

FOURTH DAY

SECOND COUNCILMANIC YEAR - SESSION OF 2004-2007

JOURNAL
CITY COUNCIL OF BALTIMORE

February 6, 2006

Reverend Cathy Oatman, of United Evangelical 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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke

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

O God, our God who is most Holy, we bow before you in prayer to acknowledge your sovereignty over all which transpires in these chambers. We are grateful for the many gifts by which you have graced the lives in this room; gifts of leadership, gifts of wisdom, gifts of compassion. We ask that these gifts may be used to bless your world.

We admit O God that we sometimes lose sight of the needs within our communities because we reside in places of privilege. Correct our vision that it may be aligned with yours. Help us to see that a just and equitable society is not a pipe dream, but rather a mandate from you. Give us the fortitude to press on when such a vision seems to be disappearing into the quagmire of unresponsive social and political systems. May we be diligent in approaching the responsibilities with which we have been entrusted as servants of your people.

Before we begin the work of this evening we pause and pray for those of this city for whom we labor. For the police officers and fire fighters who will see things tonight that will haunt them for months, we ask that they may know a safe presence with whom they can share their burdens.

Journal of the City Council

For the elderly who are lonely or despairing, who suffer from neglect or abuse, we ask that their neighbors will reach out to them with help; that they may feel that they matter to us, their community.

For those who are homeless, living on the streets because of poverty, or mental illness or addiction, may they know a safe place to lay their head tonight, and may they tomorrow receive and accept an offer of stability and permanence for their life.

For the children, and all who work in our schools, may they experience in their homes, in administrations, in their communities that they are being cheered on toward excellence in tangible ways.

For all social servants who work so hard and see so little reward, may they know how greatly they are appreciated by this the city which they serve.

For the hospitals and health care facilities workers who are challenged to remain compassionate and caring in the daily stresses they see. May they know restoration in their homes, such that healing and wholeness will flow through their hands.

To the hopeless, let hope come, to the frightened let assurance be lent, to the vulnerable let a shield cover them. Empower us now that we might make your vision real to the people of this city. Amen

SHOWCASE BALTIMORE

Reverend Grady Yeargin, Local Chair, National Black Leadership Commission on HIV/AIDS delivered a presentation on National Black HIV/AIDS Awareness Day - February 7.

JOURNAL APPROVED

The Journal of January 23, 2006 was read and approved.

COMMUNICATIONS FROM THE MAYOR

APPROVED BY THE MAYOR

OFFICE OF THE MAYOR

January 31, 2006

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 05-0235 - An Ordinance concerning - Supplementary General Fund Capital Appropriation – Department of Housing and Community Development - \$10,000,000 - For the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$10,000,000 to the Department of Housing and Community Development (Account # 9910-587-904) to provide funding for the Baltimore Affordable Housing Program; and providing for a special effective date.

C.C. Bill 05-0248 - An Ordinance concerning - Baltimore Affordable Housing Program - For the purpose of establishing a program for certain purposes; providing for the administration of that program; defining certain terms; and generally relating to promoting certain types of housing.

C.C. Bill 05-0260 - An Ordinance concerning - Animal Control – Exotic, Farm, and Other Animals - For the purpose of requiring a permit to keep any exotic animal, farm animal, pigeon, or bees; defining certain terms; and generally relating to the regulation and control of animals.

C.C. Bill 05-0262 - An Ordinance concerning - Daytime and Nighttime Curfews - For the purpose of authorizing certain minors to be taken to a juvenile holding facility under certain circumstances; defining certain terms; specifying the type of civil citation to be used for violations by parents; authorizing the use of civil citations for violations by establishments; modifying certain penalties; conforming, correcting, and clarifying certain language; correcting certain age references; deleting certain obsolete language; and generally relating to minors and to the enforcement of the daytime and nighttime curfews.

C.C. Bill 05-0288 - An Ordinance concerning - Historic Restorations and Rehabilitations – Tax Credit - For the purpose of ~~abrogating~~ extending the automatic termination of the tax credit for certain improvements to historic properties; requiring a study of and report on this tax

credit; providing for a special effective date; and generally relating to tax credits against the Baltimore City real property tax.

Sincerely,

Martin O'Malley
Mayor

February 2, 2006

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 05-0238 - An Ordinance concerning - Food Service Facilities – Licensing and Regulation - For the purpose of authorizing the Health Commissioner to designate licensing classes and, with the approval of the ~~Board of Estimates~~ City Council, to set license and processing fees for various types of food service facilities; authorizing the issuance of provisional licenses under certain circumstances; increasing certain civil penalties relating to the operation of food service facilities; correcting, clarifying, and conforming certain language; and generally relating to the licensing and regulation of food service facilities.

Sincerely,

Martin O'Malley
Mayor

WITHDRAWAL OF NOMINATION

January 25, 2006

The Honorable Sheila Dixon, President
and Members of the City Council

Re: Withdrawal of Nomination

Dear President Dixon and Councilmembers:

This letter serves to formally withdraw the nomination of Nancy M. Haragan to serve on the Board of Licenses for Street Entertainers.

Ms. Haragan was unable to attend the scheduled hearing. Her name will be resubmitted at a later date.

Sincerely,

Martin O'Malley
Mayor

APPOINTMENTS BY THE MAYOR

JAMES CUSACK, as a member of the Commission for Historical and Architectural Preservation, for a term expiring December 7, 2007, as a member nominated by the Board of the Baltimore Historic Society.

HELENA S. HICKS, as a member of the Commission for Historical and Architectural Preservation, for a term expiring December 7, 2007, as a member who is a historian knowledgeable in the architecture, history, and culture of Baltimore City.

DONALD R. KANN, AIA, NCARB, as a member of the Commission for Historical and Architectural Preservation, for a term expiring December 7, 2007, succeeding himself, as a member who is a licensed architect in Maryland knowledgeable in architectural preservation.

MUSTAFA VALI, MD, as a member of the Commission for Historical and Architectural Preservation, for a term expiring December 7, 2007, as a member who is an owner and operator of a contributing commercial property in a historic and architectural preservation district.

NANCY M. HARAGAN, as a member of the Board of Licenses for Street Entertainers, for a term expiring December 7, 2007.

ROBERT E. DENGLER, as a member of the Board of Licenses for Street Vendors, for a term expiring December 7, 2007.

LINDA FRANGIONI, as a member of the Board of Licenses for Street Vendors, for a term expiring December 7, 2007.

MARILYNN K. DUKER, as a member of the Board of Finance, for a term expiring December 7, 2007, succeeding herself.

JOHN M. HAMILTON, as a member of the Board of Finance, for a term expiring December 7, 2007, succeeding himself.

Sincerely,

Martin O'Malley
Mayor

INTRODUCTION AND READ FIRST TIME

The President laid before the City Council the following bills and Resolutions of the Mayor and City Council for first reading:

Bill No. 06-0331 - By President Dixon (The Administration):

An Ordinance providing a Supplementary Capital Fund Appropriation in the amount of \$3,000,000 to the Department of Housing and Community Development – (Account #9910-587-979), to provide funding for infrastructure improvements in support of the East Baltimore Biotechnology project; and providing for a special effective date.

The bill was read the first time and referred to the Planning Commission, Department of Finance, Department of Housing and Community Development, Board of Estimates, Budget and Appropriations Committee.

Bill No. 06-0332 - By President Dixon (The Administration):

An Ordinance condemning and closing Portland Street, extending from Greene Street Easterly 103.4 feet, more or less, to Washington Boulevard, as shown on Plat 348-A-85 in the Office of the Department of Public Works; 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 Development Corporation, Highways and Franchises Subcommittee.

Bill No. 06-0333 - By President Dixon (The Administration):

An Ordinance granting a franchise to Gia A. Blattermann, Eric B. Blattermann, and Steven C. Blattermann, the owners or contract purchasers, to construct, use, and maintain a single-story building addition projecting into a portion of the Eastern Avenue right-of-way, attached to and extending from the southern exterior wall of 410 South High Street, subject to certain terms, conditions, and reservations; 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, Fire Department, Board of Estimates, Highways and Franchises Subcommittee.

Bill No. 06-0334 - By President Dixon (The Department of Legislative Reference):

An Ordinance correcting certain technical errors and omissions in the City Code; correcting, clarifying, and conforming certain language; and providing for a special effective date.

The bill was read the first time and referred to the City Solicitor, Department of Housing and Community Development, Fire Department, Health Department, Commission for Historical and Architectural Preservation, Department of Transportation, Department of Finance, Judiciary and Legislative Investigations Committee.

Bill No. 06-0335 - By President Dixon (The Administration):

An Ordinance authorizing certain limited live entertainment as an accessory use in a B-2 Zoning District.

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

Bill No. 06-0336 - By President Dixon (The Administration):

An Ordinance establishing special requirements governing legislative consideration of certain multi-property rezonings; defining certain terms; correcting, clarifying, and conforming certain language; and generally relating to statements for, public notice of, hearings on, and amendments to multi-property rezonings and other legislative authorizations.

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, Baltimore Development Corporation, Land Use and Transportation Committee.

Bill No. 06-0337 - By President Dixon (The Administration):

An Ordinance authorizing the conversion, maintenance, and updating of zoning maps and profiles in digital format, subject to certain requirements; legalizing those maps and profiles; and generally relating to maps and profiles adopted under and as part of the Zoning Code of Baltimore City.

The bill was read the first time and referred to the City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Mayor's Office of Information Technology, Department of Public Works, Land Use and Transportation Committee.

Bill No. 06-0338 - By President Dixon (The Administration):

An Ordinance excepting hotels and motels of a certain capacity from the minimum lot area requirements imposed for the B-2 through B-4 Zoning Districts; correcting an error in punctuation; and generally relating to the application of bulk regulations to hotels and motels.

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, Baltimore Development Corporation, Downtown Partnership, Land Use and Transportation Committee.

Bill No. 06-0339 - By President Dixon (The Administration):

An Ordinance authorizing certain uses as permitted uses in a B-1 District; correcting and conforming certain language; and generally relating to the reallocation of certain business and other uses.

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, Baltimore Development Corporation, Land Use and Transportation Committee.

Bill No. 06-0340 - By Councilmember Spector (by request):

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 5506 Jonquil Avenue, as outlined in red on the accompanying plat.

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, Department of Transportation, Fire Department, Health Department, Commission on Aging and Retirement Education, Land Use and Transportation Committee.

