

TWENTY-SEVENTH 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

November 23, 2009

Father William Burke, of Saint Francis of Assisi, 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

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

Good and gracious God: We ask that we may meet this evening in your presence and with your blessing.

As we approach the celebration of our national day of Thanksgiving, may we be reminded that before there were many faiths, many political divisions, it was your will that we live together as your family in peace and harmony.

As the author of all life, you breathed your spirit into every person. You also invited every person to acknowledge this gift and to choose freely to walk in your divine way.

We call upon your goodness to guide us, to protect us, especially the children, the elderly, the sickly and the people still seeking adequate and safe housing in our city.

May all our deliberations, our discussions, our decisions always reflect your ever present concern for all whom we have been elected and called to serve with generous hearts.

We ask this in your name. Amen.

SHOWCASE BALTIMORE

Erika F. Slater, Esq., Bar Association Chair and organizer of Baltimore's National Adoption Day Program, delivered a presentation.

JOURNAL APPROVED

The Journal of November 16, 2009 was read and approved.

COMMUNICATIONS FROM THE MAYOR

APPROVED BY THE MAYOR

OFFICE OF THE MAYOR

November 23, 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 08-0163 - An Ordinance concerning - Live Entertainment and Dancing – Zoning – Conditional Uses Licensing and Regulation – Hospitality Services – Promotion and Coordination - For the purpose of deleting live entertainment and dancing as a zoning use category; requiring the licensing of certain establishments that provide live entertainment or dancing; establishing the Board of Licenses for Live Entertainment and providing for its powers and duties; establishing an Office of Hospitality Services and providing for its powers and duties; defining certain terms; imposing certain penalties; and generally relating to the licensing and regulation of live entertainment and to the promotion and coordination of hospitality services allowing live entertainment and dancing, in conjunction with restaurants or taverns, as a conditional use in certain Business Districts; expanding the conditions to be considered before granting a conditional use for restaurants or taverns to provide live entertainment or dancing; requiring the Zoning Board to maintain and periodically provide to the City Council certain information about all pending applications for all conditional uses;

authorizing the issuance of environmental citations for violations of conditions, etc., imposed on live entertainment or dancing uses; imposing certain criminal penalties; correcting, conforming, and clarifying related provisions; and generally relating to the zoning and related requirements for restaurants and taverns providing live entertainment or dancing.

C.C. Bill 09-0373 - An Ordinance concerning - Food Service Facilities – Suspension or Nonrenewal of Licenses – Multiple or Unpaid Citations Related to Public Health, etc. - For the purpose of authorizing the suspension or nonrenewal of a license for a food service facility that has received multiple environmental or civil citations or is in default of an environmental or civil citation issued for reasons related to public health; specifying certain offenses presumed to be related to public health; requiring notice and an opportunity to be heard; and generally relating to the licensing and regulation of food service facilities.

C.C. Bill 09-0387 - An Ordinance concerning - Zoning – Conditional Uses – Suspension, Revocation, etc. - For the purpose of authorizing the ~~nonrenewal~~; modification, suspension, or revocation of a conditional use for failure to comply with a condition, restriction, or limitation imposed on that use; providing for the automatic lapse of a conditional use that has been discontinued for a certain continuous period; ~~authorizing the grant of a conditional use subject to a time limit and periodic renewal;~~ and generally relating to the imposition and enforcement of conditions, restrictions, and limitations on conditional uses.

Sincerely,

Sheila Dixon
Mayor

COMMUNICATIONS FROM MUNICIPAL AGENCIES

November 16, 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 properties be published in the City Council Journal as promptly as possible in order that we may pursue their disposition:

Councilmanic District 12

Address	Block / Lot
1315 Wilcox Street	1144 / 084
1317 Wilcox Street	1144 / 083
1323 Wilcox Street	1144 / 080
1327 Wilcox Street	1144 / 078

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 properties 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

INTRODUCTION AND READ FIRST TIME

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

Bill No. 09-0173R - By Councilmembers Clarke, Holton, D'Adamo, Spector, Middleton, Henry, Conaway, Curran, Welch, Kraft:

A Resolution inviting representatives of the City agencies concerned with mountain biking on City reservoir watershed property and the mountain biking community to discuss how to allow mountain biking on City reservoir watershed property without harming water quality.

The bill was read the first time and referred to the Department of Public Works, Department of Transportation, Community Development Subcommittee.

Bill No. 09-0174R - By Councilmembers Kraft, Holton, D'Adamo, Clarke, Henry, Spector, Middleton, Branch, Cole, Conaway, Curran, Welch:

Introduced: November 23, 2009
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Municipal Government Works Month

FOR the purpose of joining the Maryland Municipal League in declaring November to be Municipal Government Works Month.

