THIS SYSTEM AND ALL MONEY IN A FUND OR AN ACCOUNT CREATED BY THIS SYSTEM ARE UNASSIGNABLE, EXCEPT AS SPECIFIED IN THIS SECTION.

(B) EXCEPTIONS – PAYROLL DEDUCTIONS.

A RETIREE OR BENEFICIARY MAY ELECT TO HAVE THE BOARD OF TRUSTEES DEDUCT FROM HIS OR HER ALLOWANCE, LUMP-SUM BENEFIT PAYMENT, OR RETURN OF CONTRIBUTIONS, ANY PAYROLL DEDUCTION OR PAYMENT

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AUTHORIZATION AUTHORIZED BY THE CITY FOR ITS EMPLOYEES, IF THE RETIREE OR BENEFICIARY HAS CONSENTED TO THE DEDUCTION IN WRITING ON A FORM APPROVED BY THE DIRECTOR OF FINANCE.

(C) EXCEPTIONS – COURT ORDERS.

A COURT OF COMPETENT JURISDICTION MAY EXPRESSLY ORDER THAT A BENEFIT OR PAYMENT BY THE SYSTEM BE ASSIGNED PURSUANT TO:

- (1) A DECREE OR ORDER OF ALIMONY OR CHILD SUPPORT;
- (2) A DOMESTIC RELATIONS ORDER AS DEFINED IN SUBSECTION (D) OF THIS SECTION; OR
- (3) A COURT ORDER APPOINTING THE ASSIGNEE AS GUARDIAN OVER THE PROPERTY OF THE MEMBER.

(D) EXCEPTIONS – DOMESTIC RELATIONS ORDERS.

A MEMBER’S COURT-APPROVED PROPERTY SETTLEMENT AGREEMENT INCIDENT TO A DIVORCE DECREE OR A DIVISION OF MARITAL PROPERTY PURSUANT TO A COURT ORDER AUTHORIZING THE PAYMENT OF PENSION BENEFITS TO AN ALTERNATE PAYEE (AS DEFINED IN THE INTERNAL REVENUE CODE, 26 U.S.C. §414(P)(8), AS AMENDED) SHALL BE ACCEPTED BY THE BOARD AS A DOMESTIC RELATIONS ORDER IF THAT DECREE OR ORDER:

- (1) DOES NOT REQUIRE THE SYSTEM TO PROVIDE ANY TYPE OR FORM OF BENEFIT OR ANY OPTIONS NOT ALREADY PROVIDED BY THIS SUBTITLE;
- (2) REQUIRES THE SYSTEM TO PROVIDE NO MORE THAN THE TOTAL AMOUNT OF BENEFITS THAT THE MEMBER WOULD OTHERWISE RECEIVE (DETERMINED ON THE BASIS OF ACTUARIAL VALUES);
- (3) SPECIFIES THE AMOUNT OR PERCENTAGE OF THE MEMBER’S BENEFITS TO BE PAID BY THE SYSTEM TO AN ALTERNATE PAYEE OR THE MANNER IN WHICH THE AMOUNT OR PERCENTAGE IS TO BE DETERMINED;
- (4) SPECIFIES (OR, TO PROTECT THE PARTIES’ PRIVACY, REQUIRES SUBMISSION BY SEPARATE WRITING OF) THE NAME, SOCIAL SECURITY NUMBER, BIRTH DATE, AND LAST KNOWN MAILING ADDRESS OF THE MEMBER AND OF THE ALTERNATE PAYEE COVERED BY THE ORDER AND STATES THAT IT IS THE RESPONSIBILITY OF THE ALTERNATE PAYEE TO KEEP A CURRENT MAILING ADDRESS ON FILE WITH THE SYSTEM;

(5) DOES NOT GRANT AN ALTERNATE PAYEE ANY OF THE RIGHTS, OPTIONS, OR PRIVILEGES OF A RETIREE OR BENEFICIARY UNDER THIS SUBTITLE OTHER THAN AN ASSIGNED PERCENTAGE OR AMOUNT OF THE MEMBER'S PENSION BENEFIT OR SURVIVORSHIP BENEFIT;

(6) DOES NOT REQUIRE THE SYSTEM TO COMMENCE PAYMENT OF ANY TYPE OR FORM OF BENEFIT TO AN ALTERNATE PAYEE PRIOR TO A MEMBER'S ACTUAL DATE OF RETIREMENT OR DEATH; AND

(7) DOES NOT REQUIRE THE SYSTEM TO TREAT THE ALTERNATE PAYEE AS A SURVIVING SPOUSE.