Bill No. 06-0341 - By Councilmember Kraft, President Dixon, Councilmembers D'Adamo, Young, Harris, Reisinger, Clarke, Conaway, Welch:

An Ordinance increasing the property tax credit for homestead property owned by elderly or disabled homeowners; defining certain terms; correcting certain language; and providing for a special effective date.

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

The President laid before the City Council the following Council Resolutions for first reading:

Bill No. 06-0131R - By Councilmembers Young, D'Adamo, Branch, Kraft:

A Resolution requesting the Board of Directors and the Chair of the Inclusion Committee of East Baltimore Development, Inc., (EBDI), the Senior Vice President for Development and Planning of the Forest City Commercial Group, and members of the Baltimore Biotech Ventures Consortium to address the City Council on the status of efforts to revitalize an 80-acre portion of East Baltimore; to provide information on the level of MBE/WBE goal participation of the major contractors, sub-contractors, developers, and other business entities that are part of the revitalization effort; to report on efforts to address the housing and other social needs of the residents displaced by the re-development process; and to assess efforts of all participants and stakeholders to reach the EBDI goal "to work to recapture the essence of East Baltimore, and restore the community's vibrancy and productivity."

The bill was read the first time and referred to the City Solicitor, Planning Department, Department of Housing and Community Development, Committee of the Whole.

Bill No. 06-0132R - By Councilmembers Conaway, D'Adamo, Curran, Kraft, Holton, Harris, Branch, Young, Mitchell, Reisinger, Clarke, President Dixon, Councilmembers Rawlings Blake, Welch:

A Resolution requesting that the Baltimore City Board of Elections report to the City Council regarding its plan to help and educate disabled residents regarding absentee ballots and transportation options to get more disabled voters to the polls, as well as what instructional plan is set in place to inform voters on how to operate the new voting machines that are being put to use in the upcoming election.

The bill was read the first time and referred to the Board of Elections Supervisors, Judiciary and Legislative Investigations Committee.

Bill No. 06-0133R - By Councilmember Holton, Welch, President Dixon, Councilmembers D'Adamo, Curran, Harris, Branch, Young, Mitchell, Reisinger, Kraft, Rawlings Blake, Clarke, Conaway, Spector:

A Resolution calling upon the Mayor to join with the City Council in dedicating the flower beds that grace the entrance to City Hall in celebration of the life of Victorine Q. Adams, the 1st African American woman to serve on the Baltimore City Council, founder of the Baltimore Fuel

Fund, and tireless worker for Civil Rights and Women's Rights, who, for more than 6 decades, enriched the lives of the citizens of the City of Baltimore and the State of Maryland.

The bill was read the first time and referred to the Department of Recreation and Parks, Department of Finance, Judiciary and Legislative Investigations Committee.

Bill No. 06-0134R - By President Dixon, Councilmembers Holton, Reisinger, Welch:

A Resolution requesting that the Commissioner of the Baltimore City Police Department re-evaluate the response priority levels for private alarms in Baltimore City.

The bill was read the first time and referred to the Police Department, Public Safety Subcommittee.

Bill No. 06-0135R - By Councilmember Holton, President Dixon, Councilmembers D'Adamo, Curran, Kraft, Harris, Branch, Young, Mitchell, Reisinger, Rawlings Blake, Clarke, Conaway, Spector, Welch:

Introduced: February 6, 2006
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

February 12th – Red Dress Sunday 2006

FOR the purpose of endorsing the 2nd annual celebration of *Red Dress Sunday* in Baltimore City when area churches are invited to join together to promote awareness in the African American and Hispanic communities on the impact of heart disease on women in America; focusing the attention of Baltimoreans on the prevalence of heart disease as the #1 killer of American women; and recommitting the City Council to continue to partake in all future celebrations of *Red Dress Sunday*.

Recitals

On Valentine's Day, 2005, the Baltimore City Council adopted a resolution expressing appreciation to St. Agnes Health Care and the Eric Davis Foundation for sponsorship of the 1st annual *Red Dress Sunday* that welcomed the active participation of area churches in educating the public on the devastating facts about heart disease in America where more women die from the disease each year than die for strokes, lung cancer, chronic obstructive pulmonary disease, and breast cancer combined. This year's celebration has expanded to embrace the participation of 20 churches throughout the Baltimore region.

The National Heart, Lung, and Blood Institute reminds us through *The Heart Truth* campaign that most women don't know the facts about heart disease and that only 20% identify heart disease as the greatest health problem facing women today when, in fact, 1 in 3 women dies of heart disease. Women often fail to make the connection between risk factors, such as high blood pressure and high cholesterol, and their own chance of developing heart disease.

The population most at risk is those women ages 40 to 60, the time when a woman's risk of heart disease starts to rise. Younger women, however, need to be aware that heart disease develops gradually and can start at a young age, and older women need to take heed because it is never too late to take action to prevent and control the risk factors for heart disease. However, heart disease disproportionately affects women of color. African American and Hispanic women in particular have high rates of the major risk factors for heart disease, including obesity, physical inactivity, high blood pressure, and diabetes. In Baltimore we are fortunate that this year's celebration will include participation by Hispanic faith-based communities.

We all have grandmothers, mothers, wives, and sisters whose lives we hold dear and who need to be reminded to take as good care of themselves as they take of those they selflessly love and nurture each and every day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That this Body endorses the celebration of *Red Dress Sunday* in Baltimore City when area churches are invited to join together to promote awareness in the African American and Hispanic communities on the impact of heart disease on women in America; focuses the attention of Baltimoreans on the prevalence of heart disease as the #1 killer of American women; and recommits the City Council to continue to partake in all future celebrations of *Red Dress Sunday*.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the 2006 Maryland General Assembly, the Vice President of Planning, Marketing, and Business Development, St. Agnes Health Care, the President of the Eric Davis Foundation, the President, Black Ministerial Alliance, the Pastoral Care Departments of Bon Secours Hospital, Franklin Square Hospital, Good Samaritan Hospital, Harbor Hospital Center, Johns Hopkins Bayview Medical Center, Johns Hopkins Hospital, Kennedy Krieger Institute, Maryland General Hospital, Mercy Medical Center, Mt. Washington Pediatric Hospital, St. Agnes Hospital, Sinai Hospital, Union Memorial Hospital, and University of Maryland Medical Center, the Senior Vice President for Communications of the Maryland Hospital Association, and the Mayor's Legislative Liaison to the City Council.

Councilmember Holton 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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Rules "Suspended".

Then Councilmember Holton 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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Resolution "Adopted".

Bill No. 06-0136R - By President Dixon, Councilmembers D'Adamo, Curran, Kraft, Holton, Branch, Mitchell, Reisinger, Rawlings Blake, Clarke, Young, Harris, Conaway, Welch:

Introduced: February 6, 2006
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

American Heart Month: 2006 – Let's Raise Awareness

FOR the purpose of joining in the celebration of February 2006, as American Heart Month, by calling attention to the problem of heart disease and by encouraging all Americans to join the fight against this horrible illness and to learn more about how to prevent it.

Recitals

Heart disease is the leading cause of death in the United States, with direct and indirect costs estimated at \$352 billion in 2003 alone. More than 64 million Americans suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, congestive heart failure, stroke, and congenital heart defects. Many of the risk factors that can lead to heart disease, such as high blood pressure, high cholesterol, and diabetes, can be prevented or controlled.

One in five Americans has some form of cardiovascular disease. Death from sudden cardiac arrest is a major health problem and continues to receive little attention in most parts of the United States. Nationwide, approximately 250,000 Americans die from sudden cardiac arrest each year, and up to 85% of these deaths occur in the home.

In 2003, there were 2027 heart related deaths in Baltimore City. This total accounted for over 25% of the deaths in Baltimore City that year, far higher than any other cause of death. In order to combat this terrible disease, we must be informed. Through proper education in regard to leading healthy lifestyles, making healthy food choices, getting regular exercise, maintaining a healthy weight, and choosing not to drink or smoke excessively, we can help decrease the risk of heart disease in our City.

During this month of February 2006, let's work to make a difference. Together with the American Heart Association, we can educate ourselves and others. Together, we can create a healthier Baltimore for everyone and help learn more and fight to control this dangerous disease, that has had a devastating impact on our communities for far too long.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That this Body joins in the celebration of February 2006, as American Heart Month, by calling attention to the problem of heart disease and by encouraging all Americans to join the fight against this horrible illness and to learn more about how to prevent it.

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

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

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Rules "Suspended".

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

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Resolution "Adopted".

Bill No. 06-0137R - By Councilmember Harris, President Dixon, Councilmembers D'Adamo, Curran, Kraft, Mitchell, Holton, Young, Reisinger, Clarke, Branch, Rawlings Blake, Conaway, Welch, Spector:

Introduced: February 6, 2006
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

In Support of State Legislation – (SB 242/HB 181) – Sex Offenders - Electronic Tracking and Movement Restrictions - Penalties for Violating Registration Requirements

FOR the purpose of expressing support for this Baltimore City Administration legislation that, in part, seeks to require a specified defendant, as a condition of probation, to register for electronic tracking by the Department of Public Safety and Correctional Services, limits the locations to which the trackee may travel, and specifies penalties for tampering with the electronic tracking device; requesting the Honorable Members of the Baltimore City Senate and House Delegations to the 2006 Maryland General Assembly to work for passage of the measure; urging the Honorable Chairs and Members of the Senate Judicial Proceedings and House Judiciary Committees to give the legislative a favorable report; and imploring the Governor to sign the measure into law should it pass both Houses of the Legislature.

Recitals

According to the National Center for Missing and Exploited Children, there are 549,083 registered sex offenders in the United States. These offenders pose an enormous challenge for policy makers: they evoke unparalleled fear among constituents; their offenses are associated with a great risk of psychological harm; and most of their victims are children and youth. The Center contends that as policy makers address the issue of sex offenders, they are confronted with some basic realities.

The realities confronting policy makers include the fact that: (1) Most sex offenders are not in prison, and those who are tend to serve limited sentences; (2) Most sex offenders are largely unknown to people in the community; (3) Sex offenders have a high risk of re-offending; and (4) While community supervision and oversight is widely recognized as essential, the system for providing such supervision is overwhelmed.

The Maryland Department of Public Safety and Corrections reports that, as of the end of January 2006, there are 1,070 sex offenders in Baltimore City. Of this number, 765 are child sex offenders, and 275 are sexually violent sex offenders. The Maryland Attorney General acknowledges that under the State's current law, sex offenders are released from parole or probation regardless of whether or not they are still dangerous. The need for measures to provide means of extended parole supervision for the most dangerous violent and child sex offenders is exigent.