WHEREAS, The City of Baltimore was incorporated in 1797; and

WHEREAS, Maryland is home to 156 other municipalities; and

WHEREAS, Municipal government represents the most responsive level of government, allowing citizens to have direct access to elected officials; and

WHEREAS, In an effort to educate citizens about municipal government and the importance of their participation, the City of Baltimore is proud to promote municipal government awareness; and

WHEREAS, Municipalities have enhanced the quality of life for their respective residents by maintaining natural and historic sites and structures and helping to make Maryland a great place to live, work, play, and explore.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City of Baltimore hereby joins the Maryland Municipal League in declaring November to be Municipal Government Works Month.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the Executive Director of the Maryland Municipal League, and the Mayor's Legislative Liaison to the City Council.

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, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Branch, Clarke - Total 13.

Nays - 0.

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

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, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Branch, Clarke - Total 13.

Nays - 0.

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

The President declared the Resolution "Adopted".

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS NO. 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, AND 2776 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, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 14.

Nays - 0.

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

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

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

ACTION ON EXECUTIVE APPOINTMENTS

Councilmember Curran made a motion, which was duly seconded, that the favorable report of the Committee on Executive Appointments be adopted.

The Appointment of

DAVID HOLTGRAVE, Ph.D.

Member

COMMISSION:

Commission on HIV/AIDS for Baltimore City

EXPIRATION OF TERM:

December 6, 2011

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Curran made a motion, which was duly seconded, that the appointment of David Holtgrave, Ph.D. be confirmed.

The roll was called, resulting as follows:

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

Nays - 0.

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

The President declared the appointment of David Holtgrave, Ph.D. confirmed.

Councilmember Curran made a motion, which was duly seconded, that the favorable report of the Committee on Executive Appointments be adopted.

The Appointment of

LILLIAN LOUISE TREHERNE

Member

COMMISSION:

Commission on HIV/AIDS for Baltimore City

EXPIRATION OF TERM:

December 6, 2011

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Curran made a motion, which was duly seconded, that the appointment of Lillian Louise Treherne be confirmed.

The roll was called, resulting as follows:

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

Nays - 0.

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

The President declared the appointment of Lillian Louise Treherne confirmed.

Councilmember Curran made a motion, which was duly seconded, that the favorable report of the Committee on Executive Appointments be adopted.

The Appointment of

ROBERT C. EMBRY, Jr.

Member

COMMISSION:

Commission for Historical and Architectural
Preservation

EXPIRATION OF TERM:

December 6, 2011

The motion prevailed.

The President declared the favorable report adopted.

Councilmember Curran made a motion, which was duly seconded, that the appointment of Robert C. Embry, Jr. be confirmed.

The roll was 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 President declared the appointment of Robert C. Embry, Jr. confirmed.

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. 09-0370 - An Ordinance repealing the existing Development Plan for the Irvington Knolls Village Planned Unit Development and approving a new Development Plan for the Irvington Knolls Planned Unit Development.

THIRD READING

The President laid before the City Council:

BILL NO. 08-0149 - An Ordinance authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as 101 South Ellwood Avenue (Block 1752, Lot 1/54) and no longer needed for public use; and providing for a special effective date.

It was read the third time.

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

Yeas - President and Councilmembers 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. 09-0357 - An Ordinance designating the Ann Wiggins Brown House, 1501 Presstman Street, as a historical landmark.

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. 09-0358 - An Ordinance designating the Kresge Building, 117 West Lexington Street, as a historical landmark.

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. 09-0359 - An Ordinance designating the Sellers Mansion, 801 Arlington Avenue, as a historical landmark.

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. 09-0368 - An Ordinance defining "junk or scrap storage and yards" to clarify the scope of that term; expressly prohibiting the storage of junk or scrap on barges, ~~docks, piers,~~ and belt conveyor systems in the Critical Area Overlay District, but excepting certain activities limited to unloading and loading; ~~prohibiting construction- and demolition-debris processing~~

facilities in the Critical Area Overlay District; increasing certain related penalties; and generally relating to prohibited and permitted uses in the Critical Area Overlay District.

It was read the third time.

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

Yeas - Councilmembers Kraft, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Branch, Clarke - Total 12.

Nays - Councilmember Young - Total 1.

Pass - President and Councilmember D'Adamo - Total 2.

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

The President laid before the City Council:

BILL NO. 09-0380 - An Ordinance increasing the maximum aggregate principal amount of Revenue Obligations authorized to be issued by the Mayor and City Council of Baltimore under Ordinance 83-998, as amended; 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 - 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. 09-0406 - An Ordinance requiring limited-service pregnancy centers to provide a certain disclaimer to clients and potential clients; defining a certain term; imposing certain penalties; and generally relating to required disclaimers by limited-service pregnancy centers.

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, Reisinger, Cole, Branch, Clarke - Total 12.

Nays - Councilmembers Kraft, Welch, Young - Total 3.

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

The President laid before the City Council:

BILL NO. 09-0410 - An Ordinance amending the Urban Renewal Plan for Carroll Camden to add a new disposition lot to the Plan and to provide for the land uses on it, and to revise an exhibit to reflect the disposition changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

It was read the third time.