(E) EXCEPTIONS – FEDERAL TAX LIENS.

IN SATISFACTION OF A U.S. INTERNAL REVENUE SERVICE NOTICE OF LEVY FOR UNPAID TAXES OF A MEMBER OR BENEFICIARY THAT HAS TERMINATED EMPLOYMENT, THE SYSTEM MAY PAY ALL OR PART OF:

(1) A MEMBER'S OR BENEFICIARY'S BENEFITS FROM THE SYSTEM; OR

(2) A MEMBER'S REFUND OF ACCUMULATED CONTRIBUTIONS, IN WHICH CASE THE NON-TAX-DEFERRED PORTION OF THOSE CONTRIBUTIONS SHALL BE DEEMED TO HAVE BEEN PAID IN SATISFACTION OF THE LEVY BEFORE ANY TAX-DEFERRED CONTRIBUTIONS.

(F) EXCEPTIONS – POWER OF ATTORNEY.

THE SYSTEM MAY PAY THE BENEFITS OTHERWISE DUE A MEMBER OR BENEFICIARY TO THAT MEMBER'S OR BENEFICIARY'S ATTORNEY-IN-FACT, AS AGENT OF THE MEMBER OR BENEFICIARY, IF THE MEMBER OR BENEFICIARY PROPERLY DESIGNATED THE ATTORNEY-IN-FACT TO ACT AS AGENT UNDER A DULY EXECUTED DURABLE POWER OF ATTORNEY.

(G) EXCEPTIONS – CUSTODIAN UNDER UNIFORM TRANSFERS TO MINORS' ACT.

THE SYSTEM MAY PAY THE BENEFITS OTHERWISE DUE A MINOR BENEFICIARY TO A CUSTODIAN VALIDLY APPOINTED FOR THE MINOR UNDER THE MARYLAND UNIFORM TRANSFERS TO MINORS ACT, TITLE 13, SUBTITLE 3, OF THE MARYLAND ESTATES AND TRUSTS ARTICLE OR SIMILAR OUT-OF-STATE PROVISION.

(H) EXCEPTIONS – TRUSTEE.

THE SYSTEM MAY PAY THE BENEFITS OTHERWISE DUE A MEMBER OR BENEFICIARY TO THE MEMBER'S OR BENEFICIARY'S TRUSTEE, AS TRUSTEE OF THE MEMBER OR BENEFICIARY, IF THE TRUSTEE WAS DESIGNATED TRUSTEE OF THE MEMBER OR BENEFICIARY UNDER AN ENFORCEABLE INTER VIVOS OR TESTAMENTARY TRUST AGREEMENT.

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(I) EXCEPTIONS – REPRESENTATIVE PAYEE.

THE SYSTEM MAY PAY THE BENEFITS OTHERWISE DUE A MEMBER OR BENEFICIARY TO THE MEMBER’S OR BENEFICIARY’S SOCIAL SECURITY “REPRESENTATIVE PAYEE” PURSUANT TO THE SOCIAL SECURITY ACT, 42 U.S.C. §405(J), AS AMENDED.

(J) EXCEPTIONS – PAYMENTS OF FUNERAL EXPENSES.

THE SYSTEM MAY PAY ALL OR PART OF A DEATH BENEFIT PAYABLE ON ACCOUNT OF THE DEATH OF A MEMBER TO A FUNERAL ESTABLISHMENT PROVIDING FUNERAL SERVICES TO THE DECEASED MEMBER, IF THE BENEFICIARY OF THE MEMBER HAS CONSENTED TO THAT PAYMENT IN WRITING ON A FORM APPROVED BY THE BOARD.

(K) NOTICE TO BOARD OF TRUSTEES.

