

THIRTEENTH 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 18, 2009

Pastor Heber Brown, III, of Pleasant Hope Baptist Church, led the Council in Prayer.

The Vice President and members of the Council recited the Pledge of Allegiance to the Flag.

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

Absent - President Rawlings-Blake

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

Almighty God we bow with humble hearts to thank You for the blessing of this day and this gathering. Because we know You to be a God of purpose, open all of our eyes to what You would have us to embrace tonight. I pray for every councilperson present this evening. Lord, you know the weight and burden of their service. When the cameras are off, the media has left, and the business of the day is done; you know those things that hover most heavy around their hearts. Show them the path to peace in private moments. Also give them what they need to serve faithfully in public office. Grant them wisdom beyond their capacity so that as they surrender to Your Will; justice and righteousness will flow freely in Baltimore. Soften their hearts to the plight of the poor, the sick, the elders, the youth, and the prisoner – being reminded by your Word that whatever they do to the least among us they have done it unto You as well. Finally, your prophet bears witness to what you require of us all: to do justice, love mercy, and walk humbly with You. May we never stray far from that. In Your name we pray. Amen.

Journal of the City Council**SHOWCASE BALTIMORE**

Julian Wilkins, Head Coach of the Baltimore City Swim Club, and Kiyaniah Tilghman, who was a swimmer for the Club, delivered a presentation.

JOURNAL APPROVED

The Journal of May 4, 2009 was read and approved.

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

May 7, 2009

Honorable Stephanie Rawlings-Blake, 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 these bills which are routine and require no special treatment:

C.C. Bill 08-0097 - An Ordinance concerning - Sale of ~~Residential~~ Property – Disclosure of Property Tax - For the purpose of ~~requiring certain materials used in connection with the sale of certain residential property to disclose the estimated amount of property taxes and assessments a buyer would be obligated to pay~~ specifying certain minimum information to be given by a seller whenever the seller provides property tax information as part of an advertisement or a good-faith estimate of closing costs; defining certain terms; imposing certain penalties; correcting, clarifying, and conforming related language; raising the penalty for failure to disclose a certain zoning limitation; providing for a special effective date; and generally relating to the sale of ~~residential~~ real property.

C.C. Bill 08-0212 - An Ordinance concerning - Zoning – Parking Lot District – Conditional Use Parking Lot – 801-833 Madison Avenue - For the purpose of 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.

- C.C. Bill 08-0230** - An Ordinance concerning - Zoning – Conditional Use Pharmacy: Drive-in – 1301 Baylis Street (a/k/a 3500 Boston Street) - For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a pharmacy: drive-in on the property known as 1301 Baylis Street (a/k/a 3500 Boston Street), as outlined in red on the accompanying plat.
- C.C. Bill 09-0262** - An Ordinance concerning - Baltimore Benefits Commission – Membership - For the purpose of increasing the membership of the Commission to provide certain additional representation.
- C.C. Bill 09-0266** - A Resolution of the Mayor and City Council - Maryland Department of Transportation – County Transportation Revenue Bonds - Series 2009 - For the purpose of authorizing the Mayor and City Council of Baltimore to enter into an agreement with the Maryland Department of Transportation in connection with the participation by the City in the proceeds derived from the sale of certain bonds, to be known as Department of Transportation of Maryland - County Transportation Revenue Bonds, Series 2009 and to be issued pursuant to State Transportation Article, Title 3, Subtitle 5; authorizing the City to take any other action that may be necessary and proper to secure the share to which it is entitled of the proceeds derived from the sale of these bonds; and providing for a special effective date.
- C.C. Bill 09-0268** - An Ordinance concerning - City Streets – Naming an Unnamed Alley St. Crispins Lane - For the purpose of 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.
- C.C. Bill 09-0276** - An Ordinance concerning - Zoning – Conditional Use Housing for the Elderly – ~~6400 East Pratt Street~~ 200 Kane Street (Block 6333, Lot 28A) and 6424 East Pratt Street (Block 6333, Lot 28B) - For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the property known as ~~6400 East Pratt Street~~ 200 Kane Street (Block 6333, Lot 28A) and 6424 East Pratt Street (Block 6333, Lot 28B), as outlined in red on the accompanying plat.
- C.C. Bill 09-0291** - An Ordinance concerning - Gun Offender Registration - For the purpose of expanding the registration requirements to encompass certain juvenile offenders; expanding the offenses to which the registration requirements apply; modifying the time when a gun offender becomes obligated to sign an acknowledgment of the duty to register; specifying the deadline for registration for one found not criminally responsible; clarifying the requirements for updating residence information; establishing a uniform term for required verification of registration information; clarifying, correcting, and conforming certain language; and generally relating to the registration of gun offenders.

C.C. Bill 09-0302 - An Ordinance concerning - Parking Facilities – Enforcement - For the purpose of increasing certain criminal penalties and providing for certain civil fines for violations of certain laws governing the licensing and operation of parking facilities.

C.C. Bill 09-0303 - An Ordinance concerning - Cable Communications Advisory Commission – Membership - For the purpose of modifying the number of members on the Commission to correspond to the changed number of Council Districts; correcting, clarifying, and conforming related provisions; and generally relating to the composition of the Cable Communications Advisory Commission.

