

FIRST DAY

THIRD COUNCILMANIC YEAR - SESSION OF 2007-2011

JOURNAL
CITY COUNCIL OF BALTIMORE

December 10, 2009

Reverend Charles Minetree, of Immanuel Lutheran 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 Kraft, D'Adamo, Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke

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

Lord God, we praise you for our nation, the leader in freedom and democracy. We are deeply grateful to have been blessed with living in this nation and are indebted to all those who protect our freedom and democracy. We thank you for our beloved Maryland and our home, Baltimore City. Bless our home with peace, joy, hope, and love. Today we call upon you to bless our servant-leaders with wisdom, courage, and compassion. For democracy to truly thrive, it must be led by those who see themselves as servant-leaders. These leaders place the welfare of the citizens above their own. They strive to see that the needs of our city are met before tending to their own need. They truly see themselves as serving the citizens of Baltimore. Bless the Mayor, City Council, and all who administer freedom and justice, safety and peace, mercy and hope in our city. Give to all of us who are served hearts that are thankful, respectful, willing and ready to serve too as we have been served. Before You we entrust our leader, city, and selves confident in Your presence and guidance of our government. Amen

Journal of the City Council**SHOWCASE BALTIMORE**

Brian Pabst, Administrator of Genesis Franklin Woods Center, delivered a presentation about the Center and the Franklin Woods Center Choir, which performed outside the City Council Chambers before this City Council Meeting.

JOURNAL APPROVED

The Journal of November 23, 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 09-0270 - An Ordinance concerning - City Property – Renaming Benjamin Franklin Middle School #239 to ~~Masonville Cove Community Academy #239~~ Benjamin Franklin High School #239 at Masonville Cove - For the purpose of changing the name of Benjamin Franklin Middle School #239, located at 1201 Cambria Street, to ~~Masonville Cove Community Academy #239~~ Benjamin Franklin High School #239 at Masonville Cove.

C.C. Bill 09-0377 - An Ordinance concerning - Acquisition of Property – Block 6990, Lots 1 – 7, and Block 6991, Lots 1 – 26 - For the purpose of authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain property known as Block 6990, Lots 1 through 7, and Block 6991, Lots 1 through 26, and needed to create a public park; and providing for a special effective date.

Sincerely,

Sheila Dixon,
Mayor

December 4, 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 08-0149 - An Ordinance concerning - Sale of Property – 101 South Ellwood Avenue - For the purpose of 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.

C.C. Bill 09-0357 - An Ordinance concerning - Baltimore City Landmark List – Ann Wiggins Brown House - For the purpose of designating the Ann Wiggins Brown House, 1501 Presstman Street, as a historical landmark.

C.C. Bill 09-0358 - An Ordinance concerning - Baltimore City Landmark List – Kresge Building - For the purpose of designating the Kresge Building, 117 West Lexington Street, as a historical landmark.

C.C. Bill 09-0359 - An Ordinance concerning - Baltimore City Landmark List – Sellers Mansion - For the purpose of designating the Sellers Mansion, 801 Arlington Avenue, as a historical landmark.

C.C. Bill 09-0368 - An Ordinance concerning - Zoning – Junk or Scrap Storage and Yards – Critical Area Overlay District - For the purpose of 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.

C.C. Bill 09-0380 - An Ordinance concerning - Parking Revenue Obligations – Authorized Aggregate Amount - For the purpose of 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.

C.C. Bill 09-0406 - An Ordinance concerning - Limited-Service Pregnancy Centers – Disclaimers - For the purpose of 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.

C.C. Bill 09-0410 - An Ordinance concerning - Urban Renewal – Carroll Camden – Amendment 6 - For the purpose of 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.

Sincerely,

Sheila Dixon
Mayor

APPOINTMENTS BY THE MAYOR

ROBERT G. GINYARD, as a member of the Cable Communications Advisory Commission, for a term expiring December 6, 2011, as the representative of the 11th Councilmanic District.

CHARLES U. SMITH, as a member of the Cable Communications Advisory Commission, for a term expiring December 6, 2011, as the representative of the 13th Councilmanic District.

LOU ANN BLAKE, as a member of the Mayor’s Commission on Disabilities, for a term expiring December 6, 2011, as a Category I - Person with a disability.

HECTOR L. TORRES, as a member of the Planning Commission, for a term expiring December 6, 2011, succeeding himself, as a citizen representative.

MELVIN G. MERCER, as a member of the Cable Communications Advisory Commission, for a term expiring December 6, 2011, as the representative of the 12th Councilmanic District.

Sincerely,

Sheila Dixon
Mayor

COMMUNICATIONS FROM MUNICIPAL AGENCIES

October 23, 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, Baltimore City Code Article 28 § 8-3 provides for the City to sell property acquired by tax sale at either private or public sale.

It is requested that the following properties be published in the City Council Journal as promptly as possible to allow the Department of Housing to proceed with their disposition:

Council District 12

Address	Block Lot
1800 N Duncan St	1450 098
1801 N Duncan St	1450 076
1802 N Duncan St	1450 099
1803 N Duncan St	1450 077
1804 N Duncan St	1450 100
1805 N Duncan St	1450 078
1806 N Duncan St	1450 101
1807 N Duncan St	1450 079
1808 N Duncan St	1450 102
1809 N Duncan St	1450 080
1810 N Duncan St	1450 103
1811 N Duncan St	1450 081
1812 N Duncan St	1450 104
1813 N Duncan St	1450 082
1814 N Duncan St	1450 105
1815 N Duncan St	1450 083
1816 N Duncan St	1450 106
1817 N Duncan St	1450 084

1818 N Duncan St	1450 107
1819 N Duncan St	1450 085
1820 N Duncan St	1450 108
1821 N Duncan St	1450 086
1822 N Duncan St	1450 109
1823 N Duncan St	1450 087
1824 N Duncan St	1450 110
1825 N Duncan St	1450 088
1826 N Duncan St	1450 111
1827 N Duncan St	1450 089
1828 N Duncan St	1450 112
1829 N Duncan St	1450 090
1830 N Duncan St	1450 113
1831 N Duncan St	1450 091
1832 N Duncan St	1450 114
1833 N Duncan St	1450 092
1834 N Duncan St	1450 115
1835 N Duncan St	1450 093
1836 N Duncan St	1450 116
1837 N Duncan St	1450 094
1839 N Duncan St	1450 095
1841 N Duncan St	1450 096
1843 N Duncan St	1450 097

In accordance with the provisions of Article 28 § 8-3 of the Baltimore City Code, 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, Land Resources Division.

Should you have any questions or need any further information, please contact Rashelle Celestin, Real Estate Agent at 410-396-4793.

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

December 7, 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 10

Address	Block / Lot
1725 William Street	1025 / 090
1727 William Street	1025 / 089

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

December 8, 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 properties be published in the City Council Journal as promptly as possible in order that we may pursue their disposition:

Councilmanic District 6

Address	Block/Lot
2408 Elsinore Avenue	2827/005
2410 Elsinore Avenue	2827/006

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
Department of Housing and
Community Development

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. 09-0424 - By the Council President (The Administration):

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 Block 530, Lot 43/46 (the Mayfair Theater Dressing Rooms) and no longer needed for public use; and providing for a special effective date.