AN ASSIGNMENT UNDER THIS SECTION APPLIES ONLY TO BENEFITS PAID AFTER THE BOARD OF TRUSTEES RECEIVES:

- (1) WRITTEN NOTICE OF THE COURT DECREE OR ORDER, POWER OF ATTORNEY, CUSTODIAL INSTRUMENT OF DESIGNATION, TRUST DOCUMENT, PAYEE REPRESENTATIVE CERTIFICATION, ASSIGNMENT TO FUNERAL ESTABLISHMENT, OR NOTICE OF TAX LEVY; AND
- (2) ANY ADDITIONAL INFORMATION THAT THE BOARD OF TRUSTEES REQUIRES.

(L) NOTICE OF FRAUD OR MISUSE.

IF THE BOARD OF TRUSTEES, THE SOCIAL SECURITY ADMINISTRATION, OR A COURT OF COMPETENT JURISDICTION DETERMINES THAT FUNDS PAID TO ANY PERSON UNDER THIS SECTION HAVE BEEN MISUSED, PAYMENT OF BENEFITS WILL BE PROMPTLY REVOKED.

(M) LIMITATION ON BOARD’S LIABILITY.

THE BOARD OF TRUSTEES IS NOT LIABLE FOR AN IMPROPER PAYMENT TO A PERSON THAT RESULTS FROM THE BOARD’S NONRECEIPT OF:

- (1) WRITTEN NOTICE OF THE COURT DECREE OR ORDER, POWER OF ATTORNEY, CUSTODIAL INSTRUMENT OF DESIGNATION, TRUST DOCUMENT, PAYEE REPRESENTATIVE CERTIFICATION, ASSIGNMENT TO FUNERAL ESTABLISHMENT, OR NOTICE OF TAX LEVY; OR
- (2) ANY ADDITIONAL INFORMATION THAT THE BOARD REQUIRED IN ORDER TO EXECUTE THE PAYMENT.”.

The amendments were read and adopted, with Councilmember Pugh out of Chambers.

Favorable report, as amended, adopted, with Councilmember Pugh out of Chambers.

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

**BILL NO. 04-1545 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Mitchell, for the Taxation Committee, reported Bill No. 04-1545 favorably, with amendments.

An Ordinance allowing certain members and former members of the Fire and Police Employees' Retirement System to apply for line-of-duty disability benefits, under certain circumstances, without regard to the 5-year limitations period otherwise set by law; providing for a special effective date; and generally relating to the Fire and Police Employees' Retirement System.

Amendments to City Council Bill No. 04-1545

Amendment No. 1

On page 1, in line 3, strike "members and former members" and substitute "members, former members, and retired members".

Amendment No. 2

On page 3, in line 8, strike "*RULE*" and substitute "*RULES*"; and, at the beginning of line 9, insert "(1)"; and in line 14 and line 16, strike "(1)" and "(2)", respectively, and substitute "(I)" and "(II)", respectively; and, after line 17, insert:

"(2) IF A RETIRED OR FORMER MEMBER WAS DENIED A LINE-OF-DUTY DISABILITY BENEFIT BECAUSE A HEARING EXAMINER FOUND THAT HE OR SHE HAD NOT FILED THE APPLICATION WITHIN 5 YEARS OF HIS OR HER INJURY, THE RETIRED OR FORMER MEMBER IS NONETHELESS ENTITLED TO THE LINE-OF-DUTY DISABILITY BENEFIT IF SHE OR HE:

(I) FILES A NEW COMPLETED APPLICATION WITH THE BOARD OF TRUSTEES ON OR AFTER JANUARY 3, 2005, AND ON OR BEFORE APRIL 1, 2005;
AND

(II) IS FOUND BY A HEARING EXAMINER TO BE OTHERWISE ELIGIBLE FOR THE LINE-OF-DUTY DISABILITY BENEFIT ORIGINALLY APPLIED FOR BY HAVING MET ALL OTHER CRITERIA SET BY LAW AT THE TIME OF HIS OR HER ORIGINAL APPLICATION."

