

*BALTIMORE COUNTY COUNCIL  
NOTES TO THE AGENDA  
LEGISLATIVE SESSION 2014*

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*Issued: January 9, 2014  
Work Session: January 14, 2014  
Legislative Day No. 2: January 21, 2014*

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*The accompanying notes are  
compiled from unaudited  
information provided by  
the Administration and  
other sources.*



OFFICE OF THE COUNTY AUDITOR

**BALTIMORE COUNTY COUNCIL**

**January 21, 2014**

**NOTES TO THE AGENDA**

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**BALTIMORE COUNTY COUNCIL AGENDA  
LEGISLATIVE SESSION 2014, LEGISLATIVE DAY NO. 2  
JANUARY 21, 2014 6:00 P.M.**

CEB = CURRENT EXPENSE BUDGET  
BY REQ. = AT REQUEST OF COUNTY EXECUTIVE

Page

**CALL OF BILLS FOR FINAL READING AND VOTE**

**MIKE FIELD, COUNTY ATTORNEY, OFFICE OF LAW**

1 Bill 71-13 - Mr. Quirk(By Req.) - Government Reorganization - Department of Economic and Workforce Development

**JOANNE WILLIAMS, DEPARTMENT OF AGING**

3 Bill 72-13 - Mr. Quirk(By Req.) - CEB - Adult Disability/Resource Center

**BARRY WILLIAMS, DEPARTMENT OF RECREATION AND PARKS**

6 Bill 73-13 - Mr. Quirk(By Req.) - CEB - Greenways, Stream Valleys, and Trails Development

**COUNCIL**

9 Bill 74-13 - Mr. Quirk(By Req.) - County Executive - Compensation

11 Bill 75-13 - All Councilmembers - County Council - Compensation

13 Bill 76-13 - Mr. Marks - Food Trucks

18 Bill 77-13 - Mr. Marks - Planned Unit Developments

19 Bill 78-13 - Mrs. Almond - Synthetic Cannabinoids

**APPROVAL OF FISCAL MATTERS/CONTRACTS**

**LIZ GLENN, DEPARTMENT OF PLANNING**

21 1. BAT#14-03 - Security Services/Emergency Funding - Baltimore County Homeless Shelters/Maryland Food Bank - Planning/HHS

**KEITH DORSEY, OFFICE OF BUDGET AND FINANCE**

26 2. Contract - BARCO Enterprises, Inc. - Air duct cleaning/mold remediation services - OBF

**ED ADAMS, DEPARTMENT OF PUBLIC WORKS**

28 3. Contract - Maryland Environmental Science - Various services - Solid Waste Transfer Facility - Eastern Sanitary Landfill - Public Works

**MISCELLANEOUS BUSINESS**

**DAVE THOMAS, DEPARTMENT OF PUBLIC WORKS**

31 1. Res. 1-14 - Mr. Quirk(By Req.) - Baltimore County Water Supply and Sewerage Plan

**JAMES JOHNSON, CHIEF, POLICE DEPARTMENT**

33 2. Res. 2-14 - Mr. Quirk(By Req.) - Accept donation - Fitness equipment - Police Department - Woodlawn Precinct

**LIZ GLENN, DEPARTMENT OF PLANNING**

34 3. Res. 3-14 - Mr. Quirk(By Req.) - Endorsement - Wishrock Investment Group - 67 Timber Grove Road

**COUNCIL**

36 4. Res. 6-14 - Mr. Marks - Re-designation of Joppa Trail Park site, Forge View Park site & Soukup Arena site

**Bill 71-13**

**Council District(s) All**

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**Mr. Quirk (By Req.)**

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**Office of Law**

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**Government Reorganization –  
Department of Economic and Workforce Development**

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Bill 71-13 proposes to rename the Department of Economic Development to be the Department of Economic and Workforce Development.

A copy of an executive summary of the bill's provisions, as submitted by the Administration, is attached. See Exhibit A.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 71-13 will take effect on February 3, 2014.