C.C. Bill 09-0309 - An Ordinance concerning - Building, Fire, and Related Codes – Enforcement - For the purpose of authorizing the issuance of prepayable environmental citations to enforce certain violations of the Building, Fire, and Related Codes Article; revising the manner in which a stop-work order is to be issued; requiring the removal from construction sites and from abutting sidewalks, gutters, and alleys, of accumulated trash, garbage, waste, and debris and of nuisances; making the registered owner of a vehicle responsible for certain parking, keeping, and storing violations; and generally relating to the enforcement of the Building, Fire, and Related Codes Article.

C.C. Bill 09-0333 - A Resolution of the Mayor and City Council - Federal Hill – Baltimore City’s Great American Main Street - For the purpose of 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.

Sincerely,

Sheila Dixon
Mayor

**ANNOUNCEMENT BY VICE PRESIDENT REISINGER
CONCERNING THE ADOPTION OF THE FISCAL YEAR 2010 REAL PROPERTY TAX RATE**

The following statement was read by Vice President Reisinger:

The City Council will consider the adoption of the Fiscal Year 2010 Real Property Tax Rate at the next meeting of the City Council on Monday, June 1, 2009, at 5 p.m.

APPOINTMENTS BY THE MAYOR

DAVID A. GREENBERG, as a member of the Mayor’s Commission on Disabilities, for a term expiring December 6, 2011, as a Category III member - representative of a business with at least 3 persons with a disability.

Sincerely,

Sheila Dixon
Mayor

COMMUNICATIONS FROM MUNICIPAL AGENCIES

April 29, 2009

Honorable Stephanie Rawlings-Blake, President
Baltimore City Council
c/o Karen Randle, Executive Secretary
Room 409 City Hall

Dear Madam President:

On December 6, 1973, Ordinance 477 was approved to expedite the return of tax sale properties to private ownership. This ordinance allows the City Comptroller to sell property acquired by tax sale at either private or public sale once certain criteria are met.

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

Councilmanic District 12

Address	Block/Lot
804 North Broadway	1228/003

In accordance with the provisions of Ordinance 477, certification of the publication shall be submitted to the Commissioner of Housing 30 days after such publication. We would greatly appreciate your certification of the above listed property and ask that response be sent to the attention of the Department of Housing, Real Property Disposition.

Should you have any questions or need any further information, please contact Mr. Justin Ginsburg, Real Estate Officer at 410-396-8213.

Paul T. Graziano, Commissioner
 Department of Housing and
 Community Development

April 29, 2009

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

Dear Madam President:

In order to expedite the return of tax sale properties to private ownership, Ordinance 477 was approved December 6, 1973. This ordinance allows the City Comptroller to sell property acquired by tax sale at either private or public sale once certain criteria are met.

It is requested that the following properties be published in the City Council Journal as promptly as possible in order that we may pursue their disposition.

Councilmanic District 13

<u>Address</u>	<u>Block/Lot</u>
1. 2312 E. Eager Street	1590/026
2. 2316 E. Eager Street	1590/028
3. 2325 E. Eager Street	1590/043
4. 2327 E. Eager Street	1590/042
5. 2329 E. Eager Street	1590/041
6. 2332 E. Eager Street	1590/036
7. 2336 E. Eager Street	1590/038
8. 2401 E. Eager Street	1591/052
9. 2402 E. Eager Street	1591/002
10. 2408 E. Eager Street	1591/005
11. 2412 E. Eager Street	1591/007
12. 2415 E. Eager Street	1591/045
13. 2417 E. Eager Street	1591/044
14. 2423 E. Eager Street	1591/041
15. 2424 E. Eager Street	1591/013
16. 2426 E. Eager Street	1591/014
17. 2434 E. Eager Street	1591/018
18. 2438 E. Eager Street	1591/020
19. 2500 E. Eager Street	1592/001
20. 2502 E. Eager Street	1592/002

21. 0900 N. Milton Avenue	1591/083
22. 0906 N. Milton Avenue	1591/086
23. 0906 N. Montford Avenue	1590/056
24. 0926 N. Montford Avenue	1590/046
25. 0901 N. Port Street	1591/100
26. 0903 N. Port Street	1591/099
27. 0904 N. Port Street	1591/103
28. 0907 N. Port Street	1591/097
29. 2422 Ashland Avenue	1591/072
30. 2316 Ashland Avenue	1591/061

In accordance with the provisions of Ordinance 477, certification of the publication shall be submitted to the Commissioner of Housing 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 Housing, Real Property Disposition.

Should you have any questions or need any further information, please contact Mr. Segun Edidi, Real Estate Officer at 410-396-4125.

Paul T. Graziano, Commissioner
Department of Housing and
Community Development

May 7, 2009

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

Dear Madam President:

In order to expedite the return of tax sale properties to private ownership, Ordinance 477 was approved on December 6, 1973. This ordinance allows the City Comptroller to sell property 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 9

Address	Block/Lot
2016 West Franklin Street	0118/121

In accordance with the provisions of Ordinance 477, certification of the publication shall be submitted to the Commissioner of Housing 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 Housing, Real Property Disposition.