Amendment No. 3

On page 3, before line 18, insert:

“SECTION 2. AND BE IT FURTHER ORDAINED, That any increased benefits payable to a retired or former member who applies for and is granted line-of-duty disability benefits under Article 22, § 34(r-1)(2), as enacted by this Ordinance, are to be paid prospectively from the date on which the member files his or her new application. Any benefit increases under Article 22, § 36A applicable to a line-of-duty disability benefit granted under § 34(r-1)(2) shall be calculated as if the member had been awarded the line-of-duty disability effective with his or her date of retirement, but the additional § 36A benefit increases shall only be paid prospectively from the date the retired member files his or her new application under § 34(r-1)(2).”;

and, in line 18 and line 21, strike “2” and “3”, respectively, and substitute “3” and “4”, respectively.

The amendments were read and adopted, with Councilmember Pugh out of Chambers.

Favorable report, as amended, adopted, with Councilmember Pugh out of Chambers.

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

**BILL NO. 04-1550 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Mitchell, for the Taxation Committee, reported Bill No. 04-1550 favorably, with amendments.

An Ordinance establishing a Baltimore Benefits Commission; providing for its membership, organization, and officers; specifying its duties; and generally relating to benefits provided to active and retired employees of Baltimore City.

Amendments to City Council Bill No. 04-1550

Amendment No. 1

On page 2, in line 1 and line 3, strike “16” and “14”, respectively, and substitute “17” and “15”, respectively; and, after line 22, insert:

“(15) CHAIR, BALTIMORE CITY COUNCIL AD HOC TASK FORCE TO STUDY BENEFITS FOR ACTIVE AND RETIRED MEMBERS.”.

Amendment No. 2

On page 1, in line 8, strike “50-5” and substitute “50-6”; and, on page 3, after line 29, insert:

“§ 50-6. COOPERATION WITH COMMISSION.

(A) IN GENERAL.

ANY INFORMATION THAT THE COMMISSION REQUESTS FROM A CITY DEPARTMENT OR AGENCY SHALL BE PROVIDED TO THE COMMISSION IN A TIMELY MANNER, SO AS NOT TO IMPEDE THE COMMISSION’S PURPOSE AND FUNCTION.

(B) DEPARTMENT OF HUMAN RESOURCES.

THE CITY DEPARTMENT OF HUMAN RESOURCES SHALL MAKE AVAILABLE TO THE COMMISSION THE FINDINGS OF ALL HEALTH CARE OR PRESCRIPTION DRUG PLANS THAT PERTAIN TO CITY EMPLOYEES AND RETIREES.”.

The amendments were read and adopted, with Councilmember Pugh out of Chambers.

Then President Dixon made a motion, which was seconded, to offer an amendment.

Amendment No. 1

On page 3, strike lines 23 through 25, in their entirety; and, in line 26 and line 28, strike “(III)” and “(IV)”, respectively, and substitute “(I)” and “(II)”, respectively.

The amendment was read and adopted, with Councilmember Pugh out of Chambers.

Favorable report, as amended, adopted.

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

**BILL NO. 04-1563 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Mitchell, for the Taxation Committee, reported Bill No. 04-1563 favorably, with amendments.

An Ordinance specifying how the partial exemption from recordation tax for certain residential property is to be applied as between the buyer and seller; and providing for a special effective date.

Amendments to City Council Bill No. 04-1563

Amendment No. 1

On page 2, strike lines 2 through 11, in their entirety, and substitute:

“(1) EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BUYER SHALL RECEIVE THE ENTIRE EXEMPTION PROVIDED BY THIS SECTION, IRRESPECTIVE OF (1) ANY CONTRACTUAL PROVISIONS CONCERNING THE

DIVISION OF TAXES BETWEEN THE BUYER AND THE SELLER AND (II) THE PRESUMPTION UNDER STATE REAL PROPERTY ARTICLE § 14-104(B) {"DIVISION OF ... TAX: PRESUMPTION"}.

(2) THE SELLER SHALL RECEIVE THE ENTIRE EXEMPTION PROVIDED BY THIS SECTION IF (I) THE SELLER HAS AGREED BY CONTRACT TO PAY THE ENTIRE AMOUNT OF THE TAX IMPOSED BY THIS SUBTITLE OR (II) THE SELLER IS RESPONSIBLE FOR PAYING THE ENTIRE AMOUNT OF THE TAX UNDER STATE REAL PROPERTY ARTICLE § 14-104(C) {"DIVISION OF ... TAX: FIRST-TIME MARYLAND HOME-BUYERS"}."