The bill was read the first time and referred to the Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore City Parking Authority Board, Department of Real Estate, Department of Finance, Board of Estimates, Taxation, Finance and Economic Development Committee.

Bill No. 09-0425 - By the Council President (The Comptroller):

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 the NS Eastern Avenue 402-9 feet west of Kane Street (Block 6345D, Lot 9) and no longer needed for public use; and providing for a special effective date.

The bill was read the first time and referred to the Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore City Parking Authority Board, Department of Real Estate, Department of Finance, Board of Estimates, Taxation, Finance and Economic Development Committee.

Bill No. 09-0426 - By Councilmember Cole (by request):

An Ordinance amending the Urban Renewal Plan for Harlem Park Project II to amend the uses permitted in certain areas of the Plan, to revise an exhibit to reflect the changes in the Plan, to provide that to the extent there exists any conflict between the provisions of the Renewal Plan and the standards and controls of any Planned Unit Development legislation approved by the Mayor and City Council, the standards and controls of the Planned Unit Development control; conforming certain references; 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 City Solicitor, Board of Municipal and Zoning Appeals, 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. 09-0427 - By Councilmember Cole (by request):

An Ordinance approving the application of the Mayor and City Council of Baltimore and Wylie Funeral Homes, P.A., which are either the owner, potential owner, developer, and/or contract purchaser of the following properties: 1602, 1604, 1606, 1606 ½, 1608, 1610, 1612, 1614, 1616, 1618, 1620, 1622, 1624, and 1626 Harlem Avenue; 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, and 725 North Mount Street; and 634, 636, and 638 North Gilmore Street (collectively, the “Property”), to have the Property designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

The bill was read the first time and referred to the City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of General Services, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation, Commission on Sustainability, Land Use and Transportation Committee.

Bill No. 09-0428 - By Councilmembers Spector, Middleton (by request):

An Ordinance repealing Ordinance 65-640 and permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area (including driving test area) on the properties known as 5401 Tippet Avenue, 5451 Tippet Avenue, 4033 Lewiston

Avenue, and portions of Rockfield Avenue and Tippet Avenue, as outlined in red on the accompanying plat.

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

Bill No. 09-0429 - By Councilmembers Clarke, Henry, Middleton, Kraft, Young, Holton, Spector, Welch, Reisinger, Cole, D'Adamo, Conaway, Curran:

An Ordinance requiring certain new or expanded structures, premises, and uses to provide bicycle parking that meets certain standards; requiring certain employers to provide their employees with bicycle parking that meets certain standards; defining and redefining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to required parking spaces for bicycles.

The bill was read the first time and referred to the City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Public Works, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation, Labor Commissioner, Department of Finance, Commission on Sustainability, Community Development Subcommittee.

Bill No. 09-0430 - By Councilmembers Clarke, Henry, Middleton, Kraft, Young, Holton, Spector, Reisinger, Welch, Cole, Curran, D'Adamo, Branch, Conaway:

An Ordinance allowing the creation of bike lanes; defining certain terms; prohibiting parking or standing in bike lanes; requiring bike-safe grates in bike lanes; imposing certain penalties; and generally relating to bike lanes on City streets.

The bill was read the first time and referred to the City Solicitor, Planning Commission, Baltimore Development Corporation, Department of Transportation, Department of Finance, Commission on Sustainability, Community Development Subcommittee.

Bill No. 09-0431 - By Councilmembers Clarke, Henry, Middleton, Kraft, Young, Holton, Spector, Conaway, Cole, Curran, Branch, D'Adamo:

An Ordinance requiring that all City street paving and repaving contracts require that drainage grates be installed in a bike-safe alignment; requiring anyone undertaking a street paving project to install drainage grates in a bike-safe alignment; and generally relating to bike-safe grates on City streets.

The bill was read the first time and referred to the City Solicitor, Department of Public Works, Department of Transportation, Department of Finance, Commission on Sustainability, Community Development Subcommittee.

Bill No. 09-0432 - By Councilmembers Clarke, Henry, Middleton, Branch, Young, Holton, Welch, Kraft, Cole, Conaway, Curran:

An Ordinance clarifying the law relating to obstructing the free passage of traffic with a vehicle; providing a certain exception for parking in alleys; and generally relating to parking, standing, or stopping that obstructs traffic.

The bill was read the first time and referred to the City Solicitor, Planning Commission, Department of Transportation, Police Department, Fire Department, Judiciary and Legislative Investigations Committee.

Bill No. 09-0433 - By Councilmembers Clarke, Henry, Middleton, Branch, Kraft, Young, Conaway, Holton, Reisinger, Cole, Welch, Curran:

A Resolution of the Mayor and City Council directing the Departments of Transportation and Planning to apply “Complete Streets” principals to the planning, design, and construction of all new City transportation improvement projects; providing certain exceptions; requiring annual reports on the implementation of “Complete Streets” principals; and generally relating to transportation improvement projects.

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

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

Bill No. 09-0175R - By Councilmembers Clarke, Henry, Middleton, Branch, Kraft, Young, Reisinger, Holton, Conaway, Spector, Welch, Curran, D’Adamo:

A Resolution inviting the Baltimore Police Commissioner to report to the City Council on the Police Department’s procedures for responding to incidents involving cyclists and the Department’s general approach to the bicycling community.

The bill was read the first time and referred to the Police Commissioner, Mayor’s Office of Criminal Justice, Commission on Sustainability, Department of Transportation, Community Development Subcommittee.

Bill No. 09-0176R - By Councilmembers Clarke, Henry, Middleton, Branch, Kraft, Young, Spector, Welch, Reisinger, Holton, Cole, Conaway, Curran, D'Adamo:

A Resolution reaffirming support for efforts to improve conditions for cyclists and encouraging more widespread awareness of the "Cyclists' Bill of Rights".

The bill was read the first time and referred to the City Solicitor, Planning Department, Department of Public Works, Police Commissioner, Baltimore Office of Promotion and the Arts, Commission on Sustainability, Baltimore City Parking Authority Board, Department of Transportation, Community Development Subcommittee.

Bill No. 09-0177R - By Councilmembers Clarke, Middleton, Henry, Kraft, Young, Holton, Spector, Reisinger, Curran, Conaway, D'Adamo:

A Resolution calling upon the Department of Transportation to develop and conduct BMore Streets for People, the special and periodic closing of City arteries to vehicular traffic for the purpose of welcoming jogging, biking, skateboarding and other people-engaging activities in temporary closed-roadbed havens; and calling upon the collaborative commitments of the Departments of Transportation (DOT), Health, Police (BPD), General Services and the Offices of Promotion and the Arts (BOPA) and Sustainability to engage in formal fashion among themselves, and with co-sponsoring organizations and neighborhoods, to plan and implement regular BMore Streets for People events throughout the City with venues as approved by proposed "host" communities.

The bill was read the first time and referred to the Police Department, Health Department, Department of General Services, Commission on Sustainability, Department of Transportation, Baltimore Office of Promotion and the Arts, Land Use and Transportation Committee.