Should you have any questions or need any further information, please contact Mirline Labissiere, Real Estate Officer at 443-984-3137.

Paul T. Graziano, Commissioner
of Housing
Department of Housing and
Community Development

May 12, 2009

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

Dear Madam President:

In order to expedite the return of tax sale properties to private ownership, Ordinance 477 was approved on December 6, 1973. This ordinance allows the City Comptroller to sell property 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 10

Address	Block/Lot
116 West Cross Street	0932/034

In accordance with the provisions of Ordinance 477, certification of the publication shall be submitted to the Commissioner of Housing 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 Housing, Real Property Disposition.

Should you have any questions or need any further information, please contact Mirline Labissiere, Real Estate Officer at 443-984-3137.

Paul T. Graziano, Commissioner
of Housing
Department of Housing and
Community Development

INTRODUCTION AND READ FIRST TIME

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

Bill No. 09-0334 - By the Council President (The Administration):

An Ordinance repealing Ordinance 05-31, approved May 16, 2005, which granted permission to Printers' Square Apartments Limited Partnership, to use and maintain a private enclosed bridgeway above and across the Hunter Street right-of-way; 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, Highway and Franchises Subcommittee.

Bill No. 09-0335 - By the Council President (The Administration):

An Ordinance repealing Ordinance No. 05-32, approved May 16, 2005, which granted permission to Printers' Square Apartments Limited Partnership, to use and maintain a private enclosed 2-story bridgeway above and across the Hunter Street right-of-way; 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. 09-0336 - By Councilmembers Young, Middleton, D'Adamo, Kraft, Branch, Welch, Clarke, Reisinger, Conaway, Cole:

An Ordinance setting a limit on the amount of the penalty imposed for nonpayment of a citation issued for certain parking, stopping, standing, and related offenses; and generally relating to fines, penalties, and procedures for certain offenses.

The bill was read the first time and referred to the City Solicitor, Department of Transportation, Baltimore City Parking Authority Board, Police Department, Department of Finance, Taxation, Finance and Economic Development Committee.

Bill No. 09-0337 - By Councilmembers Kraft, Middleton, Reisinger, Welch, Cole, Conaway, Branch:

An Ordinance providing a tax for the use of the Mayor and City Council of Baltimore for the period July 1, 2009, through June 30, 2010; providing for estimated billings pursuant to State law; and setting the semiannual payment service charge for that period.

The bill was read the first time and referred to the City Solicitor, Department of Finance, Budget and Appropriations Committee.

Bill No. 09-0338 - By Councilmembers Conaway, Young, President Rawlings-Blake, Councilmembers Middleton, Welch, Reisinger, Clarke, D'Adamo, Kraft, Branch, Holton:

A Resolution of the Mayor and City Council repealing a requirement for certain unanticipated surplus funds to be transferred to a capital bond fund appropriation reduction account and used only for certain purposes; and submitting this amendment to the qualified voters of the City for adoption or rejection.

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

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS No. 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, AND 2061 ADOPTED UNDER RULE 3-9.

The resolutions were read.

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

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

Nays - 0.

Absent - President Rawlings-Blake - Total 1.

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

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

COMMITTEE REPORTS

**BILL NO. 09-0284 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Kraft, for the Judiciary and Legislative Investigations Committee, reported Bill No. 09-0284 favorably, with amendments.

An Ordinance amending the City Code to enable the City's "One Plus One" Collection Program; defining and redefining certain terms; conforming varied provisions governing the handling, placement, and collection of trash, garbage, debris, and other mixed refuse; modifying the specifications for required receptacles; repealing certain obsolete provisions; modifying and conforming certain penalties; conforming, correcting, and clarifying related provisions; providing for a special effective date; and generally relating to the collection of mixed refuse and recyclable materials.

Amendments to City Council Bill No. 09-0284

Amendment No. 1

On page 3, in line 15, after the semicolon, insert:

“(VIII) AUTOMOTIVE FLUIDS;

(IX) HERBICIDES, PESTICIDES, AND FUNGICIDES;

(X) SOLVENTS;

(XI) ELECTRONICS;

(XII) “WHITE GOODS”;”;

and, in line 16, strike “(VIII)” and substitute “(XIII)”.

Amendment No. 2

On page 3, after line 16, insert:

“(D) RECYCLABLE MATERIALS.

(1) IN GENERAL.

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“RECYCLABLE MATERIALS” MEANS MATERIALS DESIGNATED BY THE DIRECTOR OF PUBLIC WORKS FOR SEPARATE COLLECTION BY THE DEPARTMENT FOR PROCESSING AND RETURN TO THE MARKET PLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

(2) MINIMUM INCLUSIONS.

MATERIALS DESIGNATED BY THE DIRECTOR SHALL INCLUDE, AT A MINIMUM:

- (I) NON-FOOD-CONTAMINATED PAPER AND CARDBOARD;
- (II) EMPTIED FOOD CONTAINERS MADE OF ALUMINUM, STEEL, OR TIN;
- (III) BOTTLES AND JARS MADE OF CLEAR-, BROWN-, OR GREEN-COLORED GLASS; AND
- (IV) APPROPRIATE GRADES OF PLASTIC BOTTLES AND JARS.

