

City of Baltimore

*City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202*



Meeting Agenda - Final

Monday, October 24, 2011

5:00 PM

City Hall

City Council

***Bernard C. "Jack" Young, President of the Council
Edward L. Reisinger, Vice President
District 1: James Kraft - District 2: Nicholas C. D'Adamo
District 3: Robert W. Curran - District 4: Bill Henry
District 5: Rochelle "Rikki" Spector - District 6: Sharon Green Middleton
District 7: Belinda Conaway - District 8: Helen L. Holton***

**District 9: William "Pete" Welch - District 10: Edward L. Reisinger
District 11: William H. Cole, IV - District 12: Carl Stokes
District 13: Warren Branch - District 14: Mary Pat Clarke**

Call to Order

Invocation

Bishop Keith Allen, Rehobeth Church of God Apostolic

Pledge of Allegiance

Roll Call

Showcase Baltimore

Karyne Henry, Suited to Succeed

Approval of the Journal

October 17, 2011

Communications from the Mayor

Bills Signed by the Mayor

October 20, 2011

11-0636 **Zoning - Conditional Use Convalescent, Nursing, and Rest Home (Assisted Living) - 3604 White Avenue**
FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3604 White Avenue, as outlined in red on the accompanying plat.

Sponsors: *Nicholas C. D'Adamo*

11-0679 **City Streets - Opening - Certain Streets and Alleys Bounded by Reisterstown Road, Rogers Avenue, Gist Avenue and Hayward Avenue**
FOR the purpose of condemning and opening certain streets and alleys bounded by Reisterstown Road, Rogers Avenue, Gist Avenue and Hayward Avenue, as shown

on Plat 254-A-40 in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: *City Council President (Administration)*

11-0680

City Streets - Closing - Certain Streets and Alleys Bounded by Reisterstown Road, Rogers Avenue, Gist Avenue, and Hayward Avenue

FOR the purpose of condemning and closing certain streets and alleys bounded by Reisterstown Road, Rogers Avenue, Gist Avenue, and Hayward Avenue, as shown on Plat 254-A-40A in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: *City Council President (Administration)*

11-0702

City Streets - Closing - Air Rights over Orleans Street, 189.30 Feet West of Wolfe Street

FOR the purpose of condemning and closing air rights over Orleans Street, 189.30 feet west of Wolfe Street, as shown on Plat 346-A-52C in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: *City Council President (Administration)*

11-0712

City Streets - Closing - A 10-Foot Portion of Foster Avenue and a 7-Foot Portion of Fait Avenue

FOR the purpose of condemning and closing (1) a 10-foot portion of Foster Avenue, contiguous to the south side thereof and extending from Oldham Street, Westerly 356.0 feet, more or less, and (2) a 7-foot portion of Fait Avenue, contiguous to the north side thereof and extending from Oldham Street, Westerly 729.0 feet, more or less, to the CSX Transportation, Inc., Railroad Right of Way, as shown on Plat 148-A-48 in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: *City Council President (Administration)*

Bills Introduced

11-0791

Simulated Slot Machines - License Fee and Registration Tax

FOR the purpose of modifying certain provisions governing quarterly payments of the license fees and registration tax for simulated slot machines; providing for the retroactive application of these modifications; conforming, correcting, and clarifying related provisions; providing for a special effective date; and generally relating to the licensing, registration, and regulation of amusement devices.

Sponsors: *Robert W. Curran and Mary Pat Clarke*

ORDINANCE

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE

11-0792

Alley-Gating and -Greening Program - Eligibility to Participate

FOR the purpose of extending the alley-gating and -greening program to include alleys that are abutted predominantly by either or both residential and commercial structures; correcting certain administrative references to reflect the assumption of jurisdiction over the program by the Department of General Services; and correcting, clarifying, and conforming related provisions.

Sponsors: James B. Kraft, Mary Pat Clarke, Bill Henry and Nicholas C. D'Adamo

ORDINANCE

JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE

Resolutions Introduced

11-0327R

Informational Hearing - Recreation and Parks - Disposition of Recreation Centers

FOR the purpose of requesting the Director of Recreation and Parks and the head of the Bureau of Recreation to appear before the City Council to discuss the status of the City's 61 recreation facilities - 5 of which are already closed - and the disposition of the 31 recreation centers that are not currently funded for operation beyond December 31, 2011.