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.

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. 04-1493 - An Ordinance approving certain amendments to the Development Plan of the Port Covington Planned Unit Development.

THIRD READING

The President laid before the City Council:

BILL NO. 01-0597 - An Ordinance designating Veterans' Day as a legal holiday for the City of Baltimore; and generally relating to the observance of certain holidays by the City.

It was read the third time.

Then Councilmember Curran offered the following amendments to the bill:

Amendments to City Council Bill No. 01-0597

Amendment No. 1

On page 1, in line 2, after the semicolon, insert "providing for a special effective date;".

Amendment No. 2

On page 2, in line 2, strike "CITY" and substitute "CITY"; and, in line 3, after "ANNUALLY", strike the comma and substitute:

“AS FOLLOWS:

(1) BY CLOSING CITY OFFICES; AND

(2) OTHERWISE.”.

Amendment No. 3

On page 2, in line 10, after the period, insert “However, this Ordinance shall first apply to Veteran’s Day 2007 (November 11, 2007) and, then, to each subsequent Veteran’s Day (November 11).”.

The roll was called on the amendments, 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 amendments were read and adopted.

Then Councilmember Spector offered the following amendments to the bill:

Amendments to City Council Bill No. 01-0597

Amendment No. 1

On page 1, in line 2, after the semicolon, insert “providing for some other day to no longer be observed as a holiday.”.

Amendment No. 2

On page 2, after line 8, insert:

“SECTION 3. AND BE IT FURTHER ORDAINED, That for Fiscal Year 2007-08 and subsequent years, the Board of Estimates shall designate some other day previously observed as a holiday to no longer be so observed.”.

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

Yeas - President and Councilmembers Cain, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 7.

Nays - Councilmembers D'Adamo, Garey, Branch, Carter, Young, Harris, Stancil, Mitchell, Pugh, Welch - Total 10.

Pass - Councilmember Curran - Total 1.

Absent - Councilmember Abayomi - Total 1.

This set of amendments failed for lack of a majority.

The President ordered the bill printed in enrolled form.

The President laid before the City Council:

BILL NO. 03-1111 - An Ordinance consolidating and revising provisions governing street vendors; expanding certain of these provisions to apply Citywide; defining certain terms; modifying certain penalties as they apply to street vendors and to other regulated persons and activities; changing the name and composition of the applicable licensing entity; correcting, clarifying, and conforming certain language; and generally relating to the licensing and regulation of street vendors.

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, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 16.

Nays - Councilmembers Cain, D'Adamo - 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. 03-1219 - An Ordinance clarifying the scope of the restrictions applicable to certain parking lots in the Parking Lot Districts.

It was read the third time.

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

Yeas - Councilmembers Garey, Branch, Carter, Curran, Harris, Stancil, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 12.

Nays - President and Councilmembers Cain, D'Adamo, Young, Mitchell, Pugh - Total 6.

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. 04-1278 - An Ordinance changing the zoning for the property known as 3610 Dillon Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District.

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 D'Adamo, Garey, Branch, Carter, Young, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - Councilmember Cain - Total 1.

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. 04-1347 - An Ordinance changing the zoning for the property known as 1208 Bank Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the B-3-2 Zoning District.

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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1418 - An Ordinance approving a certain amendment to the Development Plan of the York Road and Belvedere Avenue (Belvedere Square) Planned Unit Development.

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, Stukes - Total 17.

Nays - Councilmember D'Adamo - Total 1.

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. 04-1420 - An Ordinance approving the application of Capital Development, LLC, and Dell House, LLC, which are the owners of certain properties known as 1950 East Fayette Street, 1951 East Fayette Street, and 1921-1939 Orleans Street (collectively, the "Property"), to have the Property designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

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, Curran, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - Councilmember Young - Total 1.

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. 04-1428 - 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.