(E) YARD WASTE.

(1) IN GENERAL.

“YARD WASTE” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, COMPOSTABLE VEGETATIVE MATTER THAT IS THE BYPRODUCT OF LAWN CARE AND GARDENING ACTIVITIES.

(2) INCLUSIONS.

“YARD WASTE” INCLUDES:

- (I) GRASS CLIPPINGS;
- (II) PLANTS AND WEEDS;
- (III) LEAVES;
- (IV) SHRUB TRIMMINGS; AND
- (V) EXCEPT AS SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION, TREE TRIMMINGS.

(3) EXCLUSIONS.

“YARD WASTE” DOES NOT INCLUDE:

(I) SOIL;

(II) TREE TRUNKS; OR

(III) TREE BRANCHES THAT ARE MORE THAN 4 INCHES IN DIAMETER OR 3 FEET IN LENGTH.”.

Amendment No. 3

On page 4, after line 1, insert the subsection designation, “(A) IN GENERAL.”; and, in line 5, after “REFUSE”, insert “AND RECYCLABLE MATERIALS”; and, after line 5, insert:

“(B) COLLECTION FREQUENCY.

FOR PREMISES THAT RECEIVE COLLECTION SERVICES, THE DIRECTOR OF PUBLIC WORKS SHALL PROVIDE FOR:

(1) THE COLLECTION OF MIXED REFUSE ONCE A WEEK; AND

(2) THE COLLECTION OF RECYCLABLE MATERIALS ONCE A WEEK.”.

Amendment No. 4

On page 5, strike lines 2 through 13, in their entirety, and substitute:

“IN ALL PLACES WHERE MIXED REFUSE IS ACCUMULATED, A SUFFICIENT NUMBER OF RECEPTACLES TO CONTAIN THE MIXED REFUSE BETWEEN COLLECTIONS MUST BE PROVIDED AND MAINTAINED AS SPECIFIED IN THE CITY PROPERTY MAINTENANCE CODE.”.

Amendment No. 5

On page 5, in line 16, after “dwelling”, insert “, INCLUDING ANY MULTIPLE-FAMILY DWELLING,”; and, on page 6, in line 27, after “refuse”, insert “, RECYCLABLE MATERIALS, AND YARD WASTE”; and, in the same line, strike “dwelling houses” and substitute “DWELLINGS, INCLUDING MULTIPLE-FAMILY DWELLINGS”; and, in the same line, after the closing bracket, insert “AND FROM ALL”; and, on page 7, in line 3, after “is”, insert a colon, a paragraph break, and “(1) FOR MIXED REFUSE,”; and, in line 4, strike “64 gallons” and substitute:

“96 GALLONS; AND

(2) FOR RECYCLABLE MATERIALS AND YARD WASTE, IF BUNDLED OR CONTAINED SEPARATELY FROM MIXED REFUSE, UNLIMITED”.

Amendment No. 6

On page 7, after line 13, insert:

“(1) THE DIRECTOR OF PUBLIC WORKS SHALL ADOPT RULES AND REGULATIONS FOR GRANTING EXCEPTIONS FROM THE QUANTITY LIMITATIONS SPECIFIED IN SUBSECTION (C) OF THIS SECTION FOR SINGLE-FAMILY DWELLINGS WHOSE OCCUPANTS DEMONSTRATE AN INABILITY TO MEET THOSE LIMITATIONS. HOWEVER, THE TOTAL AMOUNT OF MIXED REFUSE TO BE ALLOWED UNDER AN EXCEPTION MAY NOT EXCEED 160 GALLONS.”;

and, in lines 14, 22, and 34, strike “(1)”, “(2)”, and “(3)”, respectively, an substitute “(2)(I)”, “(II)”, and “(III)”, respectively; and, in lines 24, 25, 28, 30, and 32, strike “(i)”, “(ii)”, “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(A)”, “(B)”, “(C)”, “(D)”, and “(E)”, respectively; and, in line 17, strike “APARTMENT BUILDINGS,”; and, in the same line, before “other”, strike the opening bracket; and, in line 18, before “provided”, insert an opening bracket; and, in lines 23, 26, 29, 31, 33, and 35, in each instance, strike “MULTIPLE-FAMILY DWELLING” and substitute “CONDOMINIUM OR COOPERATIVE”.

Amendment No. 7

On page 8, in lines 1, 4, and 8, in each instance, strike “dirt” and substitute “SOIL”.

Amendment No. 8

On page 8, after line 8, insert:

“§ 2-5. {RESERVED}”

§ 2-6. PENALTIES.

(A) IN GENERAL.

ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(B) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.”.

Amendment No. 9

On page 9, in line 17, strike “**on sidewalk**”; and strike line 18, in its entirety; and, in line 24, strike “IN” and substitute “ALONG”; and strike lines 30 through 33, in their entirety; and, on page 11, in line 10, strike “ON SIDEWALK”; and, on page 13, in line 27 and in line 30, in each instance, strike “IN” and substitute “ALONG”.