## Executive Summary

### *Purpose of the Bill*

This bill changes the name of the Department of Economic Development to the Department of Economic and Workforce Development. When the County Executive announced the nomination of Will Anderson to be the Director of the department, he also announced his intent to change the name of the department and explained his rationale:

Although this may appear to be a minor name change, it actually reflects a significant shift in focus for Baltimore County. As I meet with employers, they consistently tell me that jobs are available, but they need employees with a specific set of skills to fill those jobs. The County must serve the employment needs of its existing employers, helping them grow. I am confident that we can do that. Providing a steady stream of well-trained workers will be job one in Baltimore County's economic development plan.

The bill makes non-substantive changes to the sections of the Baltimore County Code, 2003 and Baltimore County Zoning Regulations that reference the former Department of Economic Development.

The bill also corrects an internal subsection numbering error and repeals obsolete references to the Office of Community Conservation and the Office of Planning.

### *A Brief Legislative History*

Until May of 1999, the agency that was acting as a Department of Economic Development did not exist in the County Code. The Code only referred to an Economic Development Commission, which did not, in fact, exist by 1999. Bill 27-99 established the Department of Economic Development in the Code and repealed all code sections that referred to the Economic Development Commission.

At the same time, Bill 28-99 established in the Code a separate Office of Employment and Training. The Office already existed in fact.

Bill 141-06 changed the name of the Office of Employment and Training to the Office of Workforce Development.

Bill 122-10 abolished the Office of Workforce Development and moved all of its functions to the Department of Economic Development. Bill 122-10 also abolished the Office of Community Conservation and moved all of its functions to the Office of Planning. This bill repeals a reference to the Office of Community Conservation in the Zoning Regulations that was inadvertently left out of Bill 122-10.

Bill 55-11 changed the name of the Office of Planning to be the Department of Planning. Because of the timing of the introduction of a later bill, Bill 65-11, there is a reference to the

Office of Planning in the Zoning Regulations that is now being amended to Department of Planning.

**Bill 72-13 (Supplemental Appropriation)**

**Council District(s) All**

**Mr. Quirk (By Req.)**

**Department of Aging**

**Adult Disability/Resource Center**

The Administration is requesting a supplemental appropriation of federal funds totaling \$50,000 to the Adult Disability/Resource Center Gifts and Grants Fund Program to increase the amount appropriated to the actual amount of the grant award. The program, also known as Maryland Access Point, provides information and assistance to adults over the age of 60, disabled individuals, and their families and caregivers. The grant funds will be used to provide additional counseling resources, outreach materials, staff training, and the implementation of new screening processes. See Exhibit A.

**Fiscal Summary**

<u>Funding Source</u>	<u>Supplemental Appropriation</u>	<u>Current Appropriation</u>	<u>Total Appropriation</u>
<b>County</b>	--	--	--
<b>State</b>	--	--	--
<b>Federal <sup>(1)</sup></b>	\$ 50,000	\$ 100,000	\$ 150,000
<b>Other</b>	--	--	--
<b>Total</b>	<u>\$ 50,000</u>	<u>\$ 100,000</u>	<u>\$ 150,000</u>

<sup>(1)</sup> U.S. Department of Health and Human Services funds passed through the Maryland Department of Aging. No County matching funds are required.

**Analysis**

The purpose of the Adult Disability/Resource Center Program (also known as Maryland Access Point) is to provide information and assistance to adults over the age of 60, persons with a

disability, and their families and caregivers to encourage and enable the elderly and disabled to remain independent and living in the community. Services include providing information on health care resources. Commencing in January 2014, the program will also provide screenings for long-term services and supports. The program serves as the entry point to all of the Department's programs and services.

The FY 2014 Adopted Operating Budget included a \$100,000 appropriation to the Department's Adult Disability/Resource Center Program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill appropriates the additional \$50,000 to the program, increasing the total appropriation to the actual \$150,000 amount of the grant award. The additional funds will be used to support the salary, benefits, training, and mileage costs for two part-time (20 hours-per-week) positions (a Social Work Specialist and a Resource Coordinator), and program materials and services. The Department estimates that the program will serve approximately 20,000 clients in FY 2014.