Sponsors: Bill Henry, Mary Pat Clarke, Carl Stokes, Nicholas C. D'Adamo, James B. Kraft, Sharon Green Middleton, William H. Cole, IV and William "Pete" Welch

RESOLUTION

RECREATION AND PARKS SUBCOMMITTEE

11-0328R

Informational Hearing - Air Pollution From Truck Traffic

FOR the purpose of inviting representatives from the American Lung Association, ESP, the Department of Transportation, and the Health Department to appear before the Council to discuss trends in truck traffic through Baltimore, the implications of those trends for the health of Baltimore's citizens, and ways for the City to combat the negative health impacts of vehicle emissions.

Sponsors: Warren Branch, Sharon Green Middleton, Bill Henry, Nicholas C. D'Adamo, Mary Pat Clarke and William "Pete" Welch

RESOLUTION

HEALTH COMMITTEE

Consent Calendar

(See Section A at back of Agenda)

2R Second Reader

Education

11-0318R

Informational Hearing - Baltimore International College

FOR the purpose of inviting the Presidents of Baltimore International College and Stratford University to share with the City Council the present status of certification for Baltimore International College, plans to merge the two institutions, the effect of the proposed merger on students' graduation dates, and the accessibility of the newly affiliated institutions to Baltimore City applicants.

Sponsors: Mary Pat Clarke, Nicholas C. D'Adamo, Sharon Green Middleton, Robert W. Curran, Helen L. Holton, President Young, Belinda K. Conaway, Bill Henry and William "Pete" Welch

REPORTED FAVORABLE

Judiciary and Legislative Investigations

10-0504

Sewer Service Charges - Exceptions

FOR the purpose of allowing residential properties to make use of an exception to City sewer service charges currently available to commercial and industrial properties.

Sponsors: Mary Pat Clarke, Bill Henry, Carl Stokes, Robert W. Curran and Agnes Welch

REPORTED FAVORABLE

11-0655

Corrective Bill 2011 - Decodifications

FOR the purpose of decodifying, with corrective and conforming amendments, certain obsolete, obsolescent, or superseded provisions relating to the Housing Authority of Baltimore City; and providing for a special effective date.

Sponsors: President Young, William "Pete" Welch, Rochelle 'Rikki' Spector and Edward L. Reisinger

REPORTED FAVORABLE

11-0657

Corrective Bill 2011 - General

FOR the purpose of correcting certain technical errors and omissions in the City Code; repealing certain obsolete or otherwise unnecessary provisions; correcting, clarifying, and conforming certain language; and providing for a special effective date.

Sponsors: President Young, William "Pete" Welch, Rochelle 'Rikki' Spector and Edward L. Reisinger

REPORTED FAVORABLE WITH AMENDMENT

11-0740

Commercial Vehicles - Parking, Standing, and Stopping

FOR the purpose of modifying the definition of "commercial vehicle", as that term relates to certain parking, standing, and stopping regulations.

Sponsors: Rochelle 'Rikki' Spector and William "Pete" Welch

REPORTED FAVORABLE

11-0741

Volunteer Ambulance Service - Parking, Standing, and Stopping

FOR the purpose of excepting from certain parking, standing, and stopping regulations emergency vehicles operated by a volunteer ambulance service.

Sponsors: Rochelle 'Rikki' Spector, Carl Stokes, James B. Kraft, Edward L. Reisinger, Warren Branch and William "Pete" Welch

REPORTED FAVORABLE WITH AMENDMENT

11-0764

Advertising Circulars - Presumption of Placement Without Permission

FOR the purpose of establishing that advertising circulars found on unattended property can be presumed to have been placed without permission; increasing the penalties for repeated violations of the prohibition on the placement of advertising circulars without permission; and generally relating to advertising circulars.