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

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

Nays - 0.

Out of Chambers - Councilmember Young - Total 1.

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

ADJOURNMENT

On motion of Councilmember Reisinger, duly seconded, the City Council adjourned to meet on Thursday, December 3, 2009, at 5:00 p.m.

Consent Calendar

- CR 2747 Young**
A City Council RESOLUTION on the death of Jason Mattison, Jr.
- CR 2748 Cole**
A City Council RESOLUTION congratulating Mt. Claire Overlook Apartments on it volunteer efforts.
- CR 2749 Cole**
A City Council RESOLUTION congratulating Mwamva Ugana Children’s Choir on its extraordinary performance and the collective hope it embodies for the children of Uganda.
- CR 2750 President Rawlings Blake, All Members**
A City Council RESOLUTION on the death of Luella G. Bright, September 6, 1902 – November 13, 2009.
- CR 2751 Young**
A City Council RESOLUTION on the death of James Jones.
- CR 2752 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Ida B. Williams-Ward on 15 years of faithful service as President of AFSCME Retiree’s Chapter 1, where she shepherds over 3500 members.
- CR 2753 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Kelly Kennedy on the celebration of her birthday and the many lives she’s touched along the way.
- CR 2754 President Rawlings Blake, All Members**
A City Council RESOLUTION on the death of Alverta Johnson, July 8, 1919 – November 14, 2009.
- CR 2755 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Katherine Rimmell on 31 years of service with the Department of Transportation, Maintenance Division.
- CR 2756 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating George Kimbrough McKinney on the celebration of his 75th birthday and the many lives he’s touched along the way.
- CR 2757 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating the Transgender community on the 11th Annual International Day of Remembrance, for those who have died from anti-transgender violence or denial of medical care.

- CR 2758** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Donnamae Stevens-Barber on her retirement after 42 years of dedicated service.
- CR 2759** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Senator Larry Young on the celebration of his 60th birthday and the many lives he's touched along the way.
- CR 2760** Kraft
A City Council RESOLUTION congratulating Thomas C. Scilipoti on 60 outstanding years capturing the beauty of, and the events that define, our great City.
- CR 2761** Conaway
A City Council RESOLUTION congratulating the 2009 Greater Mondawmin Coordinating Council Board Members: Selwyn Shields, Sandra Almond-Cooper, Barbara Anderson-Dandy, Jacqueline Caldwell, Joseph H. Brown, Jackie Carrera, Nathaniel Freeman, Adeline Hutchinson, Henry Kenney, Dr. Franklin Lance, Stanley Mosley, Dr. Linwood Robinson, Dr. Samuel Ross, Connie Smith, Wanda Freeland, Samantha Harris, Dr. Carolane Williams, Donald Lee, Jermaine Ellerbe, Albert C. Robinson, Dr. Reginald S. Avery and Earl Arnett - President on their exemplary citizenship in an effort to improve the quality of life in our community and City.
- CR 2762** Young
A City Council RESOLUTION on the death of Lucy Merriman.
- CR 2763** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Larry E. White on 34 years of service with the Department of Transportation, Maintenance Division.
- CR 2764** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating The Reverend Father Donald A. Sterling on 35 years in the Priesthood – may he continue his mission of faith and service for many more years.
- CR 2765** Young
A City Council RESOLUTION on the death of Anthony Swann.
- CR 2766** Young
A City Council RESOLUTION congratulating Jacqueline Woods on the celebration of 60 years of life on Wednesday, October 21, 2009 – may she celebrate many more wonderful years.
- CR 2767** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Edward and Alice Woods on 50 years of marriage and for providing a positive model to others of the importance of family.

- CR 2768 Welch**
A City Council RESOLUTION congratulating Calvin Lee Tolbert on the celebration of his 85th birthday.
- CR 2769 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Gail Johnson Bryant on the celebration of her 60th birthday and the many lives she's touched along the way.
- CR 2770 Young**
A City Council RESOLUTION congratulating Adrienne Tatum on her diligent, loyal and committed service to the members of the Lake Clifton Class of 1974 through the years.
- CR 2771 Cole**
A City Council RESOLUTION on the death of Leonidas G. Newton, August 18, 1928 – November 14, 2009.
- CR 2772 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Santa Claus Anonymous on the celebration of its 75th Anniversary and its mission to "Give a Child a Christmas".
- CR 2773 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Brenda Clayburn on the celebration of her 60th birthday and the many lives she's touched along the way.
- CR 2774 Branch**
A City Council RESOLUTION on the death of Ansa Smith, General Manager for Armistead Homes **Corporation**.
- CR 2775 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Police Officer Mike Crocker on his retirement after 24 years of service with the Baltimore Police Department.
- CR 2776 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Alva McCullum on the celebration of her 80th birthday, December 6, 2009, and the many lives she's touched along the way.