

SEVENTEENTH DAY

FIRST COUNCILMANIC YEAR - SESSION OF 2007 - 2011

**JOURNAL
CITY COUNCIL OF BALTIMORE**

June 16, 2008 - 5 p.m. Meeting

Councilmember Helen Holton, of City Council District 8, 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: Stephanie Rawlings-Blake, President, and Councilmembers Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke

MOTION TO CHANGE THE ORDER OF BUSINESS

Vice-President Reisinger made a motion, which was seconded, to invoke Rule 3-5(b) to change the usual order of business and to proceed with the order of business as reflected on the printed Meeting Agenda. The motion was approved.

THIRD READING

The President laid before the City Council:

BILL NO. 08-0101 - An Ordinance providing the appropriations estimated to be needed by each agency of the City of Baltimore for operating programs and capital projects during the fiscal 2009 year.

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 Curran, Henry, Spector, Middleton, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 12.

Nays - Councilmember Kraft - Total 1.

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

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

Vice-President Reisinger made a motion, which was seconded, that the Council recess in order to go before the Board of Estimates for the setting of the property tax rate for Fiscal Year 2009. The motion was approved. After the Board of Estimates Meeting, President Rawlings-Blake reconvened the City Council Meeting.

The City Council of Baltimore met pursuant to adjournment. Present: Stephanie Rawlings-Blake, President, and Councilmembers Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke

RECONSIDERATION OF THE THIRD READER VOTE FOR COUNCIL BILL 08-0117

Councilmember Young made a motion, which was seconded, to reconsider the vote for Bill No. 08-0117 that had been approved by the Council at the Meeting of June 16, 2008 - 3 p.m.

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

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

Nays - 0.

Out of Chambers - Councilmember Henry - Total 1.

The motion to reconsider the third reader vote for final passage of Bill No. 08-0117 was approved.

The President laid before the City Council:

BILL NO. 08-0117 - An Ordinance amending the Urban Renewal Plan for Key Highway to amend certain development area controls for Development Area A; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

It was read the third time.

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

Yeas - President and Councilmembers Curran, Spector, Middleton, Conaway, Holton, Welch, Young, Branch, - Total 9.

Nays - Councilmember Kraft, Reisinger, Cole, Clarke - Total 4.

Pass - Councilmember D'Adamo - Total 1.

Out of Chambers - Councilmember Henry - Total 1.

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

APPOINTMENTS BY THE MAYOR

WANDA S. DURDEN, as Director of the Department of Recreation and Parks, for a term expiring December 6, 2011, succeeding Connie Brown.

Sincerely,

Sheila Dixon
Mayor

INTRODUCTION AND READ FIRST TIME

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

Bill No. 08-0055R - By President Rawlings-Blake, Councilmembers Middleton, Conaway, Young, Cole, Henry, Welch, Reisinger, Branch, Kraft, Spector, Holton, Curran:

Introduced: June 16, 2008
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

**Fiscal Year 2009 Budget - Release of Funds to City Agencies -
Contingent Upon Performance (CUP)**

FOR the purpose of authorizing the Board of Estimates to release certain funds that had been withheld from certain agencies pending their demonstration of compliance with prerequisites set by the City Council.

Recitals

By amendments to the Ordinance of Estimates for Fiscal Year 2009, the City Council withheld certain funds, contingent upon performance, as follows:

- (1) Mayor's Office of Cable and Communications, Program 572 – \$100,000, to be released after 3 months if (I) the Mayor's Office of Cable and Communications provides a plan to create more District by District programming as well as (ii) a plan to coordinate with other agencies on broadcasting needs, including the Planning Commission, UDARP, and Liquor Board and (iii) the City Council approves the plan.
- (2) Department of Finance, Program 142 – \$500,000, to be released after 3 months if (I) the Department of Finance, Accounting and Payroll Services corrects all major problems with the new payroll system and make certain that all paychecks are correct and consistent after their 1 year grace period is over and (ii) the City Council is satisfied with their progress.
- (3) Department of Housing and Community Development, Program 357 – \$1,500,000, to be released after 3 months if (I) the Department of Housing and Community Development provides a transition plan to move from temporary shelters to permanent shelters and (ii) provide a report on the status of the Housing First Program and the City Council approves that plan and report.
- (4) Department of Housing and Community Development, Program 260 – \$500,000, to be released after 3 months if (I) the Department of Housing and Community Development provides a report on the timeline for hiring new inspectors that includes information regarding the number of current vacancies and a strategy to recruit commercial inspectors and (ii) the City Council approves that plan.
- (5) Baltimore Development Corporation, Program 585 – \$600,000, to be released after 3 months if (I) the Baltimore Development Corporation provides a list of outstanding, incomplete development projects in which BDC is involved, including the amount of City investment and (ii) outline an interagency strategy or Memorandum of Understanding with the Police and Housing Department to support main streets and retail business district and (iii) provide a report on the total amount of business engagements made by staff with minority- and women-owned businesses and (iv) the City Council approves that list, outline, and report.
- (6) Department of Transportation, Program 500 – \$350,000, to be released after 3 months if (I) the Department of Transportation devises a plan to coordinate and monitor, in cooperation with BGE, a sound plan for a faster response time for repair of streets and street lighting and (ii) the City Council approves the plan.

- (7) Mayor's Office of Criminal Justice, Program 583 – \$750,000, to be released after 3 months if (I) the Mayor's Office of Criminal Justice provides a status report on the CCTV Surveillance System, including a plan for maintenance and operation and (ii) the City Council approves the plan.