Sponsors: Mary Pat Clarke, Bill Henry, Robert W. Curran, Carl Stokes, William H. Cole, IV, James B. Kraft, Sharon Green Middleton, Belinda K. Conaway, Warren Branch and Helen L. Holton

REPORTED FAVORABLE WITH AMENDMENT

11-0780

Natural Resources - Notice Required Before Removal of Trees on City Streets

FOR the purpose of clarifying that no person or City agency may remove a tree from a City street without providing notice; clarifying and conforming related provisions; and generally related to the removal of trees from City streets.

Sponsors: Mary Pat Clarke, William H. Cole, IV, Nicholas C. D'Adamo, Sharon Green Middleton, Bill Henry, Carl Stokes, Helen L. Holton, Belinda K. Conaway, William "Pete" Welch, Robert W. Curran, Edward L. Reisinger and President Young

REPORTED FAVORABLE WITH AMENDMENT

Land Use and Transportation

10-0500

Zoning Legislation - Amendments

FOR the purpose of excepting from the requirement for rehearing an amended zoning legislation if the amendment consists only of a change in punctuation, grammar, or spelling or otherwise does not in any way alter the substance of the ordinance; providing for a special effective date; and generally relating to legislative authorizations and amendments.

Sponsors: Bill Henry, Mary Pat Clarke, Carl Stokes, Robert W. Curran, Nicholas C. D'Adamo, Sharon Green Middleton, Belinda K. Conaway and Warren Branch

REPORTED FAVORABLE WITH AMENDMENT

11-0737

Zoning - Conditional Use Parking, Open Off-Street Area - 4603 Pall Mall Road

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area on the property known as 4603 Pall Mall Road, as outlined in red on the accompanying plat.

Sponsors: City Council President (Administration)

REPORTED FAVORABLE WITH AMENDMENT

11-0763

Planned Unit Development - Designation - Hollander 95 Business Park

FOR the purpose of approving the application of FRP Hollander 95, LLC, which is the owner of certain properties known as Block 6220, Lots 34, 35, 36, 37, 38, 39, 40, 41, and 42 (collectively, the "Property"), to have the Property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

Sponsors: Nicholas C. D'Adamo

REPORTED FAVORABLE WITH AMENDMENT

3R Third Reader

Third Reader (requires invocation of CC Rule 12-1 for same day advance from 2nd to 3rd Reader)

11-0740

Commercial Vehicles - Parking, Standing, and Stopping

FOR the purpose of modifying the definition of "commercial vehicle", as that term relates to certain parking, standing, and stopping regulations.

Sponsors: Rochelle 'Rikki' Spector and William "Pete" Welch

11-0741

Volunteer Ambulance Service - Parking, Standing, and Stopping

FOR the purpose of excepting from certain parking, standing, and stopping regulations emergency vehicles operated by a volunteer ambulance service.

Sponsors: Rochelle 'Rikki' Spector, Carl Stokes, James B. Kraft, Edward L. Reisinger, Warren Branch and William "Pete" Welch

Third Reader (to be held one meeting)

11-0738

Rezoning - 1302 Key Highway

FOR the purpose of changing the zoning for the property known as 1302 Key Highway, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the B-2-4 Zoning District.

Sponsors: Edward L. Reisinger

11-0739

Rezoning - 1202 South East Avenue

FOR the purpose of changing the zoning for the property known as 1202 South East Avenue, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the R-8 Zoning District.

Sponsors: James B. Kraft

Third Reader (for final passage)

09-0269

Transit and Traffic - Temporary Parking Restrictions

FOR the purpose of requiring certain advance notices when parking on a street is to be temporarily discontinued or restricted because of work to be done on or adjacent to the street.

Sponsors: Mary Pat Clarke, Nicholas C. D'Adamo, Bill Henry, Warren Branch, James B. Kraft, President Young, Sharon Green Middleton, Belinda K. Conaway, Helen L. Holton, Agnes Welch, Edward L. Reisinger, William H. Cole, IV, Robert W. Curran and Rochelle 'Rikki' Spector

09-0378

City Property - Grant of Easement - Robert E. Lee Park

FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant a drainage and utility easement through Robert E. Lee Park for the property known as 6608 Falls Road, Baltimore County; and providing for a special effective date.