The increased mobility of our society has led to "lost" sex offenders, those who fail to comply with registration duties yet remain undetected because of authorities' inability to track their whereabouts. A conservative number of "lost" sex offenders is at least 100,000 nationwide. In Maryland, the whereabouts of 15% of the 4330 convicted and released sex offenders on the sex offender registry was unknown as of November 2005.

Passage of this legislation will protect the most defenseless among us by addressing the issue of "lost" sex offenders. SB242/HB181 will provide for 24 hour, 7 day a week electronic tracking of convicted sexual predators and, quite appropriately, require them to pay for the tracking and associated costs if they are able to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That this Body supports this Baltimore City Administration legislation that, in part, seeks to require a specified defendant, as a condition of probation, to register for electronic tracking by the Department of Public Safety and Correctional Services, limits the locations to which the trackee may travel, and specifies penalties for tampering with the electronic tracking device; requests the Honorable Members of the Baltimore City Senate and House Delegations to the 2006 Maryland General Assembly to work for passage of the measure; urges the Honorable Chairs and Members of the Senate Judicial Proceedings and House Judiciary Committees to give the legislative a favorable report; and implores the Governor to sign the measure into law should it pass both Houses of the Legislature.

AND BE IT FURTHER RESOLVED, That the Honorable Chairs and Members of the Senate Judicial Proceedings and House Judiciary Committees are requested to include this communication in the deliberations on the legislation and as part of the Committee record.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Mayor, the Chairs and Members of the Baltimore City Senate and House Delegations to the 2006 Maryland General Assembly, the Chairs and Members of the Senate Judicial Proceedings and House Judiciary Committees, the Executive Director of the Mayor's Office of State Relations; and the Mayor's Legislative Liaison to the City Council.

Councilmember Harris 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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Rules "Suspended".

Then Councilmember Harris 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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Resolution "Adopted".

Bill No. 06-0138R - By Councilmembers Mitchell, D'Adamo, Curran, Kraft, Branch, Young, Harris, Reisinger, Clarke, Conaway, Welch:

A Resolution requesting the Honorable Members of the Baltimore City Senate and House Delegations to the 2006 Maryland General Assembly to introduce legislation to allow persons eligible to apply for the Homestead Tax credit against real property taxes to transfer that eligibility to the purchase of other property for use as their owner-occupied residence as long as the property is located within Baltimore City.

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

Bill No. 06-0139R - By Councilmember Holton, President Dixon, Councilmembers Rawlings Blake, D'Adamo, Curran, Harris, Kraft, Branch, Young, Mitchell, Clarke, Reisinger, Conaway, Welch, Spector:

Introduced: February 6, 2006
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Mrs. Coretta Scott King – Keeping the Dream Alive

FOR the purpose of celebrating the life of Mrs. Coretta Scott King, the widow of the Reverend Dr. Martin Luther King, Jr., referred to as the first lady of the modern civil rights movement, an everlasting symbol of devotion to the struggle for peace and equality, a teacher and inspiration to us all, and an ambassador of justice and goodwill throughout the world.

Recitals

Coretta Scott King is one of the most influential women leaders that the world has ever known. Prepared by her family, educated, and blessed with a personality set for a life committed to social justice and peace, she entered the world stage in 1955, as the wife of the Reverend Dr. Martin Luther King, Jr. as a participant in the American Civil Rights Movement. Her remarkable partnership with Dr. King resulted in four talented children and a life devoted to the highest values of human dignity and social change.

During the 1950's and 1960's, Dr. Martin Luther King emerged as the greatest civil rights leader of all time. Dr. King and his wife championed the defiance of segregation laws and fought for equal rights for all people regardless of race, color, or creed. While devoting the majority of her time to raising their 4 children, Mrs. King continued to use her many talents as a musician and a teacher to remain active in the civil rights movement by creating an acclaimed series of Freedom Concerts, combining poetry, narration, and music, to tell the story of the civil rights movement.

In 1962, Mrs. King served as a Women's Strike for Peace delegate to the seventeen nation Disarmament Conference in Geneva Switzerland. Even prior to her husband's public stand against the Vietnam War in 1967, Mrs. King functioned as a liaison to peace and justice organizations and acted as a mediator for all of those who could not be heard.

On April 4, 1968, Martin Luther King, Jr. was assassinated in Memphis, Tennessee. Just four days after her husband's death, Mrs. King went on to lead a march of over 50,000 through the streets of Memphis, never losing sight of the significance and importance of the cause or her husband's efforts to realize a dream of equality for all. In addition to the marches, protests, and speeches, Mrs. King continued to immerse herself in the civil rights movement by building the Martin Luther King, Jr. Center for Nonviolent Social Change, an educational institution and a testament to her husband's work and purpose. For 27 years, Mrs. King devoted herself to developing the King Center and built it into an educational facility that continues to provide local, national, and international programs that have trained and educated tens of thousands of people in Dr. King's philosophy and methods.

In the early 1980's, Mrs. King spearheaded the educational and lobbying campaign to establish Dr. King's birthday as a national holiday. In January 1986, Mrs. King oversaw the first legal holiday in honor of her husband, a holiday that has come to be celebrated by millions of people world wide. As one of the most influential African-American leaders of our time, Mrs.

King has received honorary doctorates from over 60 colleges and universities, has authored 3 books, and has served on or helped found dozens of organizations.

As one of the world's most respected women, Coretta Scott King remained an outspoken champion of justice and human dignity until the end of her days. Her efforts will be forever remembered through her hard work and dedication, and her spirit will forever remind us, "When you are willing to make sacrifices for a great cause, you will never be alone".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That this Body celebrates the life of Mrs. Coretta Scott King, the widow of the Reverend Dr. Martin Luther King, Jr., referred to as the first lady of the modern civil rights movement, an everlasting symbol of devotion to the struggle for peace and equality, a teacher and inspiration to us all, and an ambassador of justice and goodwill throughout the world.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Family of Coretta Scott King, the Mayor, the Baltimore City Chapter of the NAACP, the National Chapter of the NAACP, the Members of Baltimore City Delegation to the 2006 General Assembly, the Members of the Community Relations Commission, and the Mayor's Legislative Liaison to the Council.

Councilmember Holton 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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Rules "Suspended".

Then Councilmember Holton 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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Resolution "Adopted".

Bill No. 06-0140R - By President Dixon, Councilmembers D'Adamo, Curran, Holton, Branch, Young, Mitchell, Reisinger, Kraft, Rawlings Blake, Clarke, Harris, Conaway, Welch, Spector:

Introduced: February 6, 2006
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Black History Month – February 2006

FOR the purpose of paying tribute to people of African descent by celebrating their indomitable spirit, sustaining faith, and indefatigable psyche that enabled them to overcome the horrors of their plight in the diaspora, celebrating the many positive contributions that they have made to our nation and to our City despite the nearly insurmountable odds of legislatively sanctioned bigotry, prejudice, and segregation, and encouraging residents of, and visitors to, our great city to visit the many historical and cultural attractions that are the legacy of our proud black ancestors.

Recitals

We owe the celebration of Black History Month, and the study of black history, to Dr. Carter G. Woodson who was born to parents who were former slaves. He spent his childhood working in the Kentucky coal mines and did not enroll in high school until the age of 20. After graduating from high school in 2 years, Dr. Woodson earned a Ph.D. from Harvard. During his time at Harvard, the scholar found that history books largely ignored the black American population – and when blacks were included they were portrayed as inferiors and in negative stereotypes.

Dr. Woodson undertook the challenge of writing black Americans into the nation's history by establishing the Association for the Study of Negro Life and History, now called the Association for the Study of Afro-American Life and History, in 1915, and a year later founded the widely regarded Journal of Negro History. In 1926, he launched Negro History Week as an initiative to bring national attention to the contributions of black people throughout American history, choosing the second week of February because it marks the birthdays of 2 men who played an important part in that history, Frederick Douglass and Abraham Lincoln.

As part of the nation's 1976 bicentennial, Negro History Week was expanded into Black History Month. In 2006, the National Theme for the celebration is – *Celebrating Community: A Tribute to Black Fraternal, Social, and Civic Institutions*. In our City, there is much to celebrate as our Black population, which is now the proud majority, has played an essential role in the rich past, the exciting present, and the promising future. To become acquainted with this rich cultural, religious, and education history, one need only partake of the offerings of the Baltimore Area Convention and Visitors Association.

The Center proudly offers the *Baltimore's African American Heritage & Attractions Guide's*:

“Welcome to Baltimore!:

Baltimore is a city where legends are made and legacies are born. During the 1930s and 1940s, jazz legends like Pearl Bailey, Count Basie and Duke Ellington performed at the legendary Royal Theatre on Baltimore's Pennsylvania Avenue. Billie Holiday became the incomparable "Lady Day" right here in Charm City. Baltimore-born composer and pianist Eubie Blake is honored, along with many of his colleagues, at the Eubie Blake Cultural Center on North Howard Street. All of these stories have helped shape Baltimore's, and our nation's, history.

Baltimore is also the proud home of the NAACP headquarters, and the birthplace of Thurgood Marshall, one of our early pioneers in the movement for civil rights. You'll also find The National Great Blacks In Wax Museum, the country's first wax museum of African American history; the Baltimore Civil War Museum, which was once a stop on the Underground Railroad; and opening early 2005, the Reginald F. Lewis Museum of Maryland African American History and Culture. This \$33 million facility will be the East Coast's largest museum chronicling the history of African Americans and will house artifacts and exhibits covering more than 350 years of Maryland African American history and culture.

Also, opening in 2005 is the Frederick Douglass-Isaac Myers Maritime Park. The park honors Frederick Douglass, considered one of the most prominent African American leaders of the 19th century, and Isaac Myers, the first black owner of a marine railway shipyard in the United States.

We hope you will discover some of these stories while you are here, and come back to Baltimore again to create a legacy of your own.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That this Body hereby pays tribute to people of African descent by celebrating their indomitable spirit, sustaining faith, and indefatigable psyche that enabled them to overcome the horrors of their plight in the diaspora, celebrates the many positive contributions that they have made to our nation and to our City despite the nearly insurmountable odds of legislatively sanctioned bigotry, prejudice, and segregation, and encourages residents of, and visitors to, our great city to visit the many historical and cultural attractions that are the legacy of our proud black ancestors.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Director of the Baltimore Area Convention and Visitors Center, and the Mayor's Legislative Liaison to the City Council.

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

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Rules "Suspended".

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

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Resolution "Adopted".

