

TWELFTH DAY

S E C O N D C O U N C I L M A N I C Y E A R - S E S S I O N O F 2 0 0 7 - 2 0 1 1

JOURNAL
CITY COUNCIL OF BALTIMORE

May 4, 2009

Reverend William F. Burke, Pastor of St. Francis of Assisi Catholic 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: Stephanie Rawlings-Blake, President, and Councilmembers D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke

Absent - Councilmember Kraft

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

Good and gracious God, bless our session with the presence of your spirit. Make us mindful that our lives, this day, this session, are all your gifts.

In the words of Joseph Veneroso, Strengthen us in our call to be witnesses to life:

Go: Listen in silence for truth spoken in unfamiliar words.

Hear: Laughter no less than the sound of tears, echoing through walls of mud, brick or ignorance.

See: The child, the youth, the aged, the infirm and do not fear these shadows of your future and former self.

Taste the bitter sweet of life. Drink the cup down to the dregs. Smell the air heavy with sweat and incense. Touch and feel the wounded heart. Give love, hope fully. Then come bear witness to all you have tasted and lived.

Journal of the City Council

Tell everyone you meet of the goodness and beauty of life in all its painful glory and know that God is here. May we who are called to serve know the goodness of God in our homes and all over our great City of Baltimore.

Amen.

SHOWCASE BALTIMORE

Steve Alpern, Commissioner of the Baltimore Kids Chess League, delivered a presentation.

JOURNAL APPROVED

The Journal of April 27, 2009 was read and approved.

COMMUNICATIONS FROM MUNICIPAL AGENCIES

April 28, 2009

Honorable Stephanie Rawlings-Blake
President, Baltimore City Council
400 City Hall

Dear Madam President:

In order to expedite the return of tax sale property to private ownership, Ordinance No. 477 was approved December 6, 1973. This ordinance allows the City Comptroller to sell properties acquired by tax sale at either private or public sale once certain criteria are met.

It is requested that the following property be published in the City Council Journal as promptly as possible in order that we may pursue its disposition:

Councilmanic District No. 6

3917 Fairview Avenue
(Block 2752A, Lot 24)

In accordance with the provisions of Ordinance 477, certification of the publication shall be submitted to the Comptroller 30 days after such publication. It would be most helpful and sincerely appreciated if the certification is directed to the attention of the Department of Real Estate.

Should you have any questions, please contact me at 410-396-4771.

Catherine B. Zoppo
Department of Real Estate

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. 09-0328 - By the Council President (The Administration):

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 2010: providing for certification of the approved budget to the State Superintendent of Schools; and providing for a special effective date.

The bill was read the first time and referred to the Baltimore City Board of School Commissioners, Budget and Appropriations Committee and Committee of the Whole.

Bill No. 09-0329 - By the Council President (The Administration):

An Ordinance amending the Urban Renewal Plan for Carroll Camden to revise an exhibit to reflect land use changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

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

Bill No. 09-0330 - By the Council President (The Administration):

An Ordinance allowing a video lottery facility as a permitted use in certain districts; defining certain terms; and providing for a special effective date.

The bill was read the first time and referred to the City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Baltimore Area Convention and Visitors Association, Baltimore Development Corporation, Department of Transportation, Land Use and Transportation Committee.

Bill No. 09-0331 - By President Rawlings-Blake, Councilmembers Kraft, Henry, Clarke, D'Adamo, Young, Middleton, Holton, Curran, Cole, Welch, Reisinger, Branch, Conaway, Spector:

An Ordinance reauthorizing and extending for a certain period the property tax credit for newly constructed dwellings; redefining certain terms; providing for two application periods; establishing a one-time amnesty period for certain qualified owners who previously failed to apply timely; repealing certain obsolete provisions; and generally relating to a property tax credit for newly constructed dwellings.

The bill was read the first time and referred to the City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Real Estate, Department of Finance, Baltimore Development Corporation, Taxation, Finance and Economic Development Committee.