Amendment No. 10

On page 9, after line 33, insert:

“§ 4-3. {RESERVED}”

§ 4-4. PENALTIES.

(A) IN GENERAL.

ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(B) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.”.

Amendment No. 11

On page 12, in line 29, strike “MAINTAIN” and substitute “ARRANGE FOR”.

Amendment No. 12

On page 13, strike lines 5 through 7, in their entirety; and in line 8, strike “**306.6.1.2. OTHER RECEPTACLES**” and substitute “**306.6.1.1. GENERAL**”; and, in the same line, strike beginning with “[Each]” through “EACH” and substitute “EACH”; and, after line 13, insert:

306.6.1.2. EXCEPTIONS.

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1. RECEPTACLES USED FOR RECYCLING NEED NOT HAVE COVERS.
2. YARD WASTE MAY BE BAGGED OR BUNDLED.”

Amendment No. 13

On page 13, in line 28, strike “8 P.M.” and substitute “6 P.M.”; and, in line 30, strike “promptly”; and, in line 31, after “premises”, insert “NO LATER THAN 6 A.M. ON THE DAY”.

Amendment No. 14

On page 14, before line 1, insert:

“SECTION 2. AND BE IT FURTHER ORDAINED, That the Director of Public Works shall provide public notice and opportunity to comment on its proposed regulations to implement changes made by this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That on or before December 31, 2010, the Director of Public Works shall report to the Mayor and the City Council on the programmatic and fiscal effects of the City’s first-year operations under this Ordinance.”;

and, in line 1 and line 4, strike “2” and “3”, respectively, and substitute “4” and “5”, respectively.

The amendments were read and adopted, by voice vote, with, among others, Councilmembers Cole and Young voting Nay.

Then Councilmember Cole made a motion, which was seconded, to adopt amendments to the Committee Amendments.

Amendments to City Council Bill No. 09-0284

Amendment No. 1

On page 13 of the First Reader, after line 31, insert:

“SECTION 2, AND BE IT FURTHER ORDAINED, That, for multiple-family dwellings with 2 or more dwelling units, the new quantity limitations imposed by this Ordinance shall be phased-in as follows:

- (a) for Fiscal Year 2010, the limitation is 160 gallons;
- (b) for Fiscal Year 2011, the limitation is 128 gallons; and

(c) for Fiscal Year 2012 and all subsequent years, the limitation is 96 gallons.”.

Amendment No. 2

___ In Committee Amendment No. 14, in the 1st line of the insert, strike “**Section 2**” and substitute “**Section 3**”; and, in the 4th line of the insert, strike “**Section 3**” and substitute “**Section 4**”.

Amendment No. 3

___ On page 14 of the First Reader, in line 1 and in line 4, as amended by Committee Amendment No. 14, strike “**4**” and “**5**”, respectively, and substitute “**5**” and “**6**”, respectively.

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

Yeas - Councilmembers Cole, Young, Branch - Total 3.

Nays - Vice President Reisinger and Councilmembers Kraft, D’Adamo, Curran, Henry, Spector, Conaway, Holton, Welch, Clarke - Total 10.

Pass - Councilmember Middleton - Total 1.

Absent - President Rawlings-Blake - Total 1.

The amendments failed for lack of a majority.

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

Yeas - Vice President Reisinger, Councilmembers Kraft, D’Adamo, Curran, Henry, Spector, Holton, Clarke - Total 8.

Nays - Councilmembers Conaway, Welch, Cole, Young, Branch - Total 5.

Pass - Councilmember Middleton - Total 1.

Absent - President Rawlings-Blake - Total 1.

Favorable report, as amended, adopted.

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

**BILL NO. 09-0322 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Kraft, for the Judiciary and Legislative Investigations Committee, reported Bill No. 09-0322 favorably, with amendments.

An Ordinance reducing certain civil penalties for violating animal control law requirements for leashes or other restraints; and providing for a special effective date.

Amendments to City Council Bill No. 09-0322

Amendment No. 1 {Title}

On page 1, in line 2, strike “**Leash Law**” and substitute “**Animal Control**”; and, in line 3, after “violating”, insert “certain”; and, in line 4, strike “for leashes or other restraints”; and, in line 7, strike “, Subtitle 3”, both time that it appears.

Amendment No. 2 {Licenses}

On page 1, in line 20, and on page 2, in line 11, in each instance, strike the ellipsis and substitute:

“Subtitle 2: Licensing

<u>Part I. Dog and Cat Licenses</u>	<u>[\$250] \$100</u>
<u>Part II. Facility Licenses</u>	
<u>PRIVATE KENNELS</u>	<u>\$100</u>
<u>ALL OTHER FACILITIES</u>	<u>\$250”.</u>

Amendment No. 3 {Rabies}

On page 1, in line 22, and on page 2, in lines 1, 13, and 14, in each instance, strike “\$500” and substitute “\$250”.