Bill No. 06-0141R - By President Dixon (The Administration):

Introduced: February 6, 2006
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Food Service Facilities – Fee Schedule – Approval

FOR the purpose of approving certain licensing and related fees set by the Commissioner of Health.

By authority of

Article - Health
Section(s) 6-402(c), 6-403, and 6-406(b)
Baltimore City Revised Code
(Edition 2000)
(As amended by Ordinance 06-___ {Bill 05-238})

Recitals

Ordinance 06-___ {Bill 05-238} amended Health Article Title 6 {"Food Service Facilities"} to, among other things: (i) repeal various statutorily-set application, reinspection, annual-license, and late fees; and (ii) authorize the Commissioner of Health to set these various fees from time to time, subject to "the approval of the City Council".

The Commissioner has submitted for the Council's approval a fee schedule intended to become effective simultaneously with the repeals effected by Ordinance 06-___ .

The fee schedule submitted by the Commissioner would continue, without change, the various fees previously set by statute.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Health Commissioner's fee schedule, continuing without change the fees previously set in Health Article Title 6, Subtitle 4, is approved.

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

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Rules "Suspended".

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

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the Resolution “Adopted”.

MOTION TO INVOKE RULE 9-1(c)

Councilmember Kraft made a motion, which was seconded, to invoke Rule 9-1(c) in order to introduce a bill before the Council this evening.

The motion carried, with Councilmembers D’Adamo, Conaway, Mitchell, and Branch Passing, and the President ordered that the Bill be given the number C.C. 06-0142R.

Bill No. 06-0142R - By Councilmember Kraft, President Dixon, Councilmembers Rawlings Blake, Harris, Spector, Holton, Welch, Young, Reisinger, Curran:

Introduced: February 6, 2006
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

A Request that the State of Maryland Meet its Constitutional Mandate to Provide Baltimore Public School Students an Adequate Education when Measured by Contemporary Educational Standards

FOR the purpose of requesting that Governor Robert Ehrlich, Lieutenant Governor Michael Steele, and State School Superintendent Nancy Grasmick in her role as the CEO of the State School Board comply with the June 30, 2000, court order in Bradford v. Maryland State Board of Education and provide the children of Baltimore a constitutionally adequate education when measured by contemporary educational standards.

Recitals

Article VII of the Maryland Constitution, as interpreted by the Maryland Court of Appeals in Hornbeck v. Somerset County Bd. of Education, 295 Md. 597 (1983), requires that all students in Maryland’s public schools be provided with an education that is adequate when measured by contemporary education standards.

On October 18, 1996, in Bradford v. the Maryland State Board of Education, Judge Joseph H.H. Kaplan found that “the public school children in Baltimore City are not being provided with an education that is adequate when measured by contemporary educational standards.”

In April 1997, the General Assembly of Maryland codified the principal terms of a court-sanctioned consent decree entered into by the State Board of Education and the Bradford plaintiffs, establishing a City-State partnership to improve the quality of education in Baltimore City’s Public School System.

In February 1, 2000, Metis Associates, Inc., an independent consultant selected by Dr. Grasmick acting in her capacity as the Chief Executive of the State Board, and the Baltimore

City Public School System (BCPSS) Board found that the State was under-funding the BCPSS by \$2,000 to \$2,600 per student. Despite this finding, the State failed to remedy the situation.

On June 30, 2000, Judge Kaplan held that the State of Maryland was still depriving the public school children of Baltimore City their constitutional right to an adequate education when measured by contemporary standards, by failing to “make the statutorily mandated best efforts to provide even a reasonable down payment on the additional \$2,000-\$2,600 per pupil that is needed to provide the children,” an adequate education as mandated by the Maryland Constitution. The Court issued an order urging the State to immediately remedy this continuing Constitutional violation.

In 2002, the Thornton Commission, in its final report on statewide education funding in Maryland, found that BCPSS required additional funding ranging from \$2,938 to \$4,250 per student.

In August 20, 2004, the Bradford Court again found that BCPSS needed substantial additional resources and held that the State had “not yet come close to complying with the Court’s June 2000 directive that an additional \$2,000 to \$2,600 per pupil be provided. Furthermore, a judicial determination was made that the State Board under funded BCPSS by between \$439.4 million and \$834.7 million. Again, the Court found that the constitutional violation that existed in 1996 and 2000 continued in 2004. It urged the State to accelerate Thornton increases to remedy the violation.

The State Board, under the guidance of Superintendent Grasmick and the Ehrlich/Steele Administration, appealed the decision, arguing that the doctrine of separation of powers precludes the courts from considering the constitutional inadequacies of school funding. This argument was rejected in July of 2005, leaving the 2000 Bradford Court Order in full effect.

For 10 years, State Superintendent Nancy Grasmick has been on notice from the Circuit Court of Maryland that the State of Maryland is violating the State Constitutional rights of Baltimore City school children by failing to provide them with the educational resources of their suburban peers.

Lt. Governor Michael Steele’s February 1, 2006, offer of resources to Frederick Douglass Senior High School, only one of the 191 schools for which the Ehrlich-Steele Administration is responsible to maintain as a full partner in the City-State Partnership, falls woefully short of its constitutional, statutory and court-ordered obligations.

For 3 years, Governor Robert Ehrlich and Lt. Governor Michael Steele have ignored and continue to ignore their constitutional obligation and statutory responsibility to provide the requisite resources that would ensure that Baltimore City’s school children receive the quality education to which they are entitled, by refusing to comply with the Bradford Court Order.

On February 1, 2006, Lt. Governor Steele affirmatively recognized his constitutional mandate when he proclaimed to the students of Baltimore City, “*We want to do what it takes to give these kids the same education they’d get anywhere else in the State...*”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE That Governor Robert Ehrlich, Lieutenant Governor Michael Steele, and State Schools Superintendent Nancy Grasmick honor Lt. Governor Steele's promise and commitment by immediately ceasing their ongoing violation of the Maryland Constitution, by complying with the Bradford Court Order and immediately providing the children of Baltimore City's Public School System with the \$439-\$834 million owed since 2001.

AND BE IT FURTHER RESOLVED, That the Maryland Board of Public Works fully fund the Baltimore City Public School System FY 2007 Capital Improvement Plan.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Mayor, the Honorable Members of the Baltimore City Senate and House Delegations to the 2006 Session of the Maryland General Assembly, the State Superintendent of Schools, the CEO of Baltimore City Public School System, and the Baltimore City Board of School Commissioners.

Councilmember Kraft 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 Kraft, Curran, Harris, Spector, Rawlings Blake, Holton, Welch, Reisinger, Young, Clarke - Total 11.

Nays - 0.

Pass - Councilmembers D'Adamo, Conaway, Mitchell, Branch - Total 4.

The President declared the Rules "Suspended".

Then Councilmember Kraft 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 Kraft, Curran, Harris, Spector, Rawlings Blake, Holton, Welch, Reisinger, Young, Clarke - Total 11.

Nays - 0.

Pass - Councilmembers D'Adamo, Conaway, Mitchell, Branch - Total 4.

The President declared the Resolution "Adopted".

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS NO. 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, AND 1868 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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 14.

Nays - 0.

Out of Chambers - Councilmember Holton - Total 1.

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

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

Councilmember Rawlings Blake made a motion, which was seconded, to journalize the State of the City Address given by Mayor Martin O'Malley, at the Special Meeting of the City Council, Committee of the Whole, on January 30, 2006. The motion was approved.

**STATE OF THE CITY ADDRESS
MAYOR MARTIN O'MALLEY**

JANUARY 30, 2006

Thank you Council President Dixon for inviting me to join you - and our colleagues in government on the Council - to revisit, for the seventh time, where we've been and how far we've come over these important turn-around years.

To my colleagues of the City Council, thank you for your fairness, for your decency and for your commitment to moving our city forward together. We have not always agreed on how to move forward, but we have always found a way to work together for the people we serve.

I would like to especially thank Katie O'Malley - whose fortitude and strength have allowed our family to serve the people of Baltimore. And I am also grateful to our children - Grace, Tara, William and Jack - who have been brave and wise beyond their years in understanding that public service comes with its own unique set of challenges and sacrifices for the children of the servants.

Six years ago, we came together around the values that unite, realizing that in our city there is no such thing as a spare American... Understanding that compromise for the cause of progress is a

virtue... Believing that we progress as a people not on the weakness, but on the strength of our neighbors.

And together, over these important years, clearly, we have made progress. Sometimes, it has been nation-leading progress - progress that few people would have thought possible in a city that had become, by the end of the '90s, the most addicted and violent in America... A city that had lost more of its population and private job base than any other big city in America.

Madame President, today, thanks to the hard work of this body and the courage of our neighbors, the State of our City is growing stronger each day. As the Wall Street Journal reported last month:

“Baltimore has fought an uphill battle against urban decay to realize the promise of its ‘Charm City’ nickname... Now, row houses far from the splashy tourist attractions... are getting a lift from the nationwide housing boom. Strengthening office-property values are following the residential market’s lead. ‘Baltimore’s reputation as a distressed city is changing...”

Tonight we reflect upon our nationally recognized progress, not because the battle has been won, but because of the importance of the work that still remains undone. And we reaffirm our commitment to the diverse and resilient people we are blessed to serve, and the future generations to whom we share a sacred responsibility.

Public Safety

The foundation of our city's comeback is improved public safety. And this fundamental progress must continue. Where police misconduct or corruption raises its head, we will crush it. But this progress must continue.

Ten years ago, 20,000 of our neighbors fell victim to violent crime. By 2005, the number of our neighbors falling victim to violent crime had been driven down to 11,000 - its lowest level in our city since the 1960s. Together - with committed State and Federal partners - we can reduce violence in our city further still.

The nation's most stubborn homicide rate claimed the lives of 331 of our neighbors ten years ago. Last year together, we had reduced that tragic toll by 62 lives. But, we still have much work to do.

Ten years ago, 45 children were murdered on Baltimore's streets. Last year, 13 children were murdered in our city - the lowest number in more than two decades. Churches, neighborhood leaders, parents, teachers, our health department and your wise increased investments in after-school and summer jobs, all worked together to achieve that progress. But 13 young lives is 13 too many. There is important work to be done.

This year with Commissioner Hamm's leadership, we have reason to believe continued progress is possible, with the installation of more than 200 public safety cameras - and with the commitment, for the first time in five years, of the U.S. Attorney to the cause of violent crime reduction in our American city.

And we will be vigilant in policing our police. We will not tolerate corruption or criminality that tarnishes the good work of the men and women of our Police Department.