Sponsors: City Council President (Administration)

09-0379

City Property - Grant of Easement - 116 Siegwart Lane

FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant an easement through 116 Siegwart Lane for the installation of electrical service conduits for 117 S. Morley Street and 119 S. Morley Street; and providing for a special effective date.

Sponsors: City Council President (Administration)

10-0626

Sale of Property - 3906 Old York Road

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 that is located at 3906 Old York Road and is no longer needed for public use; and providing for a special effective date.

Sponsors: Mary Pat Clarke, Robert W. Curran and Bill Henry

10-0627

Sale of Property - 607 Wyanoke 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 that is located at 607 Wyanoke Avenue and is no longer needed for public use; and providing for a special effective date.

Sponsors: Mary Pat Clarke and Robert W. Curran

10-0632

Rezoning - 2525 Kirk Avenue

FOR the purpose of changing the zoning for the property known as 2525 Kirk Avenue, as outlined in red on the accompanying plat, from the M-1-2 Zoning District to the B-3-2 Zoning District.

Sponsors: Mary Pat Clarke and Robert W. Curran

11-0681

Sale of Property - Former Beds of Certain Streets and Alleys Bounded by Reisterstown Road, Rogers Avenue, Gist Avenue, and Hayward 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 parcels of land known as the former beds of certain streets and alleys bounded by Reisterstown Road, Rogers Avenue, Gist Avenue, and Hayward Avenue and no longer needed for public use; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0693

Living Wages - Limited Exemption from Overtime Requirements for Workers Receiving Commissions

FOR the purpose of mirroring a limited exemption from federal overtime requirements for certain workers receiving commissions in the City's Living Wage law; and generally relating to living wage requirements for workers receiving commissions while working on City contracts.

Sponsors: Mary Pat Clarke, Carl Stokes, Bill Henry, Warren Branch, Robert W. Curran, Sharon Green Middleton and Belinda K. Conaway

11-0698

Residential Permit Parking - Pimlico Race Track Area

FOR the purpose of modifying the boundaries of the Residential Permit Parking Area for the Pimlico Race Track Area.

Sponsors: Rochelle 'Rikki' Spector, Sharon Green Middleton and William "Pete" Welch

11-0703 Sale of Property - Air Rights over Orleans Street, 189.30 Feet West of Wolfe Street

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 parcels of land known as the air rights over Orleans Street, 189.30 feet west of Wolfe Street and no longer needed for public use; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0713 Sale of Properties - the Former Beds of a 10-Foot Portion of Foster Avenue and a 7-Foot Portion of Fait 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 properties known as the former beds of (1) a 10-foot portion of Foster Avenue, contiguous to the south side thereof and extending from Oldham Street Westerly 356.0 feet, more or less, and (2) a 7-foot portion of Fait Avenue, contiguous to the north side thereof and extending from Oldham Street Westerly 729.0 feet, more or less, to the CSX Transportation, Inc., Railroad Right of Way and no longer needed for public use; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0722 City Streets - Opening - Certain Alleys Bounded by Riverside Road, Levin Road, and Meadow Road

FOR the purpose of condemning and opening certain alleys bounded by Riverside Road, Levin Road, and Meadow Road, as shown on Plat 347-A-74 in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0723 City Streets - Closing - Certain Alleys Bounded by Riverside Road, Levin Road, and Meadow Road

FOR the purpose of condemning and closing certain alleys bounded by Riverside Road, Levin Road, and Meadow Road, as shown on Plat 347-A-74A in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0725

City Streets - Opening - Certain Alleys Bounded by Barclay Street, 24th Street, Greenmount Avenue, and 23rd Street

FOR the purpose of condemning and opening certain alleys bounded by Barclay Street, 24th Street, Greenmount Avenue, and 23rd Street, as shown on Plat 336-A-33 in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0726

City Streets - Closing - Certain Alleys Bounded by Barclay Street, 24th Street, Greenmount Avenue, and 23rd Street

FOR the purpose of condemning and closing certain alleys bounded by Barclay Street, 24th Street, Greenmount Avenue, and 23rd Street, as shown on Plat 336-A-33A in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0730