Amendment No. 4 {Humane Care; Nuisance}

On page 2, after line 1 and after line 14, in each instance, insert:

<u>“§ 10-303. HUMANE CARE REQUIRED</u>	<u>\$200</u>
<u>§ 10-306. OWNER TO PREVENT NUISANCE</u>	<u>\$200”.</u>

Amendment No. 5 {Restrains}

On page 2, in line 2 and in line 15, in each instance, strike “\$250”; and, after line 2 and after line 15, in each instance, insert:

<u>“1ST OFFENSE</u>	<u>\$200</u>
<u>2ND OFFENSE WITHIN 12 MONTHS OF 1ST</u>	<u>\$400</u>
<u>3RD OFFENSE WITHIN 12 MONTHS OF 1ST</u>	<u>\$600”.</u>

Amendment No. 6 {Animal Waste}

On page 2, before line 4, and before line 16, in each instance. insert:

<u>“§ 10-313. ANIMAL WASTE</u>	<u>\$200”.</u>
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Amendment No. 7 {Disturbing Peace; Rest of He Title 10}

On page 2, in line 5 and in line 17, in each instance, strike the ellipsis and substitute:

<u>“Subtitle 4: Animal Protection</u>	
<u>§ 10-403. Abuse of animal</u>	<u>\$500</u>
<u>§ 10-406. Animal fights</u>	
<u> Generally</u>	<u>\$500</u>
<u> Dogfights</u>	<u>\$1,000</u>
<u>All other provisions</u>	<u>\$1,000</u>
<u>Subtitle 5: Animal Disturbing Peace</u>	<u>[\$1,000] \$200</u>
<u>Subtitle 6: Wild and Dangerous Animals</u>	
<u>§ 10-601. Attack dogs</u>	<u>\$500</u>
<u>All other provisions</u>	<u>\$250</u>
<u>Subtitle 7: Vicious Dogs</u>	<u>\$1,000”;</u>

and, on page 2, after line 5 and the insertion made there, insert:

<u>“Subtitle 9: Horse Riding and Driving</u>	<u>\$200”.</u>
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Amendment No. 8 {Off-Leash Recreation Area}

On page 1, in line 2, after “**Citations**”, insert “**– Off-Leash Recreation Areas**”; and, in line 4, after the semicolon, insert “**authorizing the designation of areas in which, during certain hours, off-leash recreation is permitted;**”; and, after line 9, insert:

“**By repealing and reordaining, with amendments**

Article - Health

Section 10-307(b)

Baltimore City Revised Code

(Edition 2000)”;

and, on page 2, after line 17, insert:

“Baltimore City Revised Code

Article – Health

Title 10. Animal Control and Protection

§ 10-307. Restraints required.

(b) Dogs.

(1) [All] EXCEPT AS OTHERWISE AUTHORIZED UNDER PARAGRAPH (2) OF THIS SUBSECTION, ALL dogs must be kept:

(i) [(1)] confined in a building or secure enclosure; or

(ii) [(2)] secured by a leash or otherwise.

(2) THIS SUBSECTION DOES NOT APPLY IN AN AREA AND DURING HOURS APPROVED BY THE DIRECTOR OF RECREATION AND PARKS FOR OFF-LEASH RECREATION.”.

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

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

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

**BILL NO. 09-0285 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Kraft, for the Land Use and Transportation Committee, reported Bill No. 09-0285 favorably.

An Ordinance approving certain amendments to the Development Plan of the Chesapeake Paperboard Planned Unit Development.

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

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

THIRD READING TODAY

Councilmember Kraft made a motion, which was duly seconded, to place Bill No. 09-0322 on third reading today.

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

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

Nays - 0.

Absent - President Rawlings-Blake - Total 1.

The Vice 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 Vice President laid before the City Council:

BILL NO. 09-0322 - An Ordinance reducing certain civil penalties for violating certain animal control law requirements for leashes or other restraints; authorizing the designation of areas in which, during certain hours, off-leash recreation is permitted; 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 - Vice President Reisinger and Councilmembers Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Cole, Young, Branch, Clarke - Total 14.

Nays - 0.

Absent - President Rawlings-Blake - Total 1.

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

THIRD READING

The Vice President laid before the City Council:

BILL NO. 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.

It was read the third time.

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

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

Nays - 0.

Absent - President Rawlings-Blake - Total 1.

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

The Vice 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 Kraft made a motion, which was seconded, to postpone consideration of this bill to a date uncertain. The motion was approved.

The Vice President laid before the City Council:

BILL NO. 09-0310 - 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.

It was read the third time.

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

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

Nays - 0.

Out of Chambers - Councilmember Holton - Total 1.

Absent - President Rawlings-Blake - Total 1.

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

**BILL 08-0220 ORDERED WITHDRAWN FROM
THE FILES OF THE COUNCIL**

On the motion made, seconded, and approved by the Council

“An Ordinance amending provisions of the Fire and Police Employees’ Retirement System law pertaining to the method for determining annual post-retirement increases; modifying certain System interest rate assumptions; discontinuing the current variable method for determining those increases and establishing a guaranteed fixed annual increase to be paid to System retirees and beneficiaries; discontinuing the utilization of certain existing System accounting reserves; clarifying, correcting, and conforming related provisions; providing for a special effective date; and generally relating to the Fire and Police Employees’ Retirement System of the City of Baltimore.”

was ordered withdrawn from the files of the Council.