Bill No. 09-0332 - By Councilmember Middleton, President Rawlings-Blake (by request):

An Ordinance permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the properties known as 3020-3026 Garrison Boulevard and 3801 and 3803 Bonner Road, 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. 09-0333 - By Councilmembers Holton, D'Adamo, Young, Reisinger, Welch, Henry, Cole, Spector, Middleton, Conaway, Branch, Clarke, President Rawlings-Blake:

A Resolution of the Mayor and City Council proudly acknowledging the singular accomplishment of Federal Hill Main Street in becoming one of five recipients of the 2009 Great American Main Street Award from the National Trust Main Streets Center for effectiveness in creating a vibrant and historic commercial district through partnership with local residents, property owners, the business community, city and state agencies, schools, and nonprofit organizations; and providing for a special effective date.

The bill was read the first time. Then Councilmember Holton made a motion, which was seconded, to invoke Rule 12-1, in order to advance the bill from first reading to second reading on the same day.

The roll was called, resulting as follows:

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

Nays - 0.

Out of Chambers - Councilmember Middleton - Total 1.

Absent - Councilmember Kraft - Total 1.

The motion was approved.

**BILL NO. 09-0333 MOVED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING TODAY**

Councilmember Holton made a motion, which was seconded, to move Bill No. 09-0333 favorably on second reading.

A Resolution of the Mayor and City Council proudly acknowledging the singular accomplishment of Federal Hill Main Street in becoming one of five recipients of the 2009 Great American Main Street Award from the National Trust Main Streets Center for effectiveness in creating a vibrant and historic commercial district through partnership with local residents, property owners, the business community, city and state agencies, schools, and nonprofit organizations; and providing for a special effective date.

The motion was approved, with Councilmember Reisinger out of Chambers.

The bill 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. 09-0333 on third reading today.

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

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

Nays - 0.

Absent - Councilmember Kraft - 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. 09-0333 - A Resolution of the Mayor and City Council proudly acknowledging the singular accomplishment of Federal Hill Main Street in becoming one of five recipients of the 2009 Great American Main Street Award from the National Trust Main Streets Center for effectiveness in creating a vibrant and historic commercial district through partnership with local residents, property owners, the business community, city and state agencies, schools, and nonprofit organizations; 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, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 14.

Nays - 0.

Absent - Councilmember Kraft - Total 1.

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

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS NO. 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, AND 1999 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, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 14.

Nays - 0.

Absent - Councilmember Kraft - Total 1.

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

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

COMMITTEE REPORTS

**BILL NO. 09-0310 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Curran, for the Judiciary and Legislative Investigations Committee, reported Bill No. 09-0310 favorably, with amendments.

An Ordinance modifying certain service charges and permit fees, their amounts, the bases on which they are computed, and the dates on which they are due; and generally relating to the imposition of charges and fees under the Building, Fire, and Related Codes.

Amendments to City Council Bill No. 09-0310

Amendment No. 1

On page 2, in line 16 and line 23, in each instance, strike the opening bracket; and, in lines 17 and 18 and lines 24 and 25, in each instance, strike beginning with the closing bracket in line 17 and line 24 through "AREA" in line 18 and line 24.

Amendment No. 2

On page 3, in line 8, before "Minimum", insert an additional tab; and, after line 8, insert:

"EXCEPTION: FOR ALTERATIONS LIMITED TO THE EXTERIOR, THE FEE IS \$10 FOR EACH \$1,000 OR FRACTION OF \$1,000 ESTIMATED COST

MINIMUM _____ \$50".

Amendment No. 3

On page 3, in line 12, before "Minimum", insert an additional tab; and, after line 12, insert:

"EXCEPTION: FOR THE FOLLOWING TYPES OF WORK, THE FEE IS \$12 FOR EACH \$1,000 OR FRACTION OF \$1,000 ESTIMATED COST:

ALTERATIONS LIMITED TO THE EXTERIOR.

ALTERATIONS LIMITED TO CONSTRUCTION OF NEW-TENANT DEMISING WALL.

ALTERATIONS LIMITED TO CREATION OF NEW-TENANT SHELL SPACE.MINIMUM\$50”.

The amendments were read and adopted.

Favorable report, as amended, adopted.

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

THIRD READING - TO BE HELD ONE MEETING

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

C.C. 08-0135 - An Ordinance approving certain amendments to the Development Plan of the York Road and Belvedere Avenue (Belvedere Square) Planned Unit Development; and providing for a special effective date.

THIRD READING

The President laid before the City Council:

BILL NO. 08-0181 - An Ordinance ~~requiring that service by mail~~ modifying the requirements for service of environmental citations, civil citations, and building code notices ~~be both by certified mail and by regular mail~~; conforming and clarifying certain language; and generally relating to the service of environmental citations, civil citations, and building code notices.