The grant period is FY 2014. No County matching funds are required. With the affirmative vote of five members of the County Council, Bill 72-13 will take effect February 3, 2014.

## *Executive Summary*

### *Supplemental Appropriation ADULT DISABILITY/RESOURCE CENTER (Nationally known as Aging and Disability Resource Center)*

*The Aging and Disability Resource Center (ADRC)* is funded by the Maryland Department of Aging to provide information, referral and options counseling to Baltimore County seniors and individuals with disabilities. The Baltimore County Department of Aging (BCDA) was awarded additional funding of \$50,000 by the State of Maryland to be used for additional counseling resources, outreach materials, staff training, and the implementation of new screening processes.

The ADRC (also known as Maryland Access Point) serves as the point of entry to all the BCDA programs and services. Certified Information Specialists assess callers' needs and provide a wide range of information from health care resources to financial assistance options. Based in Towson, the office serves all of Baltimore County. Maryland Access Point receives about 20,000 phone calls a year from the public. The program also provides face-to-face assistance to consumers and caregivers; a "speakers bureau" to market the BCDA programs and resources; and a wealth of print resource materials. Starting in January 2014, the program will also provide screening for long-term services and supports.

JEW: krc  
*Revised 10/07/13*

Bill 73-13 (Supplemental Appropriation)

Council District(s) 5

Mr. Quirk (By Req.)

## Department of Recreation and Parks

## Greenways, Stream Valleys, and Trails Development

The Administration is requesting a supplemental appropriation of \$156,000 in state and federal funds to the Greenways, Stream Valleys, and Trails Development Capital Project. The funds will provide for the extension of the Indian Rock Park Trail in Perry Hall, which is expected to cost \$456,000. See Exhibit A.

## Fiscal Summary

<u>Funding Source</u>	<u>Supplemental Appropriation</u>	<u>Current Appropriation</u>	<u>Total Appropriation</u>
County	--	\$ 1,625,418 <sup>(3)</sup>	\$ 1,625,418
State	\$ 126,000 <sup>(1)</sup>	982,769	1,108,769
Federal	30,000 <sup>(2)</sup>	60,000	90,000
Other	--	195,000	195,000
<b>Total</b>	<u>\$ 156,000</u>	<u>\$ 2,863,187</u>	<u>\$ 3,019,187</u> <sup>(4)</sup>

<sup>(1)</sup> Maryland Department of Transportation (MDOT), Maryland Bikeways Program funds.

<sup>(2)</sup> U.S. Department of Transportation, Federal Highway Administration, National Recreational Trails Program funds, passed through MDOT, State Highway Administration.

<sup>(3)</sup> Includes \$39,000 in required matching funds for the Indian Rock Park Trail extension.

<sup>(4)</sup> Includes full funding (\$456,000) for the Indian Rock Park Trail.

## Analysis

The proposed grant funds will be used to extend the Indian Rock Park Trail north to Ebenezer Road and south to Silver Hall Road (near Silver Spring Road) in Perry Hall, creating a pedestrian and bicycle connection between two residential corridors. The proposed trail

segment will also provide direct pedestrian and bicycle access to Indian Rock Park and the Perry Hall High School Recreation Center. The paved segment will be approximately 8 feet wide and is part of a larger planned regional trail network known as the Northeast Trail. The Department advised that construction is expected to begin in March 2014 and be completed in July 2014. The Department estimates that 54,000 people will use the proposed trail segment annually.