Public Health

A decade ago, Baltimore was #1 in the country in teen pregnancy. 12% of all teenage girls in our city were having babies. Last year, it was down to 8%, which is still far too high, but we're now at #15. More proof that perseverance pays off in progress.

And we're making progress on addiction - opening a new inpatient drug treatment center this year - as well as infant mortality and childhood lead paint poisoning using the same types of pragmatic public health strategies.

Public Education

Ten years ago, Baltimore's schools were in crisis - a crisis, which in 1997, led to the current city-state partnership, with all its pros and cons.

That year, the high school graduation rate stood at 42%. Through hard work, our city's high school graduation rate now stands at nearly 60%. We still have work to do, but the path of progress is clear and irrefutable - except to the most narrow-minded city-bashers.

In 2000, when Council President Dixon first brought us together to review the State of our City, I noted that just 16% of our third graders met the state's reading standards. Last year, 61% of our third graders met those state standards. And they're part of a rising tide of achievement - with our elementary students citywide scoring proficient in reading and math.

This year, we have reason to believe continued progress is possible. Together, last month, we announced the biggest school renovation initiative in Baltimore's history - an appropriation you will formally consider in this chamber.

From Deficit To Surplus

Budget surplus is not a phrase that many of us thought we would hear in a State of the City speech 7 years ago. Back then, we struggled annually with a persistent structural budget deficit fueled by worsening crime and the resultant population flight.

In 1999, our Finance Department was projecting a structural budget deficit of \$153 million. We faced a seemingly endless string of tough choices.

But together we faced them, and we made them. We also made the right investments. And this year, we will be seeking ways to invest our second straight budget surplus in strengthening our City's future, while we continue to reduce our property tax rate to its lowest level in more than 30 years.

All of you know, better than most, that these years have not been easy. But you also know - together - how we did it: we did it by tackling tough problems not by running away from them.

What do Tokyo, London, New York City, San Francisco, Liberia, Belfast and Washington State and New Jersey all have in common? Their governments have all come to Baltimore to see first hand the revolutionary things that our government is doing right with CitiStat... to see why our city government was picked by the Kennedy School at Harvard University as the winner of the Innovations in Government Award... to see why Baltimore was the first government in history to win the Gartner Award for customer service excellence.

Through CitiStat and 311, together, we are relentlessly replacing patronage politics with performance politics. Because of CitiStat we have saved more than \$350 million - helping us to turn those deficits into surpluses.

Customer service surveys. Data-measured performance across the array of vital city services. Progress and setbacks measured not just by inputs, but by outcomes. This is the dashboard of management that no prior mayor had at his disposal. And it is the critical new tool that every future mayor of Baltimore will have to drive progress.

And we've used these same methods to rescue the city school system from bankruptcy - turning around a fiscal crisis, with our rainy day fund and performance management systems, that many in Annapolis said was hopeless.

Population Turnaround

The combination of improved public safety and a more transparent, effective and performance-measured city government is making our City a more livable city.

After 50 years of flight - losing, during the 70s, 80s and 90s, about 1,000 people every month - Baltimore's population loss is drawing to an end, according to U.S. Census estimates.

As the Wall Street Journal pointed out - and as Time magazine and Nightline have pointed out - neighborhoods far from the Inner Harbor are now coming back to life... with new homes and new business and new neighbors, committed to our city's safer and healthier future. At long last, the repopulation of Baltimore has begun.

Economic Growth

Not surprisingly, as Baltimore repopulates, so too is investment rising - with more than \$7 billion in new development happening across our city.

Home values have soared from \$69,000 in 1999 to more than \$170,000 late last year - increasing the worth of a family's biggest investment and greatest opportunity for the creation of legacy wealth. But rising values have also given rise to the new challenge of creating affordable housing opportunities.

We are delivering on our shared pledge to ensure that economic growth is an opportunity open to all in our majority minority city. Together we have more than doubled the amount of city contracting and subcontracting with minority-owned companies, from \$45 million in 2000, to \$94 million in 2005, and we're not done yet. We've increased the percentage of qualifying

contracts awarded to MBE companies from just 14% in 2000, to 31% of eligible contract dollars last year.

After years of bemoaning our thousands of vacant houses, we are taking ownership - waking dead capital through Project 5000. We have taken control of nearly 6,000 properties - with 1,000 already sold, earning the city \$3.3 million. And 2,000 properties will be redeveloped in massive redevelopment projects like Uplands, Barclay, EBDI and the University of Maryland BioPark.

And after years of wondering how we could leverage the strength of Johns Hopkins and the University of Maryland, we are moving forward with projects that will reshape our city in the decades to come as Baltimore leads the way in unleashing what Dr. Jeffrey Sachs calls "America's healing weapons of mass salvation."

The quarter of a billion dollar NIH research facility at Hopkins Bayview is nearly complete. On the West Side of downtown, \$645 million of investment - about two-thirds of it from private investors - is rebuilding our historic shopping district. This year marked the historic occasion of this redevelopment project crossing Martin Luther King Boulevard, with the groundbreaking of the University of Maryland BioPark - which will help anchor the rebirth of Poppleton.

And in East Baltimore, blighted blocks will be replaced with new homes and new job opportunities. Demolition has begun to allow for the building of new housing. And this year, we will break ground on the first life sciences building - which will bring more than 1,000 new jobs to an area that defined blight in the eyes of every American who sees Baltimore from the Amtrak line.

Job Growth

We all remember the 1990s as a period of economic growth for our country. With wise investments and fiscal responsibility, the Clinton boom years strengthened the middle class and lifted most of our country. But, during that same decade, while the Baltimore region created 67,000 new jobs, Baltimore City lost 60,000 jobs.

Contrast that with 2005. According to the U.S. Department of Labor, last year, Baltimore created 7,700 new jobs, nearly closing the gap between job growth in the region and job growth in the city.

Those cranes you see in our skyline are also creating jobs. The new neighbors repopulating our City are creating jobs. And the creativity of our institutions of healing and higher education - they are creating jobs in our city, which sits atop a Creative Crescent Metro Economy that stretches from Baltimore to Washington to Richmond.

Throughout our progress, we have kept our promises with the working men and women who have pushed us along our way: Building what will be Baltimore's second union hotel with unprecedented levels of union labor and minority business participation; signing multi-year wage agreements with city employees; and proving that a living wage is the way we should do business - and that raising the minimum wage helps families work their way out of poverty and expands our middle class.

Our progress has been hard won. Let's not kid ourselves. When we began this, we understood that it would be difficult. Some in public service run away from tough challenges. Together, we ran into the breach. Together, we chose to take responsibility; we chose to exercise what Robert Kennedy called the greatest of freedoms privileges, the privilege to be responsible for our shared future.

We chose to be responsible for making our city safer. We chose to be responsible for making our city cleaner and healthier. We chose to make our city a better place for our children to grow to the fullness of their God given potential.

Together, we took action based on the revolutionary notion that progress is possible. And we are showing our country and our state what a free and diverse people are capable of achieving in a once struggling city.

Progress, despite a national political pendulum that would make our government smaller - even at the cost of making our cities weaker and less secure in the face of disasters man-made and natural.

Progress, despite a long entrenched cynicism, among some, that holds firmly to the notion that only bad things happen in cities. And if, on occasion, good things happen, they are accidental, not good enough, or an exception to the rule of a much bigger and more inevitable failure.

Conclusion

Madame President, as I conclude, I am reminded of two important events that punctuated the close of 2005: the devastation of hurricane Katrina and the passing of Rosa Parks. In Katrina, despite heroic efforts, including those of Chief Goodwin and the Baltimore relief column, we saw on our television sets a horrifying picture of America the crowd - where the elderly, the infirmed and babies were left behind by their government to die of dehydration in the heart of a great American City.

In the life of Rosa Parks, we were reminded of America the community. An America where we treat each other with dignity and respect. Where we realize that whether we ride in the front of the bus or the back of the bus, at the end of our days, we are all going to the same place. America the community.

On Saturday, I had a chance to hang out with my boys William and Jack at the 33rd street YMCA, while Katie was working out there. William was rock climbing. And Jack was running around on the playground with full-throttled exuberance.

I ran into a friend of mine who was there with his son, as well. As we talked about the comeback of the 33rd Street corridor with a new Giant grocery store, new YMCA, new open space and park space, and new housing for seniors where they can live with dignity and care.

My friend said: "This is the new Baltimore isn't it? This is what we imagined and have strived for: white and black moms and dads watching their children play in peace." And so it is. A playground where the children of Baltimore play in the shadows of Unitas and Moore - on hallowed ground where, true to the prophecy, time has not deemed the glory of patriot deeds.

This is the City - this is the community - that we are building. This is the responsibility we have chosen. This is the mission we continue together this year and, with God's grace, for years to come.

It is far bigger than one person or one Council - because it is the journey of a people whose character is in every sense of the word "great..." A city where we proclaim by our actions and our care for one another that there is no such thing as a spare American... In a diverse and tolerant City where we understand that compromise for the cause of our common good is a virtue... In a City where we progress as a people on the strength of our neighbors... In Baltimore, the greatest City in America.

Thank you.

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

TYLER GEARHART

Chair

COMMISSION:

Commission for Historical and Architectural
Preservation

EXPIRATION OF TERM:

December 7, 2007

The motion prevailed.

The President declared the favorable report adopted.

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

The roll was called, resulting as follows:

Yeas - President and Councilmembers Kraft, D'Adamo, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 14.

Nays - Councilmember Curran - Total 1.

The President declared the appointment of Tyler Gearhart 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

DONNA A. CYPRESS

Member

COMMISSION:

Commission for Historical and Architectural
Preservation

EXPIRATION OF TERM:

December 7, 2007

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Young made a motion, which was duly seconded, that the appointment of Donna A. Cypress be confirmed.

The roll was called, resulting as follows:

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the appointment of Donna A. Cypress 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

PHILIP J. MERRILL

Member

COMMISSION:

Commission for Historical and Architectural
Preservation

EXPIRATION OF TERM:

December 7, 2007

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Young made a motion, which was duly seconded, that the appointment of Philip J. Merrill be confirmed.

The roll was called, resulting as follows:

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the appointment of Philip J. Merrill 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

DAVID H. GLEASON, AIA

Member

COMMISSION:

Commission for Historical and Architectural
Preservation

EXPIRATION OF TERM:

December 7, 2007

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Young made a motion, which was duly seconded, that the appointment of David H. Gleason, AIA be confirmed.

The roll was called, resulting as follows:

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 15.

Nays - 0.

The President declared the appointment of David H. Gleason, AIA confirmed.