Bill No. 09-0178R - By Councilmembers Clarke, Middleton, Holton, Branch, Young, Conaway, Reisinger, Spector, Welch, Cole, Henry, Curran, D'Adamo:

Introduced: December 10, 2009
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Retention of Baltimore Convention Center Food Services Workers

FOR the purpose of calling on the Baltimore Convention Center to ensure that the change in food service contractors does not result in the loss of jobs for current Convention Center food services workers and strongly endorsing the transition proposal offered by the Convention Center food service employees to the incoming food services contractor.

Recitals

WHEREAS, The Baltimore Convention Center is a City-owned facility; and

WHEREAS, Outside contractors have always been used by the City to provide food services at the Convention Center; and

WHEREAS, The current employees providing food services to Convention Center visitors are experienced in their positions and specially trained through the Baltimore Ambassador program to provide services to visitors to Baltimore at the Convention Center in a way that casts the City in the best possible light; and

WHEREAS, Food services work at the Convention Center provides much needed full time jobs to many, and a majority of these jobs are filled by hardworking City residents; and

WHEREAS, On December 21st of this year the current food services contractor, ARAMARK, will be replaced by a new food services contractor, Centerplate; and,

WHEREAS, In the past whenever a new contractor has begun providing food services for the Convention Center, existing employees have been assured that they would retain their jobs; and,

WHEREAS, The food services workers at the Convention Center have approached both the Center and Centerplate to seek assurances that they will retain their existing jobs despite the change in contractors, as has been done in the past; and,

WHEREAS, The food services workers have offered to undergo a 90-day trial period with Centerplate, at the end of which employees could only be terminated for just cause, to prove to the new contractor that they are the people best suited for the jobs at the Convention Center; but despite these efforts to enter into a dialogue with Centerplate and the Convention Center, these workers have not been reassured that their positions will be maintained by the new food services contractor.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City Council calls on the Baltimore Convention Center to ensure that the change in food service contractors does not result in the loss of jobs for any current Convention Center food services workers, and that the Council strongly endorses the transition proposal offered by the Convention Center food service employees to Centerplate.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Executive Director of the Baltimore Convention Center, the President and CEO of Centerplate, the President of UNITE HERE! Local 7, the President and CEO of Visit Baltimore, the Mayor, and the Mayor's Legislative Liaison to the City Council.

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

Nays - 0.

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

The President declared the Rules "Suspended".

Then Councilmember Clarke 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 Curran, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Young, Branch, Clarke - Total 13.

Nays - 0.

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

The President declared the Resolution "Adopted".

Bill No. 09-0179R - By Councilmembers Clarke, Henry, Middleton, Kraft, Curran, Conaway:

A Resolution calling on the Department of Public Works to study the amount of waste generated due to the use of plastic carryout bags, and the environmental impact of carryout plastic bag use, in Baltimore and to report the results of this study to the City Council by a specified date.

The bill was read the first time and referred to the Department of Public Works, Judiciary and Legislative Investigations Committee.

Bill No. 09-0180R - By Councilmembers Clarke, Henry, Middleton, Kraft, Young, Holton, Conaway, Reisinger, Branch, Spector, Curran, Welch:

Introduced: December 10, 2009

(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Development of a National Student Bill of Rights

FOR the purpose of endorsing and supporting the effort by the Baltimore Algebra Project to develop local proposals for development of the National Student Bill of Rights and commending the Baltimore City Youth Commission for convening a Citywide Youth Forum to discuss and debate the rights to be locally adopted.

Recitals

WHEREAS, The Education Committee of the Baltimore City Council conducted a public hearing on Thursday, November 19, 2009, with representatives of the Baltimore Algebra Project (BAP) and other attendees, to learn more about the growing impetus among students across the nation to formulate a National Student Bill of Rights; and

WHEREAS, The overriding theme of this effort is to establish the right of our students of all ages to secure a quality education that prepares them for jobs in our knowledge-based economy, in secure, sound, and sanitary school facilities that use updated textbooks and provide a variety of extra-curricular activities - including athletics and free driver education - as well as diverse, fulfilling, and home-cooked school meals for breakfast and lunch; and

WHEREAS, Although not yet endorsing this growing effort, the Baltimore City Youth Commission dispatched representatives to the Education Committee's hearing to report that the Youth Commission has agreed to convene a Citywide Youth Forum in City Hall, at a date and time to be forthcoming, on the National Student Bill of Rights initiative, which it invites City Councilmembers to attend; and

WHEREAS, Although the Baltimore Algebra Project has initially proposed a set of rights for discussion and possible adoption, BAP has at this stage requested that the Baltimore City Council support and endorse the effort itself to develop a National Student Bill of Rights, although not necessarily every "right" on the table for debate and possible adoption; and

WHEREAS, For the City Council's information and consideration, the Education Committee has agreed to conduct individual hearings in early 2010 on the following 4 proposed BAP issues:

- ◆ Expansion of eligible time limits on MTA/Student bus passes, for which the Education Committee has helped lay the groundwork;
- ◆ The need for driver education as part of high school curricula in Baltimore City Public Schools;

- ◆ The overwhelming request for home-cooked school meals and adequate portions for older students, a proposal in sync with School Food Director Anthony Geraci's initiatives and goals; and
- ◆ Broader access to youth employment for Baltimore City Public Schools' high school students, some of whom must now drop out of school to support their families.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Baltimore City Council does hereby endorse and support the effort by the Baltimore Algebra Project to develop local proposals for development of the National Student Bill of Rights and commends the Baltimore City Youth Commission for convening a Citywide Youth Forum to discuss and debate the rights to be locally adopted.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Baltimore Algebra Project; the Baltimore City Youth Commission; the Mayor's Youth Liaison; the Director of Food and Nutrition Services, Baltimore City Public School System; and the CEO of Baltimore City Public Schools.

Councilmember Clarke 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, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Branch, Clarke - Total 12.

Nays - 0.

Out of Chambers - Councilmembers D'Adamo, Curran, Young - Total 3.

The President declared the Rules "Suspended".

Then Councilmember Clarke 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, Henry, Spector, Middleton, Conaway, Holton, Welch, Reisinger, Cole, Branch, Clarke - Total 12.

Nays - 0.

Out of Chambers - Councilmembers D'Adamo, Curran, Young - Total 3.

The President declared the Resolution "Adopted".

Bill No. 09-0181R - By Councilmembers Kraft, Henry, Middleton, Young, Holton, Clarke, Conaway, Spector, Welch:

Introduced: December 10, 2009
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

**Request for State Action - Support of the Maryland Heritage
Structure Rehabilitation Tax Credit**

FOR the purpose of urging the Baltimore City House and Senate Delegations to the 2010 Maryland General Assembly and the Governor of Maryland to extend and expand the Maryland Heritage Structure Rehabilitation Tax Credit, a program which has contributed greatly to Baltimore City and to the State of Maryland as a whole, and which, without reauthorization, will expire in July 2010.