**MOTION TO SUSPEND CITY COUNCIL RULE 10-2
WITH REGARD TO BILL NO. 09-0300**

Councilmember Cole made a motion, duly seconded, to suspend Rule 10-2 in order to have an early hearing on Bill No. 09-0300.

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

ADJOURNMENT

On motion of Councilmember Curran, duly seconded, the City Council adjourned to meet on Monday, June 1, 2009, at 5:00 p.m.

Consent Calendar

- CR 2000 Henry**
A City Council RESOLUTION congratulating Sylvia Smith on 20 years of tireless and dedicated service to the students and staff of Leith Walk Elementary School, the City, State and Parent Teacher Association.
- CR 2001 Welch**
A City Council RESOLUTION on the death of Dorothy McNeil.
- CR 2002 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Eric J. Grefe on his retirement after more than 32 years of service with the Housing Authority of Baltimore, Housing Operations.
- CR 2003 Young**
A City Council RESOLUTION on the death of Calvin T. Wilson.
- CR 2004 President Rawlings-Blake, All Members**
A City Council RESOLUTION on the death of Cecelia Marguerite Benn, January 13, 1940 – May 2, 2009.
- CR 2005 Branch, Young, Clarke, All Members**
A City Council RESOLUTION on the death of John M. Simmons, Jr.
- CR 2006 Curran**
A City Council RESOLUTION on the death of Michael Ray Brown.
- CR 2007 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Dr. Josephine Ball-Sevils on her spirit, service and leadership, and for her continued and outstanding work in the field of health.
- CR 2008 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Wendy G. Wilson on her graduation from the University of Phoenix, and for her work with African Diaspora Concerns Foundation, Inc.
- CR 2009 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating William “Billy” Cain on his graduation from Southern Methodist University, and for his work with African Diaspora Concerns Foundation, Inc.
- CR 2010 Young**
A City Council RESOLUTION on the death of Russell Allen, Sr.

- CR 2011** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Nancy L. Gladden on her retirement after 14 years of service with the Department of Transportation, Maintenance Division.
- CR 2012** President Rawlings-Blake, All Members
A City Council RESOLUTION on the death of Joy Michelle Bush, July 11, 1984 – May 2, 2009.
- CR 2013** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Erla McKinnon on the celebration of her 90th birthday and the many lives she's touched along the way.
- CR 2014** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Baltimore City 4-H on the celebration of its 9th Annual Youth Expo, highlighting the excellence of 4-H programs.
- CR 2015** Reisinger
A City Council RESOLUTION on the death of Henry Eugene Smith, August 12, 1938 – April 26, 2009.
- CR 2016** Welch
A City Council RESOLUTION on the death of Warren Lincoln.
- CR 2017** Spector
A City Council RESOLUTION congratulating Jeremy and Chana Staiman on receiving the 2009 Tzarchei Tzibur Award from Suburban Orthodox Congregation Toras Chaim.
- CR 2018** Spector
A City Council RESOLUTION congratulating Aarom and Jamie Rubin on receiving the 2009 Young Adult Leadership Award from Suburban Orthodox Congregation Toras Chaim.
- CR 2019** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Janna Chevon on winning the BTU Extreme Classroom/Library Makeover Contest and for her dedication to teaching and to enriching the lives of the students of Baltimore City.
- CR 2020** Henry
A City Council RESOLUTION congratulating The Honorable Joan Pratt on her dedication and commitment to the financial field of the Baltimore City community and on receiving the Whitney M. Young Award.
- CR 2021** Curran, President Rawlings-Blake, All Members
A City Council RESOLUTION on the death of Runette Davis, May 4, 2009.

- CR 2022** President Rawlings-Blake, All Members
A City Council RESOLUTION on the death of Rosalyn Wade, September 15, 1969 – May 6, 2009.
- CR 2023** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating The Reverend Dwight D. Dodd, Sr. on the celebration of his Pastoral Installation at the Mt. Oliver Missionary Baptist Church.
- CR 2024** Kraft
A City Council RESOLUTION on the death of Joseph I. Pines, April 16, 2009.
- CR 2025** Kraft
A City Council RESOLUTION on the death of Florence F. Buczkowski, April 17, 2009.
- CR 2026** Kraft
A City Council RESOLUTION on the death of Mary Luann Tumlin Soto, April 25, 2009.
- CR 2027** Kraft
A City Council RESOLUTION on the death of Robert J. Thieblot, April 16, 2009.
- CR 2028** Young
A City Council RESOLUTION on the death of Kevin D. Warren, Sr.
- CR 2029** Clarke, All Members
A City Council RESOLUTION congratulating the Royal/Quarles Family on the celebration of a family legacy over 40 years.
- CR 2030** President Rawlings-Blake, All Members
A City Council RESOLUTION on the death of Jacqueline Priscilla Hilliard, December 25, 1951 – May 5, 2009.
- CR 2031** President Rawlings-Blake, All Members
A City Council RESOLUTION on the death of Leola Elizabeth Booker, November 5, 1919 – May 10, 2009.
- CR 2032** President Rawlings-Blake, All Members
A City Council RESOLUTION on the death of The Reverend DeHaven S.C. Vaughn, May 23, 1944 – May 9, 2009.
- CR 2033** Clarke, All Members
A City Council RESOLUTION congratulating Kenneth “Bink” Sherrod, Jr. on the celebration of his 13th birthday.