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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1482 - An Ordinance authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property properties that is are located at 1312 Guilford Avenue (Ward 11, Section 1, Block 468, Lot 022) and Ward 11, Section 1, Block 468, Lot 034 and is are no longer needed for public use; 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1483 - An Ordinance changing the zoning for the properties known as 4600, 4602, 4604, 4606, and 4608 Maine Avenue, as outlined in red on the accompanying plat, from the R-4 Zoning District to the B-2-2 Zoning District, and changing the zoning for the property known as 4612 Maine Avenue, as outlined in blue on the accompanying plat, from the B-2-2-P Zoning District to the B-2-2 Zoning District.

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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1485 - An Ordinance amending the Urban Renewal Plan for Brooklyn Business Area to change the name and expand the project boundary to include portions of the adjacent Curtis Bay area and to provide that the included area of Curtis Bay come under all of the provisions and procedures of the Brooklyn Business Area Urban Renewal Plan; approving certain regulations, controls, and restrictions for certain uses within the project area; creating

new appendices; creating revised exhibits attached to the Renewal Plan to reflect the proposed changes; correcting, clarifying and conforming certain language; 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, 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 bill was read and approved, and the bill was declared "Passed".

The President laid before the City Council:

BILL NO. 04-1486 - An Ordinance amending the Urban Renewal Plan for Poppleton to revise the boundary description for the Project Area, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots and revise the boundaries of existing disposition lots and designate land use for the expanded Project Area, revise exhibits, and amend Appendix C 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, 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 bill was read and approved, and the bill was declared "Passed".

The President laid before the City Council:

BILL NO. 04-1492 - An Ordinance changing the zoning for the property known as 831 East Lombard Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the B-3-2 Zoning District.

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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1504 - An Ordinance granting a franchise to Comcast of Baltimore City, L.P., to construct, operate, and maintain a cable communications system in and across certain streets and public ways, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Then Councilmember Curran made a motion, which was seconded, to hold this bill for consideration at another Council Meeting. The motion was approved.

The President laid before the City Council:

BILL NO. 04-1505 - An Ordinance authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property that is located at 4504 Harford Road (Ward 27, Section 07, Block 5342, Lot 002) and is no longer needed for public use; 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1506 - 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 1110/1112 East Baltimore Street (Ward 5, Section 7, Block 1338, Lot 2/3) and no longer needed for public use; 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1507 - 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 Key Highway East between Lawrence Street and Armour Street, and needed for the Key Highway East Project (Locust Point Industrial Road), as shown on plats numbered R.W. 20-36112 through R.W. 20-36115 and 348-A-33 in the Office of the Department of Public Works; and providing for a special effective date.

Then Councilmember Holton made a motion, which was seconded, to hold this bill for consideration at another Council Meeting. The motion was approved.

The President laid before the City Council:

BILL NO. 04-1508 - 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 the Upper Jones Falls between Union Avenue and Smith Avenue and needed for the Upper Jones Falls Interceptor Improvements Project, as shown on plats numbered R.W. 20-36091, R.W. 20-36092, R.W. 20-36102, R.W. 20-36103, and Figure 2 through Figure 12 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 Cain, D'Adamo, Garey, Branch, Carter, Young, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Out of Chambers - Councilmember Curran - Total 1.

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. 04-1513 - An Ordinance changing the zoning for the property known as 2305-2311 Essex Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the R-8 Zoning District.

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, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Out of Chambers - Councilmember Curran - Total 1.

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. 04-1515 - An Ordinance changing the zoning for the property known as 1301 Covington Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the O-R-2 Zoning District.

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, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Out of Chambers - Councilmember Curran - Total 1.

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. 04-1520 - An Ordinance authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain properties known as Block 4264, Lot 013; Block 4265, Lot 003; Block 4267, Lots 019 through 025 and 028; and Block 4275, Lots 008 through 023 and no longer needed for public use; 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, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Out of Chambers - Councilmember Curran - Total 1.

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. 04-1523 - An Ordinance establishing the Uplands Renewal Area; approving a Renewal Plan for the Uplands Renewal Area; authorizing the acquisition by purchase or by condemnation of certain properties for renewal purposes; creating disposition lots; establishing permitted land uses; establishing certain requirements for land acquired; establishing general regulations, controls, and restrictions; establishing standards for review development or rehabilitation plans; establishing procedures for amending the Plan; providing for the term of the Plan; approving certain attachments and exhibits to 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.