WHEREAS, Maryland has more structures within National Register historic districts (89,523) and local historic districts (8,087) than any other state in the country; and

WHEREAS, In total, approximately 97,610 structures are eligible for this program state-wide, with projects having been located in all Maryland jurisdictions except for Charles, Garrett, and Somerset counties; and

WHEREAS, Over 12 years, commercial projects completed under this program have generated more than \$1.74 billion in economic activity, and residential projects have generated more than \$354.9 million; and

WHEREAS, More than one-third of the State's investment through this credit has been returned through state and local taxes from project construction alone, in addition to the greater returns seen in the long term through increases in employment and property taxes; and

WHEREAS, This credit has enabled a number of valuable redevelopment projects in Baltimore City, including projects such as the rehabilitation of the American Can Company site where property values in the surrounding neighborhood rose 17.6 percent in the four years following the project's completion; and

WHEREAS, Rehabilitation activity is a labor-intensive process that creates 20% more jobs than new construction; and

WHEREAS, These projects have employed an estimated 18,463 persons, generating wages of an estimated \$761.6 million; and

WHEREAS, The fiscal impact, effect on quality of life, and environmental benefits of these projects have made a significant contribution to the revitalization of the City; and

WHEREAS, Over three-fifths of residential applicants for the credit reported that they would not have undertaken rehabilitation of their properties without the availability of the tax credit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City Council of Baltimore urges the Baltimore City House and Senate Delegations to the 2010 Maryland General Assembly and the Governor of Maryland to extend and expand the Maryland Heritage Structure Rehabilitation Tax Credit, which has contributed greatly to Baltimore City and to the State of Maryland as a whole, and which, without reauthorization, will expire in July 2010.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Honorable Chair and Members of the Baltimore City House and Senate Delegations to the 2010 Maryland General Assembly, the Mayor, the Executive Director of the Maryland Municipal League, the Executive Director of the Maryland Association of Counties, the Executive Director of the Mayor's Office of State Relations, 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, Young, Branch, Clarke - Total 14.

Nays - 0.

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

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, Young, Branch, Clarke - Total 14.

Nays - 0.

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

The President declared the Resolution "Adopted".

Bill No. 09-0182R - By Councilmembers Kraft, Henry, Middleton, Branch, Young, Spector, Clarke, Conaway, Curran, Holton, Reisinger (by request):

Introduced: December 10, 2009
(Read and adopted)

A COUNCIL RESOLUTION CONCERNING

Request for State Legislation - Split-Level Property Tax Rate

FOR the purpose of requesting the Baltimore City House and Senate Delegations to the 2010 Maryland General Assembly and the Governor of Maryland to introduce and ensure passage of local legislation to enable the City of Baltimore to establish a split-level property tax rate wherein vacant, nonoccupiable or uninhabitable properties would be taxed at a higher rate than occupiable or habitable properties.

WHEREAS, Vacant properties have negative impact on the safety, value, and quality of life in surrounding neighborhoods; and

WHEREAS, A study in Austin, Texas found that "blocks with unsecured [vacant] buildings had 3.2 times as many drug calls to police, 1.8 times as many theft calls, and twice the number of violent calls" as blocks without vacant buildings (William Spelman, "Abandoned Buildings: Magnets for Crime?" Journal of Criminal Justice, 1993); and

WHEREAS, Researchers found that, in Philadelphia, "all else being equal, houses on blocks with abandonment sold for \$6,715 less than houses on blocks with no abandonment" ("Blight Free Philadelphia: A Public-Private Strategy to Create and Enhance Neighborhood Value," Temple University Center for Public Policy and Eastern Pennsylvania Organizing Project, 2001); and

WHEREAS, Over 12,000 fires occur in vacant structures nationwide each year, causing \$73 million in property damage ("New Tool Ready to Combat Arson: Vacant and Abandoned Buildings Targeted," American Re, 2003); and

WHEREAS, Because vacant properties create a higher need for City services, including site cleanup and demolition, provision of legal services, police and fire protection, and legal enforcement, these properties contribute disproportionately to City expenses; and

WHEREAS, These properties generally have lower assessed values than occupied properties, and therefore, under the current tax structure, contribute less to the City's property tax base than occupied properties; and

WHEREAS, The current tax structure provides a disincentive for owners of vacant properties to improve these properties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City Council of Baltimore requests the Baltimore City House and Senate Delegations to the 2010 Maryland General Assembly to introduce and ensure passage of local legislation to enable the City of Baltimore to establish a split-level property tax rate wherein vacant, nonoccupiable or uninhabitable properties would be taxed at a higher rate than occupiable or habitable properties.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Honorable Chair and Members of the Baltimore City House and Senate Delegations to the 2010 Maryland General Assembly, the Mayor, the Executive Director of the Mayor's Office of State Relations, 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, Young, Branch, Clarke - Total 14.

Nays - 0.

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

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, Young, Branch, Clarke - Total 14.

Nays - 0.

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

The President declared the Resolution "Adopted".

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS No. 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, AND 2832
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

HELENA S. HICKS

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 Helena S. Hicks 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 Helena S. Hicks confirmed.

COMMITTEE REPORTS

BILL NO. 08-0064 REPORTED FAVORABLY, WITH AMENDMENTS, AND ORDERED PRINTED FOR THIRD READING

Councilmember Kraft, for the Judiciary and Legislative Investigations Committee, reported Bill No. 08-0064 favorably, with amendments.

An Ordinance expressly including used motor vehicle parts among the items to be reported to the Police Commissioner and held by scrap metal processors, second-hand property dealers, and others; modifying certain definitions; and generally relating to the regulation of scrap metal processors, second-hand property dealers, and others.

Amendments to City Council Bill No. 08-0064

Amendment No. 1

On page 1, strike beginning with “**Second-Hand**” in line 2 through “**Requirements**” in line 3, and substitute “**Licensing and Regulation**”; and, in line 4, strike beginning with “expressly” through “among”, and substitute “modifying certain requirements and procedures for the licensing of scrap metal processors; requiring certain records and reports to be kept in electronic form and transmitted electronically; requiring payments to be made in a certain manner; refining”; and, in the same line, after “the”, insert “list of”; and strike beginning with “reported” in line 4 through “and” in line 5; and strike beginning with the comma in line 5 through “others” in line 6; and, in line 6, after the first semicolon, insert “providing for the confidentiality of certain records and reports; authorizing certain”

exemptions from reporting and holding requirements;”; and, in line 6, after the second semicolon, insert “repealing certain exemptions; providing for the denial, suspension, or revocations of licenses for certain actions; correcting, clarifying, and conforming related provisions; providing for a special effective date;”; and, in line 6, before “regulation”, insert “licensing and”; and, in line 7, strike beginning with the first comma through “others”.

Amendment No. 2

On page 1, in line 10, strike beginning with “8-1(c)” through the end of the line and substitute “8-1(a) through (d), 8-3, 8-5 through 8-7, 8-8(a) and (c)(1)(i), 8-11(a), and 8-12”; and, after line 12, insert:

“By adding
Article 2 - Consumer Protections
Section(s) 8-5.1, 8-13.1, and 8-13.2
Baltimore City Code
(Edition 2000)

By repealing
Article 2 - Consumer Protections
Section(s) 8-10
Baltimore City Code
(Edition 2000)”.