COMMITTEE REPORTS

BILL NO. 05-0249 REPORTED FAVORABLY, WITH AMENDMENTS, AND ORDERED PRINTED FOR THIRD READING

Councilmember Holton, for the Economic Development and Public Financing Subcommittee, reported Bill No. 05-0249 favorably, with amendments.

An Ordinance establishing a clear policy against discrimination in business on the basis of race, gender, religion, national origin, ethnicity, sexual orientation, age, or disability and a clear policy for the City not to engage in business with firms that discriminate in their solicitation, selection, or treatment of vendors, suppliers, subcontractors, or business customers; establishing a formal complaint process and investigation process for alleged violations of this policy; and

providing due process for hearing evidence, rendering findings, and imposing sanctions for violations of the commercial non-discrimination policy.

Amendments to City Council Bill No. 05-0249

Amendment No. 1

On page 1, in the second line of the bill’s sponsors, strike “Mitchell,”.

Amendment No. 2

On page 1, in line 4, and on page 2, in line 6, in each instance, after “orientation,” insert “gender identity or expression,”; and, on page 4, in line 7, on page 5, in line 7, on page 8, in line 1, and on page 11, in line 32, in each instance, after “ORIENTATION,”, insert “GENDER IDENTITY OR EXPRESSION,”.

Amendment No. 3

On page 2, in line 4, strike “constitutional duty” and substitute “compelling interest”.

Amendment No. 4

Strike beginning with “AND” on page 2, in line 33, through “PRACTICES” on page 3, in line 2, and substitute:

“THE BOARD OF FINANCE, IN CONSULTATION WITH THE MINORITY AND WOMEN’S BUSINESS OPPORTUNITY OFFICE, SHALL ADOPT REGULATIONS TO REQUIRE THAT THE BANKS SELECTED ARE IN FULL COMPLIANCE WITH THE CITY’S COMMERCIAL NON-DISCRIMINATION POLICY, AS SET FORTH IN SUBTITLE 29 OF THIS ARTICLE”.

Amendment No. 5

On page 4, after line 15, insert:

“(B) BALTIMORE CITY MARKET AREA.

“BALTIMORE CITY MARKET AREA” MEANS BALTIMORE CITY, BALTIMORE COUNTY, ANNE ARUNDEL COUNTY, HOWARD COUNTY, MONTGOMERY COUNTY, AND PRINCE GEORGE’S COUNTY.”;

and, on the same page, in lines 16, 25, and 28, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively.

Amendment No. 6

On page 4, after line 31, insert:

“(F) COMMERCIAL CUSTOMER.

“COMMERCIAL CUSTOMER” MEANS A BUSINESS ENTITY THAT HAS PROCURED OR ATTEMPTED TO PROCURE GOODS OR SERVICES FROM ANOTHER BUSINESS ENTITY FOR BUSINESS PURPOSES, AS OPPOSED TO PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES.”;

and, on page 4, in 32, and on page 5, in lines 1, 15, 26, 29, and 32, and on page 6, in line 1, strike “(E)”, “(F)”, “(G)”, “(H)”, “(I)”, “(J)”, and “(K)”, respectively, and substitute “(G)”, “(H)”, “(I)”, “(J)”, “(K)”, “(L)”, and “(M)”, respectively.

Amendment No. 7

On page 6, in line 7, after the period, insert:

“A CLAIM OF DISCRIMINATION MAY BE INVESTIGATED AND ADJUDICATED UNDER THIS POLICY ONLY IF THE CLAIM ALLEGES THAT:

(1) THE DISCRIMINATION WAS COMMITTED BY A BUSINESS FIRM WITHIN THE APPLICABLE LIMITATIONS PERIOD SET FORTH IN § 29-7 OF THIS SUBTITLE; AND

(2) THE DISCRIMINATION OCCURRED IN THE BALTIMORE CITY MARKET AREA. DISCRIMINATION IS DEEMED TO HAVE OCCURRED IN THE BALTIMORE CITY MARKET AREA ONLY IF:

(1) EACH PARTY EITHER OPERATED A PLACE OF BUSINESS IN, OR RESIDED IN, THE BALTIMORE CITY MARKET AREA AT THE TIME OF THE DISCRIMINATION; OR

(2) THE DISCRIMINATORY ACT WAS COMMITTED IN THE BALTIMORE CITY MARKET AREA.”.

Amendment No. 8

On page 8, in line 8, after the period, insert “THE COMPLAINT MUST BE FILED WITHIN 4 YEARS FROM THE DATE IT ACCRUES.”.

Amendment No. 9

On page 9, after line 2, insert:

“(C) IN MAKING THE RECOMMENDATION, THE CHIEF MAY CONSIDER EVIDENCE REGARDING:

(1) WHETHER THERE WAS AN INTENT TO DISCRIMINATE ON THE PART OF THE RESPONDENT BUSINESS FIRM;

(2) WHETHER THERE WAS A PATTERN AND PRACTICE OF DISCRIMINATION ON THE PART OF THE RESPONDENT BUSINESS FIRM;

(3) ANY ACTIONS TAKEN BY THE RESPONDENT BUSINESS FIRM TO REMEDY THE ALLEGED DISCRIMINATION;

(4) THE EFFECTIVENESS OF ANY PRIOR ATTEMPTS BY THE RESPONDENT BUSINESS FIRM TO REMEDY THE DISCRIMINATION;

(5) WHETHER THE RESPONDENT BUSINESS FIRM HAD PROCURED GOODS OR SERVICES FROM OR OTHERWISE ENGAGED IN BUSINESS WITH PERSONS OR ENTITIES OF THE SAME PROTECTED CLASS AS THE COMPLAINANT TO AN EXTENT SUFFICIENT TO DEMONSTRATE THAT THE RESPONDENT HAD NOT DISCRIMINATED AGAINST SUCH PROTECTED CLASS IN THE OVERALL CONTEXT OF ITS BUSINESS; AND

(6) ANY OTHER EVIDENCE DEEMED RELEVANT BY THE CHIEF.

(D) THE CHIEF SHALL MAKE THE INITIAL FINDING BASED UPON A PREPONDERANCE OF THE EVIDENCE.”;

and, on page 9, in lines 3, 5, and 8, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(E)”, “(F)”, and “(G)”, respectively.

Amendment No. 10

On page 9, in line 5, strike “AND” and substitute “EITHER”; and, on the same page, in line 6, after “CAUSE”, insert a comma.

Amendment No. 11

On page 9, strike beginning with “EXCEPT” in line 27 through the period in line 30; and, on page 11, strike beginning with “EXCEPT” in line 12 through the period in line 15.

Amendment No. 12

On page 9, at the beginning of line 39, strike “THE” and substitute “CONSISTENT WITH THE MARYLAND PUBLIC INFORMATION ACT AND THE STATE OPEN MEETINGS ACT, THE”.

Amendment No. 13

On page 10, after line 13, insert:

“(F) AT THE HEARING, THE CITY SHALL HAVE THE BURDEN OF PROOF BASED UPON A PREPONDERANCE OF THE EVIDENCE.”.

Amendment No. 14

On page 10, in line 15, before “WHEN”, insert “(A)”.

Amendment No. 15

On page 10, in line 16, strike “SHALL” and substitute “MAY”.

Amendment No. 16

On page 10, in line 18, strike “PROVIDED BY LAW OR”.

Amendment No. 17

On page 10, strike beginning the comma in line 23 through “ARTICLE” in line 24.

Amendment No. 18

On page 10, strike beginning with “MARYLAND” in line 28 through “ARTICLE” in the same line and substitute “LAW”.

Amendment No. 19

On page 10, in line 26, strike “OR”; and, on the same page, in line 29, strike the period and substitute “; OR”; and, on the same page, after line 29, insert:

“(5) THE BOARD OF ESTIMATES OR HEARING EXAMINER MAY ORDER THE PARTIES TO SUBJECT THE COMPLAINT TO MEDIATION.”

Amendment No. 20

On page 10, in line 30, after “FOR”, insert “KNOWINGLY”; and, on the same page, in line 33, strike “so”; and, in the same line, strike “THAT THEY ARE WHOLLY” and substitute “AND”.

Amendment No. 21

On page 11, in line 11, strike “45” and substitute “90”.

Amendment No. 22

On page 11, in line 41, and on page 12, in lines 19, 24, and 28, in each instance, after “CODE”, insert “, AS AMENDED FROM TIME TO TIME”.

Amendment No. 23

On page 12, in line 3, after the period, insert:

“THIS CLAUSE IS NOT ENFORCEABLE BY OR FOR THE BENEFIT OF, AND CREATES NO OBLIGATION TO, ANY THIRD PARTY.”

Amendment No. 24

On page 12, in line 8, strike “10” and substitute “5”; and, on the same page, strike beginning with “A COMPLAINT” in line 8 through “ANY” in line 14 and substitute:

“THERE HAS BEEN A FINAL ADJUDICATED DETERMINATION IN A LEGAL OR ADMINISTRATIVE PROCEEDING IN THE STATE OF MARYLAND THAT THE BIDDER HAS DISCRIMINATED AGAINST ITS SUBCONTRACTORS, SUPPLIERS, VENDORS, OR COMMERCIAL CUSTOMERS ON THE BASIS OF RACE, GENDER, RELIGION, NATIONAL ORIGIN, ETHNICITY, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, AGE, OR DISABILITY, AND A DESCRIPTION OF ANY RESULTING SANCTION ENTERED AND”.

Amendment No. 25

On page 12, in line 16, strike “ISSUED BY THE CITY”; and, on the same page, in line 17, after “AND”, strike “UPON” and substitute “ONLY AFTER”; and, on the same page, in line 21, strike “5” and substitute “4”.

Amendment No. 23

On page 14, in line 1, after “DETERMINATION” strike “O” and substitute “TO”.

Amendment No. 24

On page 14, strike beginning with “the” in line 13 through “enacted” and substitute “July 1, 2006. Discrimination that occurs before the effective date shall not be actionable under this Subtitle”.

The amendments were read and adopted, with Councilmember Mitchell Passing.

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

Amendment to City Council Bill No. 05-0249

Amendment No. 1

On page 3 of the Committee Amendments, in Amendment No. 9, in the first line, before “RECOMMENDATION”, insert “INITIAL FINDING AND”.

The amendment was read and adopted, with Councilmember Mitchell Passing.

Favorable report, as amended, adopted, with Councilmember Mitchell Passing.