It was read the third time.

Then Councilmember Curran made a motion, which was seconded, that consideration of this bill be held. The motion was approved.

The President laid before the City Council:

BILL NO. 08-0212 - An Ordinance permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking area on the property known as 801-833 Madison Avenue, as outlined in red on the accompanying plat.

It was read the third time.

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

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

Nays - 0.

Absent - Councilmember Kraft - Total 1.

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

The President laid before the City Council:

BILL NO. 09-0268 - An Ordinance naming an unnamed alley, located between Roland Avenue and Falls Road, and physically located and connected to West Northern Parkway and St. Georges Road, St. Crispins Lane.

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 - 0.

Absent - Councilmember Kraft - Total 1.

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

The President laid before the City Council:

BILL NO. 09-0270 - An Ordinance changing the name of Benjamin Franklin Middle School #239, located at 1201 Cambria Street, to Masonville Cove Community Academy #239.

It was read the third time.

Then Councilmember Curran made a motion, which was seconded, to recommit this bill into Committee. The motion was approved.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3
WITH REGARD TO BILL NO. 09-0328**

Councilmember Young made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 09-0328.

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

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3
WITH REGARD TO BILL NO. 09-0329**

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. 09-0329.

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.

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3
WITH REGARD TO BILL NO. 09-0331**

Councilmember Cole made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 09-0331.

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

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 09-0290**

Councilmember Cole made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 09-0290.

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

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3
WITH REGARD TO BILL NO. 09-0330**

Councilmember Reisinger made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 09-0330.

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

**REMARKS OF COUNCILMEMBER CLARKE
IN HONOR OF THE CELEBRATION FOR NICK D'ADAMO, SR.**

Councilmember Welch made a motion, which was seconded, to journalize the poem that was read by Councilmember Clarke and which was performed at the celebration for Nick D'Adamo, Sr. that was held on Saturday May 2, 2009.

The Ballad of Nick D'Adamo

Nick D'Adamo was a wonderful guy - and this is his story and it is no lie
I'll give you some insight and the story is true about Nick's first job back in '42
You see - My Mama met Nick - so she once told of a real nice kid with a heart of gold
Little did I know that in the end - Nick and I would be good friends
Nick worked at Shocket's stocking the shelves - doing all jobs like Santa's elves
Working hard and doing things right - Nick carved out a wonderful life
You could buy anything from Shocket's store - from a pair of shoes to a linoleum floor - From a bolt of cloth to a box of chocolate, Izzy had money lining his pockets
Times were good and that's for sure - the boss wanted to open another store
So he and Nick looked around and found a place in Highland town
Nick was in charge and he took no loss - you see this was his store and he was the boss
Polish and Irish and the Italians came in - and one by one they became good friends
Working the deals and making things right - people came in both day and night
You'd never know what you could find - but I guarantee you'd stand in line - .25, 58, dollar.97 - Hit it Dorothy!

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Ms. Grace would help at Christmas time - greeting the people standing in line -
They didn't mind waiting for a little while - cause they got a deal and a great big
smile

His young son Nick and his daughter Joan - felt like the store was just another
home - So they worked beside him and learned his ways with lots of love and
happy days

Well I met Big Nick and he was cool - helping lots of kids in Public Schools

He gave - Toys and gloves and winter hats - food and candy and baseball bats - he
gave these things and truth be told - My friend big Nick had a heart of gold

I remember Christmas candy and Nativity scenes - that lined the shelves with
trees of green - Boxes of items filled his store - with lots to buy and much to
explore

Some toys were new and some were bent - He even sold socks with mixed fiber
content

I'm telling you this but not to be funny - Nick was always saving folks money

It should be noted and I want it told - Nick would help both young and old - black
or white - red or brown - Nick gave a deal to all in town

You see - Nick loved his job and his wife Ms. Grace and his kindness was written
all over his face

All these images I remember well - and I wrote them down so I could tell - But
this is the truth and my will won't bend - Nick D'Adamo - was a wonderful friend

Written for Nicky - November - 2008

ADJOURNMENT

On motion of Councilmember Reisinger, duly seconded, the City Council adjourned to meet
on Monday, May 18, 2009, at 5:00 p.m.