Then Councilmember Reisinger made a motion, which was seconded, to hold this bill for consideration at another Council Meeting. The motion was approved.

The President laid before the City Council:

BILL NO. 04-1524 - An Ordinance changing the name of the Baltimore Conservatory and Gardens, located at 3100 Swann Drive, to ~~The Honorable~~ the Howard Peters Rawlings Conservatory and Botanic Gardens of Baltimore.

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, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 17.

Nays - 0.

Out of Chambers - Councilmember Curran - Total 1.

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. 04-1533 - An Ordinance approving certain amendments to the Development Plan of the Canton Crossing Planned Unit Development.

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 D'Adamo, Garey, Branch, Carter, Young, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 16.

Nays - Councilmember Cain - Total 1.

Out of Chambers - Councilmember Curran - Total 1.

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. 04-1536 - 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 3410 Woodbine Avenue, 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, Garey, Branch, Carter, Young, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 16.

Nays - 0.

Out of Chambers - Councilmembers D'Adamo, Curran - 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. 04-1537 - 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 767 Linnard Street, 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, Garey, Branch, Carter, Young, Harris, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 16.

Nays - 0.

Out of Chambers - Councilmembers D'Adamo, Curran - 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. 04-1546 - An Ordinance naming the fire station located at ~~901~~ 1001 East Fort Avenue to be the Chief Peter J. O'Connor Fire Station.

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, Stukes - Total 17.

Nays - 0.

Out of Chambers - Councilmember D'Adamo - Total 1.

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. 04-1559 - An Ordinance providing a Supplementary Federal Grant Operating Appropriation in the amount of \$6,865,998.76 to the Baltimore City Police Department — Program 201 (Field Operations Bureau), to provide appropriation to support requirements of a grant; 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1560 - An Ordinance providing a Supplementary Federal Grant Operating Appropriation in the amount of \$2,176,850 to the Baltimore City Police Department — Program 202 (Investigations), to provide appropriation to support requirements of a grant; 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1561 - An Ordinance providing a Supplementary Federal Grant Operating Appropriation in the amount of \$579,251.94 to the Baltimore City Police Department — Program 201 (Field Operations), to provide appropriation to support requirements of a grant; 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

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. 04-1562 - An Ordinance providing a Supplementary Federal Grant Operating Appropriation in the amount of \$465,000 to the Baltimore City Police Department — Program 201 (Field Operations Bureau), to provide appropriation to support requirements of a grant; 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, Stancil, Mitchell, Pugh, Welch, Holton, Rawlings Blake, Spector, Reisinger, Stukes - Total 18.

Nays - 0.

Absent - Councilmember Abayomi - Total 1.

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

**BILL 04-1563 RETURNED TO SECOND READING FOR AN AMENDMENT, AND THEN
REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Mitchell made a motion, which was seconded, to return Bill No. 04-1563 to Second Reading, in order to offer an amendment. The motion was approved, and the Bill was back on Second Reading.

An Ordinance specifying how the partial exemption from recordation tax for certain residential property is to be applied as between the buyer and seller; and providing for a special effective date.

Then Councilmember Mitchell offered an amendment.

Amendment No. 1

On page 1, strike beginning with the semicolon in line 4 through “date” in line 5; and, on page 2, strike beginning with “as to” in line 16 through “Ordinance” in line 18.

The amendment was read and adopted, with D’Adamo out of Chambers.

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

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

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3
WITH REGARD TO BILL NO. 04-1571**

Councilmember Stukes made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 04-1571.

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

ADJOURNMENT

On motion of Councilmember Rawlings Blake, duly seconded, the City Council adjourned to meet on Monday, December 6, 2004, at 5:00 p.m.