The CUPS are an instrument to ensure a satisfactory level of service by City agencies and are not a punitive measure. Upon satisfactory performance and satisfaction of City Council CUP contingencies, the Council will request the Board of Estimates to release the embargoed funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That this Body hereby authorizes the Board of Estimates to release certain funds that had been withheld from certain agencies pending their demonstration of compliance with prerequisites set by the City Council.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Board of Estimates, the Mayor, the Director of Finance, the Commissioner of Housing, the Executive Director of the Mayor's Office of Criminal Justice, the Director of the Mayor's Office of Cable and Communications, the President of Baltimore Development Corporation, the Director of Transportation, and the Mayor's Legislative Liaison to the City Council.

Councilmember Reisinger 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, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 14.

Nays - 0.

Out of Chambers - Councilmember Henry - Total 1.

The President declared the Rules "Suspended".

Then Councilmember Reisinger 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, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 14.

Nays - 0.

Out of Chambers - Councilmember Henry - Total 1.

The President declared the Resolution "Adopted".

THIRD READING

The President laid before the City Council:

BILL NO. 08-0089 - An Ordinance permitting, subject to certain conditions, the construction and maintenance of a portion of a building, projecting into the public right-of-way on the north side of West 24th Street, of the property known as 2400 North Howard Street; and providing for a special effective date.

It was read the third time.

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

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

Nays - 0.

Out of Chambers - Councilmember Henry - Total 1.

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

The President laid before the City Council:

BILL NO. 08-0102 - An Ordinance providing a tax for the use of the Mayor and City Council of Baltimore for the period July 1, 2008, through June 30, 2009; and setting the semiannual payment service charge for that period.

It was read the third time.

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

Yeas - President and Councilmembers D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 14.

Nays - Councilmember Kraft - Total 1.

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

**BILL 08-0110, AS LISTED ON THE PRINTED AGENDA FOR THIRD READING,
IS ORDERED HELD FOR CONSIDERATION AT THE NEXT CITY COUNCIL MEETING**

The President laid before the City Council:

BILL NO. 08-0110 - An Ordinance approving the application of RWN Development Group, LLC, its affiliates and assigns, who are either the developer, contract purchaser, potential owner, or owner of certain properties known as 211 East Pleasant Street (a/k/a 320 Guilford Avenue), 310-318 Guilford Avenue, 222 East Saratoga Street, 407 East Saratoga Street, 231-233 Holliday Street, 235-239 Holliday Street, and 154, 158, 160, 162, and 164 North Gay Street (collectively referred to as "the Property"), to have the Property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

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

THIRD READING

The President laid before the City Council:

BILL NO. 08-0113 - A Resolution of the Mayor and City Council approving the budget estimated to be needed for the Baltimore City Board of School Commissioners for operating programs during Fiscal 2009; providing for certification of the approved budget to the State Superintendent of Schools; and providing for a special effective date.

It was read the third time.

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

Yeas - President and Councilmembers D'Adamo, Curran, Henry, Spector, Middleton, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 13.

Nays - Councilmember Kraft - Total 1.

Pass - Councilmember Conaway - Total 1.

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

The President laid before the City Council:

BILL NO. 08-0120 - An Ordinance transferring a General Fund Operating Appropriation in the aggregate amount of \$14,609,694 to the Baltimore City Police Department - Program 201

(Field Operations Bureau), to provide funding to pay for additional operating expenses in Fiscal 2008; and providing for a special effective date.

It was read the third time.

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 14.

Nays - Councilmember Conaway - Total 1.

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

The President laid before the City Council:

BILL NO. 08-0121 - An Ordinance providing a Supplementary General Fund Operating Appropriation in the amount of \$4,396,306 to the Police Department – Program 201 (Field Operations Bureau), to provide funding for additional operating expenses; and providing for a special effective date.

It was read the third time.

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 14.

Nays - Councilmember Conaway - Total 1.

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

The President laid before the City Council:

BILL NO. 08-0122 - An Ordinance transferring a General Fund Operating Appropriation in the aggregate amount of \$1,375,312 to the Baltimore City Fire Department - Program 212 (Fire Suppression) to provide funding to pay for additional operating expenses in Fiscal 2008; and providing for a special effective date.

It was read the third time.

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 15.

Nays - 0.

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

The President laid before the City Council:

BILL NO. 08-0123 - An Ordinance providing a Supplementary General Fund Operating Appropriation in the amount of \$6,224,688 to the Fire Department – Program 212 (Fire Suppression), to provide funding to pay for additional operating expenses; and providing for a special effective date.

It was read the third time.

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 15.

Nays - 0.

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

The President laid before the City Council:

BILL NO. 08-0124 - An Ordinance providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$3,700,000 to the Department of Transportation – Program 501 (Highway Maintenance), to provide funding for additional operating expenses; and providing for a special effective date.

It was read the third time.

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

Yeas - President and Councilmembers Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 15.

Nays - 0.

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

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILLS NO. 08-0011R AND 08-0040R**

Councilmember Young made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bills No. 08-0011R and 08-0040R.

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

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3
WITH REGARD TO BILL NO. 08-0139**

Councilmember Welch made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 08-0139.

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

ADJOURNMENT

On motion of Councilmember Reisinger, duly seconded, the City Council adjourned to meet on Monday, July 21, 2008, at 5:00 p.m.