Amendment No. 3

On page 1, after line 18, insert:

“(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(B) *HOLDABLE SCRAP METAL.*

“HOLDABLE SCRAP METAL” MEANS ANY SCRAP METAL IDENTIFIABLE AT THE TIME OF ACQUISITION AS HAVING BEEN A PART OF ANY ONE OF THE FOLLOWING:

(1) BEER KEG, METAL;

(2) BLEACHER, METAL;

(3) CATALYTIC CONVERTER;

(4) CEMETERY URN;

(5) COPPER, HARD DRAWN;

(6) COPPER PIPES;

(7) COPPER WIRING;

(8) GRAVE MAKER;

(9) GUARD RAIL;

(10) LIGHT POLE, METAL;

(11) MANHOLE COVER;

(12) PROPANE TANK;

(13) STREET SIGN;

(14) TREE GRATE;

(15) WATER METERS; AND

(16) ANY OTHER SIMILAR USED OBJECT COMMONLY ASSOCIATED WITH OR OWNED BY A PUBLIC UTILITY.

(c) [(b)] *Person.*

(1) “Person” means, except as specified in paragraph (2) of this subsection, any individual, corporation, partnership, joint venture, firm, association, or other entity.

(2) “Person” does not include, unless otherwise expressly provided, a governmental entity or an instrumentality or unit of a governmental entity.”;

and, on page 1, strike lines 19 through 23, in their entireties, and on page 2, strike lines 1 through 7, in their entireties; and, on page 2, after line 7, insert:

“(d) *Scrap metal.*

“Scrap metal” means any [used] object that consists in whole or substantial part of ferrous or non-ferrous metal.”.

Amendment No. 4

On page 2, before line 8, insert:

“§ 8-3. License required; APPLICATION AND fee.

(a) In general.

No person may do business as a scrap metal processor without having first obtained a license to do so from the [Director of Finance] POLICE COMMISSIONER.

(B) APPLICATION.

THE APPLICATION FOR A LICENSE SHALL:

- (1) BE MADE IN THE FORM AND CONTAIN THE INFORMATION THAT THE POLICE COMMISSIONER REQUIRES; AND
- (2) CONTAIN A NOTARIZED STATEMENT ATTESTING, UNDER PENALTIES OF PERJURY, TO THE TRUTH OF ALL INFORMATION PROVIDED.

(C) [(b)] Fee.

(1) The APPLICATION FEE AND annual license fee [is \$475] for each place of business ARE AS SET BY THE POLICE COMMISSIONER, WITH THE APPROVAL OF THE BOARD OF ESTIMATES.

[(c) Fee collections.]

(2) [The annual license fee shall be] THESE FEES ARE collectible [pursuant to] IN ACCORDANCE WITH CITY CODE Article 15, Subtitles 46 and 47 [of the City Code].

§ 8-5. Identification of transferor.

(a) Scope.

This section does not apply to purchases by a scrap metal processor from another scrap metal processor that is licensed under this subtitle.

(b) In general.

Any individual who sells or otherwise transfers [reportable] scrap metal to a scrap metal processor may not fail or refuse to provide the scrap metal processor with:

- (1) his or her true name, date of birth, and address; and
- (2) if the individual is acting as an agent for a principal, the principal's true name and address.

(c) Identification.

The individual must also display to the scrap metal processor:

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(1) the registration of the motor vehicle used to transport the scrap metal; and

(2) either:

(i) the individual's permit to act as a junk collector or scavenger under Subtitle 7 of this article; or

(ii) a valid driver's license or other valid GOVERNMENT-ISSUED photographic identification [issued by the Maryland Motor Vehicle Administration].

(d) Processor to require.

No [reportable] scrap metal processor may buy or otherwise acquire any scrap metal from an individual who refuses or fails to provide the information required by this section.

§ 8-5.1. METHODS OF PAYMENT.

(A) IN GENERAL.

A SCRAP METAL PROCESSOR MAY PAY FOR THE PURCHASE OR ACQUISITION OF ANY SCRAP METAL BY:

(1) CHECK DRAWN ON AN ACCOUNT BELONGING TO THE SCRAP METAL PROCESSOR;

(2) CASH DISBURSEMENT BY WAY OF WITHDRAWAL FROM AN AUTOMATED TELLER MACHINE THAT COMPLIES WITH SUBSECTIONS (B) AND (C) OF THIS SECTION; OR

(2) OTHER CASH DISBURSEMENT, IF THE SCRAP METAL PROCESSOR, IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, TAKES AND STORES A PHOTOGRAPH OF EACH INDIVIDUAL WHO RECEIVES THE CASH.

(B) CASH FROM ATM.

AN AUTOMATIC TELLER MACHINE MAY BE USED UNDER SUBSECTION (A)(2) OF THIS SECTION ONLY IF THE MACHINE:

(1) IS LOCATED AT THE SCRAP METAL PROCESSOR'S LICENSED PLACE OF BUSINESS;

(2) IS UNDER THE OWNERSHIP OR MANAGERIAL CONTROL OF THE LICENSEE;
AND

(3) TAKES AND EITHER STORES OR TRANSMITS TO THE LICENSEE A PHOTOGRAPH OF EACH INDIVIDUAL WHO MAKES A WITHDRAWAL.

(C) PHOTO REQUISITES.

A PHOTOGRAPH TAKEN UNDER THIS SECTION MUST BE DIGITAL AND, TO THE BEST OF THE ABILITY OF THE PHOTOGRAPHER OR AUTOMATIC TELLER MACHINE, SHOW AT LEAST THE INDIVIDUAL'S FULL HEAD, FULL FACE, FRONT VIEW, EYES OPEN, AND NATURAL EXPRESSION.

§ 8-6. Records generally.

(a) Required.

Each scrap metal processor shall:

- (1) keep an accurate record IN ENGLISH of each transaction in which any person transfers any items to the scrap metal processor; and
- (2) as provided in § 8-7 of this subtitle, file with the Police Commissioner a daily report of:
 - (i) all transactions involving [reportable] scrap metal; and
 - (ii) all transactions involving any other category of items that the Police Commissioner directs.

(b) Forms.

The records and reports required by this section shall be [made on forms prepared and supplied] KEPT IN AN ELECTRONIC FORM APPROVED by the Police Commissioner.

(c) Retention.

A scrap metal processor shall retain, at its LICENSED place of business, all records of a transaction for at least 1 year after the date of the transaction.

(D) CONFIDENTIALITY.

ALL DAILY REPORTS AND OTHER RECORDS SUBMITTED UNDER THIS SUBTITLE ARE CONFIDENTIAL, AS PROVIDED IN § 12-304(D) OF THE BUSINESS REGULATION ARTICLE OF THE MARYLAND CODE.

§ 8-7. Daily reports.

(a) Scope.

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The daily reports required by this section do not apply to items transferred to a scrap metal processor from another scrap metal processor that is licensed under this subtitle.

(b) Filing.

(1) A scrap metal processor shall submit each daily report to the Police Department by ELECTRONIC TRANSMITTAL, IN THE FORMAT AND MANNER REQUIRED BY THE POLICE COMMISSIONER[:

(1) delivering the report or electronically transmitting a facsimile of it before 10 a.m. on the business day immediately following the day for which the report is made; or

(2) mailing the report at the end of the business day for which the report is made].