Consent Calendar

- CR 9932** President Dixon, All Members
A City Council RESOLUTION congratulating Jennie Green on the celebration of her 80th birthday.
- CR 9933** Rawlings Blake
A City Council RESOLUTION congratulating Emerald Estates on the celebration of its 5th Anniversary.
- CR 9934** Stukes, All Members
A City Council RESOLUTION on the death of Edlo Allen Sands, September 2, 1947 – November 19, 2004.
- CR 9935** D'Adamo
A City Council RESOLUTION congratulating David and Heather Olschewske on the birth of their daughter, Hannah Elizabeth Olschewske, on November 16, 2004.
- CR 9936** D'Adamo
A City Council RESOLUTION congratulating Lt. Kevin R. Lambert on the occasion of his retirement from the Maryland State Police Department after 28 years of dedicated service to the State Police and the citizens of Maryland.
- CR 9937** D'Adamo
A City Council RESOLUTION congratulating Derek Maki on the occasion of his 50th birthday.
- CR 9938** D'Adamo
A City Council RESOLUTION congratulating Ellis Baldwin, Ronald Starr, and George Trainor on the occasion of their Swearing In as members of the Commission of Trustees for the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9939** D'Adamo
A City Council RESOLUTION congratulating Don Helms on the occasion of his Swearing In as Chaplin to the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9940** D'Adamo
A City Council RESOLUTION congratulating Stanley Mezewski on the occasion of his Swearing In as State Trustee of the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9941** D'Adamo
A City Council RESOLUTION congratulating Michael Pratt on the occasion of his Swearing In as Guard of the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9942** D'Adamo
A City Council RESOLUTION congratulating John Nolan on the occasion of his Swearing In as Treasurer of the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9943** D'Adamo
A City Council RESOLUTION congratulating Donna Stauffer on the occasion of her Swearing In as Secretary of the Baltimore City Fraternal Order of Police, Lodge #3.

- CR 9944 D'Adamo**
A City Council RESOLUTION congratulating Oscar Requer on the occasion of his Swearing In as 3rd Vice President of the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9945 D'Adamo**
A City Council RESOLUTION congratulating Robert Cherry on the occasion of his Swearing In as 2nd Vice President of the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9946 D'Adamo**
A City Council RESOLUTION congratulating Paul Blair on the occasion of his Swearing In as 1st Vice President of the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9947 D'Adamo**
A City Council RESOLUTION congratulating Frederick V. Roussey on the occasion of his Swearing In as the new President of the Baltimore City Fraternal Order of Police, Lodge #3.
- CR 9948 President Dixon, All Members**
A City Council RESOLUTION congratulating Gale B. Washington on her retirement from the Social Security Administration after 37 years of dedicated service.
- CR 9949 Young, Branch, Carter**
A City Council RESOLUTION congratulating Momoh A. Conteh on the celebration of his 48th birthday, December 1st.
- CR 9950 President Dixon, All Members**
A City Council RESOLUTION on the death of Mabel Gant.
- CR 9951 Mitchell**
A City Council RESOLUTION on the death of Theresa Brewer.
- CR 9952 Welch**
A City Council RESOLUTION on the death of Brenda Diane Carter.
- CR 9953 Spector, Rawlings Blake, Holton**
A City Council RESOLUTION congratulating Marion L. Patterson on her retirement, after serving the citizens of Baltimore and Maryland for 17 years at Morgan State University and 18 years at Coppin State University.
- CR 9954 President Dixon, All Members**
A City Council RESOLUTION congratulating Pastor Melvin Tyrone Lee on the celebration of his 5th Pastoral Anniversary.
- CR 9955 Carter**
A City Council RESOLUTION congratulating R.B. Jones on the celebration of his 20th Anniversary on December 10th.
- CR 9956 President Dixon, All Members**
A City Council RESOLUTION congratulating Laura Peyton on the celebration of her 34th birthday.

- CR 9957** President Dixon, All Members
A City Council RESOLUTION on the death of Otis Rolley, October 7, 1944 – November 22, 2004.
- CR 9958** Young
A City Council RESOLUTION on the death of Isaiah Crowell.
- CR 9959** Young
A City Council RESOLUTION congratulating the Reverend Christopher Wallace on being appointed Chaplin of the Baltimore City Pre-Release Unit.
- CR 9960** Harris, Curran, Stancil, All Members
A City Council RESOLUTION on the death of Betty Mae Cheeks Booker.
- CR 9961** President Dixon, All Members
A City Council RESOLUTION congratulating Office Depot Store on the Grand Opening of its newest store in Baltimore, located at 815 East Pratt Street.
- CR 9962** D'Adamo
A City Council RESOLUTION on the death of Estelle Wisniewski (Aunt Stella).