

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

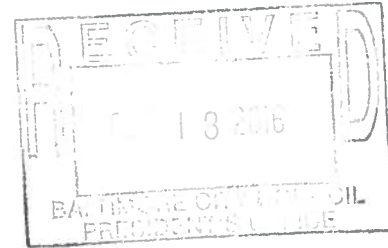


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

October 18, 2016

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 15-0510 – Baltimore City Landmark List — John Ruhrah
Elementary Middle School (School #228)

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 15-0510 for form and legal sufficiency. It would designate the John Ruhrah Elementary Middle School (School #228), 701 Rappolla Street, as a historical landmark.

The Law Department's concern with this bill is its failure to identify whether the landmark designation is for the interior or the exterior of the above structure, as required by the City Code. City Code, Art. 6, §4-1. The Commission for Historical & Architectural Preservation confirms that the designation is for the structure's exterior. For this reason, the Law Department offers an amendment to the bill to correct the oversight and to correctly identify the sections which are to be added to the City Code (see attached).

In accordance with the City Code, an ordinance of the Mayor and City Council is required to add a structure to the "Landmark List: Exteriors." City Code, Art. 6, §4-2(1). The City Council must refer the bill for written reports and recommendations to the Commission for Historical and Architectural Preservation (CHAP), the Planning Commission, and any other agency that the Council President designates. City Code, Art. 6, §4-5(a). CHAP and the Planning Commission must submit those reports to the Council prior to the Council placing the bill on Second Reader unless it has been 100 days since the bill's referral to those Commissions. City Code, Art. 6, §4-5(b).

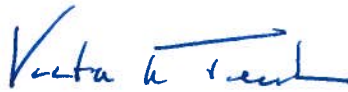
Additionally, there must be a hearing on the bill prior to placing it on Second Reader. City Code, Art. 6, §4-6(a). Notice of that hearing (including bill number, name and address of requestor, date, time, place and purpose of the hearing, and address of the property) must be posted in a sign at least 3 feet by 4 feet on the property in prominent locations visible from each street frontage and in the widow visible to those passing by, and be mailed first- class to the property owners at least 15 days before the hearing. City Code, Art. 6, §§4-6.

Fav w/ Amend

However, receipt of the CHAP report is a prerequisite to the Council's holding a hearing on the bill, if it seeks to add a structure to the "Landmark List: Exteriors" or modify the boundaries of a structure (inside or exterior) and the bill was not initiated by CHAP, as was the case here. City Code, Art. 6, §4-8(b). If CHAP does not submit that report within 100 days of the referral, then the Council may proceed to set a hearing on the bill without a CHAP report. City Code, Art. 6, §4-8(c).

In this case, CHAP has reviewed this bill and has submitted a report approving the landmark designation. The Planning Commission has also provided a favorable report. Assuming the notice and hearing requirements are satisfied and the bill is amended as recommended, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victor K. Tervala". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Victor K. Tervala
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor

**AMENDMENTS TO COUNCIL BILL 15-0510
(First Reader Copy)**

By: Law Department
{To be offered to the Urban Affairs and Aging Committee}

Amendment No. 1

On page 1, in line 2, after “**List**”, insert “: **Exteriors**”; and, on the same page, in line 5, after “landmark”, insert “: exterior”.

Amendment No. 2

On page 1, in line 8, strike “13-36” and substitute “17A-40”; and, on the same page, in line 16, strike “13-36” and substitute “17A-40”.

Amendment No. 3

On page 1, in line 15, strike “13” and substitute “17A”; and, in the same line, after “**List**”, insert “: **Exteriors**”.