- CR 2034** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Annie J. Smith on the celebration of her 80th birthday, May 30, 2009.
- CR 2035** Kraft
A City Council RESOLUTION congratulating Benjamin Nathanson, Samuel Bronson, Chad Sawyer, Lisa Fink, Jordanna Spencer, Thomas Penniston and Kevin Okun on their service to the people and communities of the City of Baltimore.
- CR 2036** Kraft
A City Council RESOLUTION on the death of Frank Speca, May 6, 2009.
- CR 2037** Kraft
A City Council RESOLUTION on the death of David M. Barnycz, May 5, 2009.
- CR 2038** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating James Arthur Dennis on his graduation from Coppin State University.
- CR 2039** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Alpha Kappa Alpha Sorority, Inc., Epsilon Omega Chapter on its community service and contributions to the Baltimore Metropolitan Area and its AKA Night in City Hall.
- CR 2040** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Michael Addison on his retirement after 41 years of service with the Mayor's Office of Information Technology.
- CR 2041** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Niccole A. Carroll on services rendered as Nursing Manager for several health-based Baltimore City Schools – and best wishes on the celebration of your 40th birthday.
- CR 2042** Reisinger
A City Council RESOLUTION congratulating Charlie Newcomb on many years of providing flowers with his special touch to the streets of Locust Point.
- CR 2043** Holton, All Members
A City Council RESOLUTION congratulating Garrick D. Hines on receiving the Bachelors of Science Degree in Criminal Justice.
- CR 2044** Holton, All Members
A City Council RESOLUTION congratulating Roosevelt Walker on the celebration of his 75th birthday.
- CR 2045** Young
A City Council RESOLUTION on the death of Master Charles Hailey, Jr.
- CR 2046** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Berlette Adasalu on her retirement after 38 years of service with the Baltimore City Public School System.

- CR 2047** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating The Reverend Ernest King on his service as the Director of the Baltimore Christian Warriors and the Poe Terrace Christian Warriors 21st Senior Maryland and Homecoming Parade and Festivities.
- CR 2048** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Lorraine Ledbetter on 24 years of dedicated service as HABC Tenant President and on celebrating the 21st Senior May Day and Homecoming Parade and Festivities.
- CR 2049** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Miss Gay Maryland America on the occasion of its 25th Anniversary, celebrating the Art of Female Illusion and Community Service to the GLBTQ communities of Baltimore, Maryland and Nationally.
- CR 2050** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Hooker and Boys on 10 years of community service and fundraising for the GLBTQ communities of Baltimore, Maryland, the Mid-Atlantic Region and Nationally.
- CR 2051** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Beverly J. “Mommie Bobbie” Bailey, Founder of the Oak Ridge Academy on the 45th Commencement of the Oak Ridge Academy and for her outstanding leadership, dedication and enthusiasm encouraging each child toward academic excellence.
- CR 2052** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating the Waxter Senior Center on the celebration of its 35th Anniversary and continued commitment through partnerships to provide preventive services to the seniors of Baltimore.
- CR 2053** Welch
A City Council RESOLUTION on the death of Delores “Sis” Taylor.
- CR 2054** Middleton
A City Council RESOLUTION congratulating Omega Baptist Church and Ministries on the celebration of its Diamonds and Pearls Afternoon Tea.
- CR 2055** Middleton
A City Council RESOLUTION on the death of Edward Jackson, III.
- CR 2056** Holton
A City Council RESOLUTION on the death of Vera Gwendolyn Baker, February 3, 1938 – May 12, 2009.
- CR 2057** President Rawlings-Blake, All Members
A City Council RESOLUTION congratulating Sharon Stern on 30 years as a Speech and Language Pathologist in the Baltimore City Public School System.

- CR 2058 Henry**
A City Council RESOLUTION congratulating Jean Hunt, Andrew Weaver, Ken Desmarais, Marshall Megginson, Frances Moody and Lawrence Berry on their outstanding citizenship and untiring dedication as a volunteer and community activist for the New Northwood Community Association and the City of Baltimore.
- CR 2059 Henry**
A City Council RESOLUTION congratulating Alice Bevans on her untiring dedication as a Neighborhood Leader, and for all that she does to make Richnor Springs Association and the City of Baltimore Better, Safe and Stronger.
- CR 2060 President Rawlings-Blake, Curran, All Members**
A City Council RESOLUTION on the death of Paula S. Frank, January 15, 1935 – May 15, 2009.
- CR 2061 President Rawlings-Blake, All Members**
A City Council RESOLUTION congratulating Elsie Cowan on the celebration of her 75th birthday on June 25th, and the many lives she’s touched along the way.