(2) THE ELECTRONIC REPORT SHALL BE SUBMITTED BEFORE NOON OF THE BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS MADE.

(c) Information required.

The daily report shall contain [the following information]:

(1) the date, time, and place of each transaction;

(2) a description of each item or group of substantially similar items transferred in that transaction, including:

(i) THE FORMER USE OF THE ITEM OR GROUP OF ITEMS, IF KNOWN, OR, IF THE FORMER USE IS NOT KNOWN BUT THE ITEM OR GROUP OF ITEMS IS IDENTIFIABLE, a good faith effort to describe the [item's] apparent former use;

(ii) the type and grade of the item or group of items;

(iii) the total weight of each type and grade; and

(iv) the [price] AMOUNT paid or other consideration given for the item or group of items;

(3) FOR ANY HOLDABLE SCRAP METAL, A DIGITAL PHOTOGRAPH OF EVERY ITEM OR GROUP OF ITEMS OF THE HOLDABLE SCRAP METAL;

(4) [(3)] the transferor's name, date of birth, and address, together with the type and number of the permit[, driver's license,] or other form of identification used to verify this information;

(5) (4) if the transferor is acting as an agent for a principal, the principal's true name and address;

[(5) if the transferor is an individual selling materials that were formerly incorporated into a dwelling owned by that individual, the address of the property from which the items were removed;]

(6) a description of the motor vehicle used by the transferor to transport the item, including its [registration plate and certificate numbers, state of registration, and the] make, model, and color [of the vehicle], ITS STATE OF REGISTRATION, AND ITS LICENSE TAG NUMBER; [and]

(7) the signature of the transferor and an authorized agent of the scrap metal processor; AND

(8) ANY OTHER INFORMATION THAT THE POLICE COMMISSIONER REQUIRES.

[(d) Confidentiality.

A daily report submitted under this section is confidential, as provided in § 12-304(d) of the Business Regulation Article of the Maryland Code.]

§ 8-8. Holding requirements.

(a) Required holding periods.

Except as authorized under subsection (b) of this section, each scrap metal processor must hold ACQUIRED ITEMS at its LICENSED place of business [all acquired items], as follows:

(1) IF THE ITEM IS a precious metal object, as defined in State Business Regulations Article § 12-101, IT must be held for at least 18 days after the report of its acquisition is made in accordance with this subtitle; and

(2) [every other] IF THE item IS HOLDABLE SCRAP METAL, IT must be held for at least [5] 3 business days (EXCLUDING ANY HOLIDAY DURING WHICH GENERAL CITY GOVERNMENT OFFICES ARE CLOSED) after the report of its acquisition is made in accordance with this subtitle.

(c) Additional holding period.

(1) After the retention period specified by subsection (a) of this section, a scrap metal processor must continue to hold any item if:

(i) a law enforcement officer requests IN WRITING THAT the scrap metal processor [to] do so;

§ 8-10. Labels.

All items in the scrap metal processor's place of business must be clearly marked or labeled to correlate with:

- (1) the scrap metal processor's record of the transaction; and
- (2) the purchase receipt.]

§ 8-11. Inspection of records and items.

(a) Scrap processor to allow inspection.

A scrap metal processor must allow a law enforcement officer, acting in [the line of duty] HIS OR HER OFFICIAL CAPACITY, to:

- (1) enter the scrap metal processor's place of business or storage premises during business hours; and
- (2) inspect any record of transactions subject to this subtitle and any items on the premises.

§ 8-12. Exemptions from reporting and holding requirements.

(a) [Scope] IN GENERAL.

[This section applies] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE REPORTING REQUIREMENTS OF § 8-7 OF THIS SUBTITLE AND THE ITEM RETENTION REQUIREMENTS OF § 8-9 OF THIS SUBTITLE DO NOT APPLY to items acquired by a scrap metal processor from:

- (1) another licensed scrap metal processor;
- (2) a person licensed as a pawnbroker;
- (3) a person licensed as a second-hand personal property, antique, or consignment dealer; or
- [(4) a person from whom the scrap metal processor has purchased reportable scrap metal or other items within the preceding 12 months.]
- (4) A FEDERAL, STATE, OR LOCAL GOVERNMENTAL ENTITY OR INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(b) Conditions.

[Items described in subsection (a) of this section are not subject to the daily reporting requirements of § 8-7 of this subtitle or to the item retention

requirements of § 8-9 of this subtitle.] THE EXEMPTIONS IN SUBSECTION (A) OF THIS SECTION APPLY ONLY as long as the acquiring scrap metal processor:

- (1) keeps a record, subject to inspection under § 8-11 of this subtitle, of all the information required by § 8-7 of this subtitle; and
- (2) complies with all other requirements of this subtitle.

§ 8-13.1 DENIAL, SUSPENSION, ETC., OF LICENSE.

THE POLICE COMMISSIONER MAY DENY, SUSPEND, REVOKE, OR REFUSE TO RENEW A LICENSE IF, AFTER GIVING THE APPLICANT OR LICENSEE NOTICE AND AN OPPORTUNITY TO BE HEARD, THE POLICE COMMISSIONER FINDS THAT THE APPLICANT OR LICENSEE:

- (1) HAS MADE A MATERIAL MISSTATEMENT OR OMISSION IN ANY APPLICATION FOR AN INITIAL OR RENEWAL LICENSE;
- (2) HAS VIOLATED A PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE; OR
- (3) HAS ENGAGED IN A PATTERN AND PRACTICE OF RECEIVING STOLEN GOODS.

§ 8-13.2. JUDICIAL AND APPELLATE REVIEW.

(A) JUDICIAL REVIEW.

A PERSON AGGRIEVED BY A DECISION OF THE POLICE COMMISSIONER UNDER § 8-13.1 {"DENIAL, SUSPENSION, ETC., OF LICENSE"} OF THIS SUBTITLE MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

(B) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE."

Amendment No. 5

On page 2, strike lines 8 through 26, in their entireties.

Amendment No. 6

On page 2, strike beginning with "the 30th" in line 30 through "enacted" in line 31, and substitute "April 15, 2010".

The amendments were read and adopted.

Then Councilmember Henry made a motion, which was seconded, to offer a set of amendments to the Committee Amendments.

Amendments to City Council Bill 08-0064

Amendment No. 1

On page 2 of the Committee Amendments, in new subsection (b), strike all of items “(6) COPPER PIPES;” and “(7) COPPER WIRING;”; and, in the lines that follow, strike the item designation numbers “(8)” through “(16)”, respectively, and substitute “(6)” through “(14)”, respectively.

Amendment No. 2

On page 7 of the Committee Amendments, in the first line of new item (3), after “HOLDABLE SCRAP METAL,”, insert “COPPER PIPES, AND COPPER WIRING,”; and, in the second line of the same item (3), after “HOLDABLE SCRAP METAL,”, insert “, COPPER PIPES, AND COPPER WIRING”.

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.

**BILL NO. 09-0338 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Kraft, for the Judiciary and Legislative Investigations Committee, reported Bill No. 09-0338 favorably.

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.

Favorable report adopted, with Councilmember Curran out of Chambers.