Street Encroachment - 20 East Preston Street

FOR the purpose of permitting, subject to certain conditions, the construction and maintenance of portions of a building consistent with the prior building projections, projecting into the public right-of-way on the east side of North Lovegrove Street of the property known as 20 East Preston Street; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0747

City Streets - Opening - Certain Streets and Alleys Bounded by Ashland Avenue, Chester Street, Eager Street, and Patterson Park Avenue

FOR the purpose of condemning and opening certain streets and alleys bounded by Ashland Avenue, Chester Street, Eager Street, and Patterson Park Avenue and lying within the Middle East Urban Renewal Project, as shown on Plat 348-A-89 in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0748

City Streets - Closing - Certain Streets and Alleys Bounded by Ashland Avenue, Chester Street, Eager Street, and Patterson Park Avenue

FOR the purpose of condemning and closing certain streets and alleys bounded by Ashland Avenue, Chester Street, Eager Street, and Patterson Park Avenue and lying within the Middle East Urban Renewal Project, as shown on Plat 348-A-89A in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0749

City Streets - Opening - Eager Street

FOR the purpose of condemning and opening Eager Street, extending from Chester Street, Easterly 266.6 feet, more or less, to Collington Avenue and lying within the Middle East Urban Renewal Project, as shown on Plat 341-A-43 in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0750

City Streets - Closing - Eager Street

FOR the purpose of condemning and closing Eager Street, extending from Chester Street, Easterly 266.6 feet, more or less, to Collington Avenue and lying within the Middle East Urban Renewal Project, as shown on Plat 341-A-43A in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0752

City Streets - Opening - Certain Streets and Alleys in the Area Bounded by Ensor Street, Monument Street, Aisquith Street, and Orleans Street

FOR the purpose of condemning and opening certain streets and alleys in the area bounded by Ensor Street, Monument Street, Aisquith Street, and Orleans Street and lying within the Oldtown Urban Renewal Project, as shown on Plat 314-A-1D in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0753

City Streets - Closing - Certain Streets and Alleys in the Area Bounded by Ensor Street, Monument Street, Aisquith Street, and Orleans Street

FOR the purpose of condemning and closing certain streets and alleys in the area bounded by Ensor Street, Monument Street, Aisquith Street, and Orleans Street and lying within the Oldtown Urban Renewal Project, as shown on Plat 314-A-1E in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0757

Sale of Properties - 411 and 413 North Washington Street

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 properties located at 411 and 413 North Washington Street (Ward 06, Section 05, Block 1667, Lots 05 and 06) and no longer needed for public use; and providing for a special effective date.

Sponsors: City Council President (Administration)

11-0769

Zoning - Conditional Use Housing for the Elderly - Variance - 3617 Fords

Lane

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the property known as 3617 Fords Lane, as outlined in red on the accompanying plat; and granting a variance from certain setback requirements.

Sponsors: Rochelle 'Rikki' Spector

11-0778

Natural Resources - Floodplain Management

FOR the purpose of modifying the statutes governing flood plain management to meet requirements for eligibility in the National Flood Insurance Program and to otherwise comply with the requirements of Federal and State law; defining and redefining certain terms; updating references to various agencies; repealing redundant provisions; correcting, clarifying, and conforming related language; providing for a special effective date; and generally relating to the protection, maintenance, and enhancement of the public health, safety, and welfare through floodplain management.

Sponsors: City Council President (Administration)

Committee Announcements

Announcements

**THE NEXT MEETING OF THE CITY COUNCIL
WILL BE HELD ON MONDAY, NOVEMBER 14, 2011, AT 5:00 P.M.**

Adjournment

Cable Hearing Schedule

WEDNESDAY, OCTOBER 26, 2011 AT 5:00 P.M.

Taxation, Finance and Economic Development Committee, Councilmember Stokes - Chair
11-0315R - Informational Hearing - Creation of a 'Baltimore City Electric Choice Website'

WEDNESDAY, NOVEMBER 9, 2011 AT 5:00 P.M.

Taxation, Finance and Economic Development Committee, Councilmember Stokes - Chair
11-0253R - Investigative Hearing - East Baltimore Development, Inc.