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

**BILL NO. 05-0173 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Reisinger, for the Land Use and Transportation Committee, reported that the Committee has complied with the requirements of Article 66B of the Maryland Code and recommends the adoption of the following Findings of Fact and the adoption of Bill No. 05-0173 favorably, with amendments.

An Ordinance changing the zoning for the properties known as 820 Oldham Street, 4526 O'Donnell Street, 4600 O'Donnell Street, and a portion of 4500 Fait Avenue, as outlined in red on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District, and changing the zoning for the properties known as 4601 Foster Avenue, a portion of 4500 Fait Avenue, and 4700 Fait Avenue, as outlined in blue on the accompanying plat, from the M-1-2 Zoning District to the R-8 Zoning District.

Amendments to City Council Bill No. 05-0173

Amendment No. 1

On page 1, in line 2, strike “**4526 O'Donnell Street, 4600 O'Donnell Street,**”.

Amendment No. 2

On page 1, in line 4 and in line 18, in each instance, strike “properties” and substitute “property”; on the same page, in lines 4 and 5, and, in lines 18 and 19, in each instance, strike “, 4526 O'Donnell Street, 4600 O'Donnell Street,”; and, in lines 6, 8, 19, and 23, in each instance, before “plat”, insert “amended”.

The amendments were read and adopted.

Findings of Fact

**City Council Bill No. 05-0173
Rezoning - 820 Oldham Street, 4500 Fait Avenue,
4601 Foster Avenue and 4700 Fait Avenue**

1. Boundaries of the Neighborhood:

The boundaries of the neighborhood are approximately Eastern Avenue on the north; O'Donnell Street on the south; Oldham Street on the east; and Conrail Railroad Right-of-Way on the west.

2. Population Change:

Since 1990, the number of residents in the geographic area of Ward 26, Precinct 7, has decreased by 9% percent.

3. Availability of public facilities:

Adequate public facilities and public transportation are available for residential activities.

4. Present and future transportation pattern:

Since the enactment of the 1971 Zoning Code, traffic patterns have not changed substantially and the roads are sufficient to support the proposed development.

5. Compatibility with existing and proposed development:

The proposed rezoning for residential use is compatible with adjacent residential neighborhood. This request is in conformance with the Findings of the Greentown Zoning Study and Rezoning Proposal.

6. Recommendations of the Planning Commission:

Approval X

Disapproval _____

7. Recommendation of the BMZA:

Approval X

Disapproval _____

8. Relation of the proposal to the City’s Master Plan:

Conforms X

Does not conform _____

9. Changes in the character of the neighborhood:

The character of the neighborhood has changed since the last comprehensive rezoning in 1971.

10. A mistake in the existing zoning classification:

The 1971 Zoning Code was correct.

Land Use Committee

Edward L. Reisinger
Chair

Rochelle Rikki Spector
Member

James B. Kraft
Member

Bernard Jack Young
Member

Findings of Fact and favorable report, as amended, adopted.

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

**BILL NO. 05-0245 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Reisinger, for the Land Use and Transportation Committee, reported that the Committee has complied with the requirements of Article 66B of the Maryland Code and recommends the adoption of the following Findings of Fact and the adoption of Bill No. 05-0245 favorably, with amendments.

An Ordinance changing the zoning for the property known as 1901 South Charles Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District.

Amendments to City Council Bill No. 05-0245

Amendment No. 1

On page 1, in line 2, after “**Street**”, insert “ **and 1900, 1904, 1910, 1916, 1924, 1926, 1928, 1930, 1932, 1934, 1936, 1938, 1940, 1942, 1944, and 1946 Light Street**”.

Amendment No. 2

On page 1, in lines 3 and 14, in each instance, strike “property” and substitute “properties”; in lines 3 and 14, in each instance, after “Street”, insert “and 1900, 1904, 1910, 1916, 1924, 1926, 1928, 1930, 1932, 1934, 1936, 1938, 1940, 1942, 1944, and 1946 Light Street”; and, in lines 4 and 15, in each instance, before “plat”, insert “amended”.

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

Findings of Fact

**City Council Bill No. 05-0245
Rezoning - 1901 South Charles Street
and**

*(1900 Light Street
1904 Light Street*

*1932 Light Street
1934 Light Street*

*1910 Light Street
1916 Light Street
1924 Light Street
1926 Light Street
1928 Light Street
1930 Light Street*

*1936 Light Street
1938 Light Street
1940 Light Street
1942 Light Street
1944 Light Street; and
1946 Light Street)*

1. Boundaries of the Neighborhood:

The boundaries of the neighborhood are approximately Fort Avenue on the north; Middle Branch on the south, Light Street on the east; and Hanover Street on the west.

2. Population Change:

Since 1990, the number of residents in the geographic area of Ward 23, Precinct 3, has increased by 25 percent. According to the Industrial Land Use Analysis, not all industrial zoned land is required for modern industrial use, and therefore can be converted to other uses. In this area, several formerly industrial sites are no longer in operation or are underutilized. The residential population in this area has been growing tremendously in strength and the market dictates that the conversion of this underutilized industrial site for residential purposes meets the demand of the surrounding neighborhood.

3. Availability of public facilities:

Adequate public facilities and public transportation are available for residential activities.

4. Present and future transportation pattern:

Since the enactment of the 1971 Zoning Code, traffic patterns have not changed substantially and the roads are sufficient to support the proposed development.

5. Compatibility with existing and proposed development:

The proposed rezoning for residential use is compatible with adjacent residential neighborhood, as well as with recently rezoned properties for a mixed-use industrial conversion project to the east.

6. Recommendations of the Planning Commission:

Approval X
Disapproval

7. Recommendation of the BMZA:

Approval X

Disapproval

8. Relation of the proposal to the City’s Master Plan:

Conforms X

Does not conform

9. Changes in the character of the neighborhood:

The character of the neighborhood has changed since the last comprehensive rezoning in 1971.

10. A mistake in the existing zoning classification:

The 1971 Zoning Code was correct.

Land Use Committee

Edward L. Reisinger
Chair

Mary Pat Clarke
Member

James B. Kraft
Member

Bernard Jack Young
Member

Findings of Fact and favorable report, as amended, adopted, with Councilmember Clarke out of Chambers.

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

**BILL NO. 05-0305 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Reisinger, for the Land Use and Transportation Committee, reported Bill No. 05-0305 favorably, with amendments.

An Ordinance approving the application of Hale/KSI, LLC, which is the fee simple owner or contract purchaser of certain properties known as 820 Oldham Street, 4601 Foster Avenue, 4700 Fait Avenue, 4526 O'Donnell Street, 4600 O'Donnell Street, 4618 O'Donnell Street, 4620 O'Donnell Street, 4622 O'Donnell Street, 4624 O'Donnell Street; and Fait Avenue, LLC, the fee simple owner of the property known as 4500 Fait Avenue; (hereinafter collectively the "Applicant"), together with the adjoining roads, highways, alleys, rights-of-way, and other similar property (collectively, the "Properties"), to have the Properties designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

Amendments to City Council Bill No. 05-0305

Amendment No. 1

On page 2, in line 15, strike "and"; in the same line, before "as", insert "Sheet 3, "Illustrative Master Plan", dated January 10, 2006, Sheet 4, "Illustrative Site Plan", dated January 10, 2006, Sheet 5, "Conceptual Landscape Plan", dated January 10, 2006, and Sheet 6, "Streetscape Guidelines", dated January 10, 2006."; in line 16, after "Planned", insert "Unit"; and, in line 24, strike "1,300" and substitute "1,085".

Amendment No. 2

On page 2, in line 25, strike "the following uses" and substitute "all permitted and conditional uses of O-R, B-1, and B-2 districts"; in line 26, after "Plan", insert ", with the exception of"; and strike lines 27 through 33 in their entirety and substitute

Dwellings; apartment hotels; rooming houses; foster homes; fraternity and sorority houses; convalescent, nursing, and rest homes; housing for the elderly; homes for non-bedridden alcoholics or homeless persons."

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 TODAY

Councilmember Holton made a motion, which was duly seconded, to place Bill No. 05-0249 on third reading today.

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Young, Branch, Clarke - Total 14.

Nays - 0.

Pass - Councilmember Mitchell - Total 1.

The President declared that three fourths of all the members-elect, voting in the affirmative, Article 3, Section 14 of the Charter having been complied with, the bill was placed on third reading file.

The President laid before the City Council:

BILL NO. 05-0249 - An Ordinance establishing a clear policy against discrimination in business on the basis of race, gender, religion, national origin, ethnicity, sexual orientation, gender identity or expression, age, or disability and a clear policy for the City not to engage in business with firms that discriminate in their solicitation, selection, or treatment of vendors, suppliers, subcontractors, or business customers; establishing a formal complaint process and investigation process for alleged violations of this policy; and providing due process for hearing evidence, rendering findings, and imposing sanctions for violations of the commercial non-discrimination policy.

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 Kraft, D'Adamo, Curran, Harris, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Young, Branch, Clarke - Total 14.

Nays - 0.

Pass - Councilmember Mitchell - Total 1.

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

THIRD READING

The President laid before the City Council:

BILL NO. 05-0252 - An Ordinance amending the Building, Fire, and Related Codes article to reflect certain changes made to the Maryland Building Performance Standards; prohibiting certain required guards from being constructed with horizontal rails or other pattern that results in a ladder effect; correcting, clarifying, and conforming certain language; and generally relating to the building, fire, property maintenance, electrical, plumbing, mechanical, and related codes for Baltimore City.

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 Kraft, D'Adamo, Curran, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 14.

Nays - 0.

Out of Chambers - Councilmember Harris - Total 1.

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

The President laid before the City Council:

BILL NO. 05-0269 - An Ordinance narrowing the requirements for registering as a lobbyist under certain circumstances; conforming certain provisions to their counterparts in State law; providing for a special effective date; and generally relating to lobbying and lobbying registration.

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 Kraft, D'Adamo, Curran, Spector, Rawlings Blake, Conaway, Holton, Welch, Reisinger, Mitchell, Young, Branch, Clarke - Total 14.

Nays - 0.

Out of Chambers - Councilmember Harris - Total 1.

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

CLEARING OF BILL STATUS REPORT - CITY COUNCIL RULE 10-12

Under City Council Rule 10-12, President Dixon announced that the following bills were withdrawn from consideration before the City Council:

05-0024; 05-0026; 05-0028; 05-0106; 05-0185; 05-0186; 05-0193; 04-0194; 05-0214

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 05-0280**

Councilmember Mitchell made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 05-0280.