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

THIRD READING

The President laid before the City Council:

BILL NO. 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.

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

Nays - 0.

Out of Chambers - Councilmember Curran - Total 1.

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

**BILL 09-0414 ORDERED WITHDRAWN FROM
THE FILES OF THE COUNCIL**

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

“An Ordinance changing the zoning for a portion of the property known as 6130 O'Donnell Street (Block 6694, Lot 001), as outlined in red on the accompanying plat, from the M-2-1 Zoning District to the R-6 Zoning District.”

was ordered withdrawn from the files of the Council.

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

Under City Council Rule 10-12, President Rawlings-Blake announced that the following bills will be removed from consideration before the Council, unless the Council sponsor contacts her Office:

City Council Bills No. 07-0001, 07-0003, 08-0016, 08-0032, 08-0033, 08-0035, 08-0039, 08-0040, 08-0041, 08-0045, 08-0048, 08-0050, 08-0053, 08-0056, 08-0063, 08-0066, 08-0067, 08-0069, 08-0094, 08-0098, 08-0100, 08-0106, 08-0112, 08-0119, 08-0142, 08-0143,

08-0144, 08-0147, 08-0148, 08-0167, 08-0181, 08-0182, 08-0183, 08-0184, 08-0185, 08-0187, 08-0188, 08-0193, 08-0195, 08-0202, 08-0204, 08-0210, 08-0216, 08-0221, 08-0225, 08-0227, 08-0232, 08-0233, 08-0259, 08-0260, 08-0006R, 08-0012R, 08-0038R, 08-0046R, 08-0058R,

08-0059R, 08-0066R, 08-0078R, 08-0080R, 08-0084R, 08-0087R, 08-0091R, 09-0096R, 09-0103R, 09-0105R, 09-0106R, 09-0107R, 09-0112R, 09-0113R, 09-0114R, 09-0125R, 09-0126R, 09-0133R, 09-0134R, 09-0135R, 09-0136R, 09-0137R

**MOTION TO SUSPEND CITY COUNCIL RULES 10-2 AND 10-3
WITH REGARD TO BILL NO. 09-0179R**

Councilmember Kraft made a motion, duly seconded, to suspend Rules 10-2 and 10-3 in order to have an early hearing on Bill No. 09-0179R.

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

ADJOURNMENT

On motion of Councilmember Reisinger, duly seconded, the City Council adjourned to meet on Monday, January 11, 2010, at 5:00 p.m.

Consent Calendar

- CR 2777 Young
A City Council RESOLUTION on the death of Charles “Sonny” Ellis.
- CR 2778 President Rawlings Blake, All Members
A City Council RESOLUTION on the death of William Reiley, May 28, 1936 – November 21, 2009.
- CR 2779 President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Barbara J. Harrison on her retirement after 37 years of service with the Social Security Administration.
- CR 2780 President Rawlings Blake, All Members
A City Council RESOLUTION congratulating World Aids Day 2009 in recognition of the common cause of a future free from HIV/AIDS and in memory of the lives of those we have lost to HIV/AIDS.
- CR 2781 President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Anthony “Tony” Brown on the celebration of his 60th birthday and the many lives he’s touched along the way.
- CR 2782 Branch
A City Council RESOLUTION on the death of Rodney C. Scott.
- CR 2783 President Rawlings Blake, All Members
A City Council RESOLUTION on the death of William L. Vines, December 26, 1932 – November 24, 2009.
- CR 2784 President Rawlings Blake, All Members
A City Council RESOLUTION on the death of John Edward Johnson, Sr., September 12, 1960 – November 24, 2009.
- CR 2785 Kraft
A City Council RESOLUTION on the death of Robert M. Connor, Sr., November 23, 2009.
- CR 2786 Kraft
A City Council RESOLUTION on the death of Patricia Alice Gunn, November 24, 2009.
- CR 2787 President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Lavania Smith, Brenda May Cobbs, Venes Stewart, Addie Jones, Apostolic Moses Bradley, Emma Jackson, Mary Allen, Julia Muyray, Ella Barnes and Marguirette Harvey-LeVere on the celebration of the Pre-Christmas Centenarian Luncheon and for the many lives they’ve touched along the way.
- CR 2788 Welch
A City Council RESOLUTION on the death of Raymond Regusters.

- CR 2789** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating John Patterson on the celebration of his 100th birthday and the many lives he's touched along the way.
- CR 2790** Welch
A City Council RESOLUTION congratulating Patricia Brown, Vice President, on her dedication and service to the Hand Dance Community and in celebration of the Historic Hand Dance Association and Charm City Dancers' 14th Annual Black Tie Ball.
- CR 2791** Welch
A City Council RESOLUTION congratulating Donald Brown, Vice President, on his dedication and service to the Hand Dance Community and in celebration of the Historic Hand Dance Association and Charm City Dancers' 14th Annual Black Tie Ball.
- CR 2792** Welch
A City Council RESOLUTION congratulating Carol Harris on her contributions to the Hand Dance Community and in celebration of the Historic Hand Dance Association and Charm City Dancers' 14th Annual Black Tie Ball.
- CR 2793** Welch
A City Council RESOLUTION congratulating Reginald Goodman on his contributions to the Hand and Line Dance Community and in celebration of the Historic Hand Dance Association and Charm City Dancers' 14th Annual Black Tie Ball.
- CR 2794** Welch
A City Council RESOLUTION congratulating Geraldine Butler on her dedication and service to the Historic Hand Dance Association and Charm City Dancers and in celebration of the 14th Annual Black Ties Ball.
- CR 2795** Welch
A City Council RESOLUTION congratulating Al Sykes on his service as a DJ for the Historic Hand Dance Association and Charm City Dancers' Community and in celebration of the 14th Annual Black Tie Ball.
- CR 2796** Welch
A City Council RESOLUTION congratulating Douglass Walker on his contributions as one of the pioneers of Hand and Line Dance in the Baltimore area.
- CR 2797** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Roberta C. Peace on her retirement after 42 years of service with the United States Postal Service, October 31, 2009.
- CR 2798** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Henry Ford, III, John Prochniak, Andre Wyatt, Jerome Forestall, Joseph King, Jr., Nathaniel Moultrie, Brian Monaghan, Richard Calo, Sterling Finch, F Richard Shaw, Timothy Cadwallader, Wayne Schmitt, Robert Hopkins, William Shelley, Blakey Newmius, Gralen Lewis, Stephen Markov, Darlene Clark-Reedy, Richard Bisasky, Michael Brice, Bradford Bullock, John Gill, Jr., Thomas Edwards, Richard Schluderberg, Steven Carlyle, Robert Brown, Lisa Phillips, Thomas J. Mildner, Philip Kogler, Sherman R. Belschner, Richard W. Donahue, Susan Sampson, Anna M. Blake, Richard Parr, Thomas J. Murphy, Joseph