Consent Calendar

- CR 1975 Spector**
A City Council RESOLUTION congratulating B’Nai B’Rith International on the celebration of its 165th Anniversary Shabbaton Weekend at B’Nai Israel Congregation.
- CR 1976 Welch**
A City Council RESOLUTION on the death of Francis Jenifer.
- CR 1977 Conaway**
A City Council RESOLUTION congratulating Virginia O. Simmons on the celebration of her 80th birthday – her devotion and love for her family, church and community is greatly appreciated.
- CR 1978 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Nicholas C. D’Adamo, Sr. on the renaming of the 3900 block of Eastern Avenue in his honor and for many years of dedicated service and commitment to the Highlandtown community.
- CR 1979 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Linda Ellison on being recognized by AFSCME, Local 44, as Employee of the Year.
- CR 1980 Spector**
A City Council RESOLUTION congratulating Erika Conaway on receiving the 2009 Willis D. Johnson, Jr. Memorial Scholarship from the Fallstaff Improvement Association.
- CR 1981 Spector**
A City Council RESOLUTION congratulating Miriam Nelkin on receiving the 2009 Allen Spector Memorial Scholarship from the Fallstaff Improvement Association.
- CR 1982 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Leon Dorsey, Philander Alston, De’Aysa Bonner, Nataiya Batchelor, Donovan Dupree, Michael Evans, Stacey Smith, Bernard Thomas, Desire Thomas and Lee Rutledge on their victory at the Maryland State Scholastic Chess Championships.
- CR 1983 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Steve Alpern and Orrester Shaw on the accomplishments of Pimlico Middle School at the Maryland State Scholastic Chess Championships.
- CR 1984 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Jerome McCardell on the celebration of his 70th birthday and the many lives he’s touched along the way.

- CR 1985** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Frank Schwarzman on the celebration of his 70th birthday and the many lives he's touched along the way.
- CR 1986** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Baltimore's 2009 Flower Mart on the 92nd Annual celebration of the Baltimore Rite of Spring! For Nearly a Century, Baltimoreans have come together to celebrate the season and inspire other cities.
- CR 1987** Middleton
A City Council RESOLUTION congratulating the New Park Heights Community Development Corporation, Inc. on its 1st Annual Black Tie Affair in bringing the community together for positive encouragement in helping to make Park Heights a place to live and learn.
- CR 1988** Middleton
A City Council RESOLUTION congratulating Thomas E. Perez on his outstanding contributions and dedication in serving the citizens of Baltimore and the State of Maryland.
- CR 1989** Reisinger, Branch, All Members
A City Council RESOLUTION on the death of Inez VanLandingham, November 27, 1927 – April 28, 2009.
- CR 1990** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating The Barclay School on the celebration of its 50th Anniversary and its decades of dedication to teaching the children of Baltimore.
- CR 1991** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Inez Robb on her retirement after 41 years of service with the Social Security Administration.
- CR 1992** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Michele Smith, Tracee Black, Timothy Snider, Bob Rourke, Woodie Barnes, Rik Newton-Treadway, Derick Rojas, David Allen and Fraser Picard on 10 years of service and fundraising for the GLBT and HIV/AIDS communities.
- CR 1993** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating David Spellman, Steven "Shark" Mercer and Andy Liu on their outstanding community service to Baltimore, Maryland and the Mid-Atlantic Region during their Title Year.
- CR 1994** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Barbara A. Booth on her tenure as President of the Women's Auxiliary, UBMC of Maryland, Inc. and her dedicated Ministry to women and children in the faith-based community.

- CR 1995** **President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating the Maryland State Conference of the NAACP on the celebration of its Centennial Prayer Breakfast and for its continued dedication to protecting and advancing the civil rights of all people.
- CR 1996** **President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Greg Schaffer, President, Johns Hopkins Bayview Medical Center, after 14 years of service with the Medical Center, and for his continued dedication to the Southeast Baltimore community.
- CR 1997** **President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating WBC Community Development Corporation on the revitalization of Northwest Baltimore and the creation and development of additional affordable senior housing.
- CR 1998** **President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Anthony DiRosa on his successful Internship in the Office of City Council President Stephanie Rawlings-Blake.
- CR 1999** **President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Rodney Burger and Steve Buettner on their nonstop service to the GLBT community since 2001 and for their continued dedication to HIV/AIDS and other community charities.