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

ADJOURNMENT

On motion of Councilmember Rawlings Blake, duly seconded, the City Council adjourned to meet on Monday, February 27, 2006, at 5:00 p.m.

Consent Calendar

- CR 1809 Young, Branch**
A City Council RESOLUTION on the death of Lakeisha Danyette Baylor.
- CR 1810 Welch**
A City Council RESOLUTION congratulating the Leon Day Baseball Team on winning the National Championship in Florida.
- CR 1811 President Dixon, All Members**
A City Council RESOLUTION congratulating Baltimore International College on the celebration of its official Opening.
- CR 1812 Harris, All Members**
A City Council RESOLUTION on the death of John “Johnnie” Polite, Jr.
- CR 1813 D’Adamo, All Members**
A City Council RESOLUTION congratulating Nuradin A. Afmeged, Brian K. Allman, Frank Armstrong, Jr., Dennis Bailey, Fugiki P. Berry, Keoshap P. Buie, Edgar L. Caraballo, Timekia L. Cherry, Tirrell A. Coates, Raymond A. Collins, Joshua A. Curry, Joel M. Drew, Maria P. Ferges, Edward O. Gillespie, Jason P. Giordano, Jonathan S. Glazerman, Terrell C. Hall, Samuel J. Honablew, II, Keith T. Kienle, Steven M. Kolacz, Terrill K. Maddred, Anthony M. Magwood, Sr., Rhee S. Mann, Steven W. Miller, Steven W. Miller, Levar B. Monah, Nicole M. McCormick, Carnest L. McDuffie, Daryl D. McIntosh, James E. McShane, Gilbert L. Payne, Stephanie J. Payne, Kareem R. Reed, Michael W. Rice, Michael G. Schleper, Gregory V. Shuttleworth, Sheila Sinkler, Jada W. Smith, Terrence A. Smith, Scott A. Steven, Brandon J. Stickles, Ronald J. Surratt, Jr., Syreeta T. Teel, Lonnie White, and Andrea D. Bourne-Williams on their successful completion and graduation from the Baltimore City Police Academy – Class 05-01.
- CR 1814 D’Adamo, All Members**
A City Council RESOLUTION congratulating Edward Louis Foster, Jr. – Enoch Pratt Free Library, Dominic Sylvester Elsezy – Baltimore City Sheriffs, Marcus Darby Jackson – Baltimore City Sheriffs, Jose Fernando Najera – Baltimore City Sheriffs, Shawntane Chioke Taylor – Baltimore City Sheriffs, Timothy Lloyd Welsh – Baltimore City Sheriffs, Morton Stanley Winkler – Baltimore City Sheriffs, Riven Mack Davis, Jr. – Baltimore School Police, Sylvester Eugene Dorsey – Baltimore School Police, Adrienne Bailey-Hill – Baltimore School Police, Tracey Nicole Johnson – Baltimore School Police, Adrian Bernard Massey – Baltimore School Police, Enean Erica Thompson – Baltimore School Police, Evelyn Denise Watson – Baltimore School Police, and Dana Williams – Baltimore School Police, on their successful completion of the Certificate Training Course through the Baltimore City Police Academy.
- CR 1815 D’Adamo**
A City Council RESOLUTION congratulating Corporal John J. Zagraiek, Jr. on his election to the Office of President of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.

- CR 1816 D'Adamo**
A City Council RESOLUTION congratulating Lieutenant Kevin Anderson on his election to the Office of 1st Vice President of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1817 D'Adamo**
A City Council RESOLUTION congratulating Officer Shane Schapiro on his election to the Office of 2nd Vice President of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1818 D'Adamo**
A City Council RESOLUTION congratulating Corporal Pamela Thorne on her election to the Office of Secretary of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1819 D'Adamo**
A City Council RESOLUTION congratulating Sergeant Reynold Giese on his election to the Office of Treasurer of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1820 D'Adamo**
A City Council RESOLUTION congratulating Corporal Jason Pulliam on his election to the Office of Chaplain of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1821 D'Adamo**
A City Council RESOLUTION congratulating Officer Teresa Lamboni on her election to the Office of Conductor of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1822 D'Adamo**
A City Council RESOLUTION congratulating Corporal Michael McCullough on his election to the Office of Guard of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1823 D'Adamo**
A City Council RESOLUTION congratulating Corporal Allan Howell on his election to the Office of State Lodge Trustee of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1824 D'Adamo**
A City Council RESOLUTION congratulating Lieutenant Marvin Jackson and Corporal Elwood "Ron" Leath on their election to the Office of Lodge Trustee of the Board of Directors of the FOP Lodge #34, Maryland Transportation Authority Police.
- CR 1825 D'Adamo**
A City Council RESOLUTION on the death of Clara Bowling.
- CR 1826 D'Adamo**
A City Council RESOLUTION on the death of Henry Griffith.

- CR 1827 D'Adamo**
A City Council RESOLUTION on the death of William Bowen.
- CR 1828 Harris, All Members**
A City Council RESOLUTION on the death of Kaylia M. Baker.
- CR 1829 President Dixon, All Members**
A City Council RESOLUTION on the death of Morris James, April 24, 1947 – January 22, 2006.
- CR 1830 President Dixon, All Members**
A City Council RESOLUTION on the death of Betty Clayton-Bieretz.
- CR 1831 President Dixon, All Members**
A City Council RESOLUTION on the death of Mable W. Lewis.
- CR 1832 D'Adamo**
A City Council RESOLUTION on the death of Rena Bassetti.
- CR 1833 Welch**
A City Council RESOLUTION on the death of Norris Ringgold, Sr.
- CR 1834 Welch**
A City Council RESOLUTION on the death of Porshia McNeil.
- CR 1835 President Dixon, All Members**
A City Council RESOLUTION on the death of Dr. Roland T. Smoot.
- CR 1836 President Dixon, All Members**
A City Council RESOLUTION on the death of Tonya L. Brandford, October 27, 1967 – January 15, 2006.
- CR 1837 President Dixon, All Members**
A City Council RESOLUTION congratulating Tom Yang on the celebration of his retirement after 15 years of service with the Department of Transportation.
- CR 1838 President Dixon, All Members**
A City Council RESOLUTION congratulating Joseph C. David on the celebration of his retirement after 37 years of service with the Department of Transportation.
- CR 1839 President Dixon, All Members**
A City Council RESOLUTION congratulating Reverend Pamela O. Mitchell on the celebration of her 20 years of service in Ministry.
- CR 1840 Branch**
A City Council RESOLUTION congratulating Del Roy Jones on his retirement and outstanding service to the citizens of Baltimore in the Human Service field from 1968 through 2000.

- CR 1841** President Dixon, All Members
A City Council RESOLUTION congratulating Reginald F. Lewis Museum of Maryland African-American History and Culture on the “Distant Echoes: Black Farmers in America” exhibit.
- CR 1842** President Dixon, All Members
A City Council RESOLUTION congratulating Chariot of Fire Community Church of Christ on the Marching In ceremony into its new church facility.
- CR 1843** President Dixon, All Members
A City Council RESOLUTION congratulating Sergeant James Rose on the celebration of his retirement after 30 years of dedicated service with the Baltimore City Public School System.
- CR 1844** Curran
A City Council RESOLUTION congratulating Father Kolbe faculty and staff on their devotion and dedication to the students of Father Kolbe School.
- CR 1845** Young
A City Council RESOLUTION on the death of Trinita Vaughan-King.
- CR 1846** Young
A City Council RESOLUTION on the death of Billie S. Rorie.
- CR 1847** Young
A City Council RESOLUTION on the death of Otto Scott.
- CR 1848** Young
A City Council RESOLUTION on the death of Jesse Pittman, Jr.
- CR 1849** Clarke, Conaway
A City Council RESOLUTION congratulating Lura Warren on 80 active years of promoting the Wyman Park community and serving as Historian and Leader.
- CR 1850** Clarke
A City Council RESOLUTION congratulating Georgia Winder on 70 scintillating years of service, success and smiles to warm our hearts.
- CR 1851** Branch
A City Council RESOLUTION congratulating Joseph Boone on the celebration of his 57th birthday.
- CR 1852** Branch
A City Council RESOLUTION congratulating James F. McKinnon on the celebration of his 58th birthday.
- CR 1853** Branch
A City Council RESOLUTION congratulating Lois Boone on the celebration of her 49th birthday.

- CR 1854 Branch**
A City Council RESOLUTION congratulating Dr. Earl Nathan Woodard on his 30th Anniversary celebration as Pastor of David Memorial Baptist Church.
- CR 1855 Branch**
A City Council RESOLUTION on the death of Jerry Lymas.
- CR 1856 Young**
A City Council RESOLUTION congratulating Officer Essex Weaver on his retirement after 27 years of loyal and dedicated services to the Baltimore City Police Department.
- CR 1857 D'Adamo**
A City Council RESOLUTION congratulating Nicholas C. D'Adamo, Sr. on the celebration of his 82nd birthday.
- CR 1858 Harris, All Members**
A City Council RESOLUTION congratulating Brenda "Nataki" L. Simmons on her community and civic involvement, and her commitment to cultural enrichment as an educator, mother, mentor, volunteer and leader to Baltimore's children.
- CR 1859 Harris, All Members**
A City Council RESOLUTION on the death of Florence C. Powell.
- CR 1860 Harris, All Members**
A City Council RESOLUTION on the death of Hullane E. Anderson.
- CR 1861 President Dixon, Curran, All Members**
A City Council RESOLUTION on the death of Mary Ann Reilly.
- CR 1862 President Dixon, All Members**
A City Council RESOLUTION on the death of Elizabeth V. McLain, September 22, 1921 – January 31, 2006.
- CR 1863 President Dixon, All Members**
A City Council RESOLUTION on the death of Ralph Retz, March 17, 1947 – January 31, 2006.
- CR 1864 President Dixon, All Members**
A City Council RESOLUTION on the death of Reverend Louise M. Chase, August 11, 1916 – January 23, 2006.
- CR 1865 President Dixon, All Members**
A City Council RESOLUTION on the death of Armstead V. Ackwood.
- CR 1866 President Dixon, All Members**
A City Council RESOLUTION congratulating Raymond T. Kaline on the celebration of his retirement after 30 years of service with the Patapsco Waste Water Treatment Facility.
- CR 1867 President Dixon, All Members**
A City Council RESOLUTION congratulating JoAnn M. House on the celebration of her retirement after 39 years of service with the Social Security Administration.

CR 1868 President Dixon, All Members

A City Council RESOLUTION congratulating Pauline Ransome on the celebration of her retirement after 35 years of service with the Social Security Administration.