- L. Scott, Jr., Robert M. Lalik, Ellie Wilson, Jr., Christopher L. White, Gerard A. Loudon, Shawn E. Berry, Patricia M. Branamen, Lawrence G. Korycki, Jr., John Turpin, Christopher J. Johnson, Mark J. Bruzdinski, Maxie M. Shields, Robert R. Emmons, Bobby Salmon, Kevin F. Kelly, Timothy L. Green, David W. Schickton, Michael Maccubbin, Steven Crawmer, Isaac Blackstone, Duane Ritter, Steven Stewart, Joseph S. Wisniewski, Roger Reed, Leslie J. Davis, Robert Hicks, Charlene A. Gayo, Richard E. Dieter, Sr., William C. Little, Raymond Coe, Jr., Martin J. Ernst, John Medley, Reuben Brown, David Sheckells, Timothy Byrd, Sr., Rolfe Aldridge, III, Edward Shreve, III, James E. Stanley, Sr., Joseph M. Townsend, Kevin Hair, Freddie L. Moore and Rayfel Dingle** on the celebration of their retirement after years of service with the Baltimore City Fire Department.
- CR 2799 Clarke**
A City Council RESOLUTION congratulating Bibi Hidalgo on her Appointment to the Obama Administration as HUD Manager for Economic Recovery Communications and Partnerships.
- CR 2800 Clarke**
A City Council RESOLUTION congratulating Sam Mirabile and Mirabile Construction on the generous repair and construction work in Mayfield.
- CR 2801 President Rawlings Blake, All Members**
A City Council RESOLUTION on the death of Marian H. Barclift, May 23, 1930 – November 27, 2009.
- CR 2802 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Alfreda M. Brooks on her retirement after 41 years of service with the Social Security Administration.
- CR 2803 Henry**
A City Council RESOLUTION congratulating Northeast Seventh-Day Adventist Church on the celebration of its 1st Anniversary.
- CR 2804 Welch**
A City Council RESOLUTION congratulating Frances Graham on her Graduation from Strayer University with an Associates of Arts Degree in Business Administration.
- CR 2805 Welch**
A City Council RESOLUTION on the death of Phyllis L. Green.
- CR 2806 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating the Housing, Business, Community, Risk to Reality, Education, Church, Prison Ministry, Gang Intervention, Youth Matters, Fund Raising and Jethro Committees of the Eastern District Transformation Team on their extraordinary commitment to the betterment and transformation of East Baltimore.
- CR 2807 Young**
A City Council RESOLUTION congratulating Luvinia (Veenie) Coates on her retirement from the State of Maryland on December 31, 2009, after 36 years of loyal and dedicated service to the citizens of Baltimore.

- CR 2808** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Roberta Gaines on being recognized by New Beginnings Highway Church of Christ and for her lifetime commitment to serving the greater community.
- CR 2809** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating the Most Worshipful Prince Hall Grand Lodge, F. & A. M. on its Annual Emancipation Proclamation Observance Program, this year honoring the historical achievements of the Honorable Supreme Court Justice Thurgood Marshall.
- CR 2810** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating People's Community Health Centers on 40 continuous years of service to the people of Baltimore City, providing medical care to the uninsured, under insured and uninsurable.
- CR 2811** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Richard Lewis on his retirement after 21 years of service with the Department of Transportation, Maintenance Division.
- CR 2812** President Rawlings Blake, All Members
A City Council RESOLUTION on the death of William H. Cole, III, August 4, 1936 – December 4, 2009.
- CR 2813** Middleton
A City Council RESOLUTION on the death of Mary V. Fuller, April 18, 1925 – November 26, 2009.
- CR 2814** Middleton
A City Council RESOLUTION congratulating Restoration Gardens on its Ground Breaking and efforts to revitalize the Park Heights community.
- CR 2815** Henry
A City Council RESOLUTION congratulating Church of God Ministries on its Church and Pastoral Anniversary.
- CR 2816** Henry
A City Council RESOLUTION congratulating Mary Evelyn Bennett on 60 years of faithful service to the Parishes of St. Matthew's and Holy Covenant as Chorister, Member of the Hospitality Committee and as a "Mother to the Church".
- CR 2817** Welch
A City Council RESOLUTION congratulating Cynthia Cunningham, Principal of Lockerman Bundy Elementary School on her active participation and commitment as Principal of the school, in the Baltimore Symphony Orchestra's Orchkids Program.
- CR 2818** Welch
A City Council RESOLUTION congratulating Paul Meecham, President and Chief Executive Officer of the Baltimore Symphony Orchestra on bring Afterschool Music Education and Life Enrichment to Baltimore City students through the Baltimore Symphony Orchestra's Orchkids Program.

- CR 2819 Welch**
A City Council RESOLUTION congratulating Marin Alsop, Musical Director of the Baltimore Symphony Orchestra on her leadership of the Orchkids Program, bringing music education and life enrichment to Baltimore city students.
- CR 2820 Welch**
A City Council RESOLUTION congratulating Robert Myerhoff on his philanthropy, which provide opportunities in music education and life enrichment for Baltimore City School students.
- CR 2821 Welch**
A City Council RESOLUTION congratulating Dr. Andres Alonso, Chief Executive Officer of the Baltimore City Public School System on his visionary leadership in partnership with the Baltimore Symphony Orchestra's Orchkids Program.
- CR 2822 Welch**
A City Council RESOLUTION congratulating The Baltimore Symphony Orchestra on accepting the task of music education and a life enrichment Program for Baltimore City students – the Orchkids Program will both enrich and change lives.
- CR 2823 Welch**
A City Council RESOLUTION congratulating Marin Alsop, Director of the Baltimore Symphony Orchestra on her Commission as the 1st Female Music Director of a Major Metropolitan Symphony Orchestra.
- CR 2824 Welch**
A City Council RESOLUTION congratulating Rheda Becker on her philanthropy, which provides opportunities in music education and life enrichment for Baltimore City School students.
- CR 2825 President Rawlings Blake, All Members**
A City Council RESOLUTION on the death of Esther Marie Lewis, February 9, 1928 – December 2, 2009.
- CR 2826 President Rawlings Blake, All Members**
A City Council RESOLUTION congratulating Acquanetta C. Phillips on her retirement after 41 years of service with the Social Security Administration.
- CR 2827 Holton, All Members**
A City Council RESOLUTION on the death of Dolly Jefferson.
- CR 2828 Cole**
A City Council RESOLUTION congratulating Julia M. Murray on the celebration of her 100th birthday.
- CR 2829 D'Adamo**
A City Council RESOLUTION congratulating Bernice Saunders, Sarah Cross, Nick D'Adamo, Babak Aghdasi, Michael Gasior, Phyllis Fowler, Dorothy Erisman, Helen Marmarsh, Lucy Trawinsky, and Lillian Piekarski on being a member of the Franklin Wood's Nursing Center's Choir and their outstanding holiday performance at City Hall in Baltimore City.

- CR 2830** President Rawlings Blake, All Members
A City Council RESOLUTION congratulating Adrienne Spruill on her retirement after 30 years of dedicated service.
- CR 2831** President Rawlings Blake, All Members
A City Council RESOLUTION on the death of Pauline Y. Kennon, February 4, 1929 – December 2, 2009.
- CR 2832** President Rawlings Blake, All Members
A City Council RESOLUTION on the death of Joseph U. Bourne, Sr., March 25, 1922 – December 5, 2009.