The Department advised that the current cost estimate for the Indian Rock Park Trail extension totals \$456,000, funded as follows:

<u>Funding Source</u>	<u>Amount</u>	<u>Notes</u>
County	\$ 140,000	Capital Projects Fund
State	126,000	Maryland Bikeways Program
	100,000	Maryland Program Open Space
Federal	90,000	National Recreational Trails Program
	<u>\$ 456,000</u>	

The grant period is September 25, 2013 to September 24, 2015 for the state grant and July 11, 2013 to July 10, 2016 for the federal grant. A 20% County match (\$39,000) of the grant funded portion (\$195,000) of the Indian Rock Park Trail extension is required for this grant; the Department advised that the match is included in the Greenways, Stream Valleys, and Trails Development Capital Project budget. The Department further advised that with this supplemental appropriation, the Greenways, Stream Valleys, and Trails Development Capital Project will include full funding (\$456,000) for the Indian Rock Park Trail.

With the affirmative vote of five members of the County Council, Bill 73-13 will take effect February 3, 2014.

### **Executive Summary**

A supplementary budget appropriation in the amount of \$156,000 in State Aid – Other (source 9229) is needed to enable the County to utilize approved grant funding from two programs administered by the Maryland Department of Transportation (MDOT). This includes \$30,000 from the National Recreational Trails Program (\$30,000 of a \$60,000 grant award was appropriated in the Fiscal Year 2014 capital budget) and \$126,000 of the funding is from the Maryland Bikeways Program and was awarded in September, 2013. These grants were awarded for the purpose of trail construction of a segment of the Northeast Trail at Indian Rock Park and Perry Hall High School Recreation Center.

The matching requirements for the grants have already been fulfilled within the existing project budget.

**Bill 74-13**

**Council District(s) All**

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**Mr. Quirk (By Req.)**

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**County Executive – Compensation**

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Bill 74-13 proposes to increase the compensation of the County Executive for the term of office that begins in December 2014. The annual salary of the office will increase to \$175,000.

The salary is based upon a recommendation of the Personnel and Salary Advisory Board, a copy of which is attached. See Exhibit A.

The salary was last increased in 2005 for the term that began in December 2006 (Bill 55-05).

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## PERSONNEL AND SALARY ADVISORY BOARD

Baltimore County Government  
308 Allegheny Avenue  
Towson, MD 21204  
(410) 887-3139  
Fax (410) 887-8306

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November 26, 2013

Mr. Thomas J. Peddicord, Jr.  
County Council of Baltimore County  
Court House  
Towson, MD 21204

Dear Mr. Peddicord Jr:

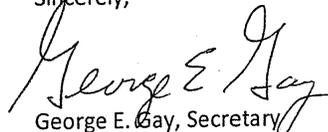
The Personnel and Salary Advisory Board held a meeting on Monday, November 25, 2013 to discuss the compensation and allowances for the County Council Chairman, Council Members, and County Executive for the term of office beginning in December 2014.

The recommendations from the Board are as follows:

Council Chairman -	\$ 70,000
Council Member -	\$ 62,500
County Executive -	\$175,000

Please contact me at 410-887-3139 if you have any questions.

Sincerely,



George E. Gay, Secretary  
Personnel and Salary Advisory Board

GEG/

**Bill 75-13****Council District(s) All**

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**All Councilmembers**

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**County Council – Compensation**

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Bill 75-13 proposes to increase the compensation of the Council Chairman and members of the County Council for the term of office that begins in December 2014. The annual salary for the chairman will be \$70,000; the annual salary for a member will be \$62,500.

The salary proposal is based upon a recommendation of the Personnel and Salary Advisory Board which is required by law to establish the compensation of members of the County Council. A copy of the recommendation is attached. See Exhibit A.

The salary was last increased in 2005 for the term that began in December 2006 (Bill 55-05).

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## PERSONNEL AND SALARY ADVISORY BOARD

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County Council of Baltimore County  
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Dear Mr. Peddicord Jr:

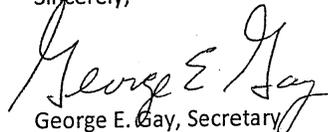
The Personnel and Salary Advisory Board held a meeting on Monday, November 25, 2013 to discuss the compensation and allowances for the County Council Chairman, Council Members, and County Executive for the term of office beginning in December 2014.

The recommendations from the Board are as follows:

Council Chairman -	\$ 70,000
Council Member -	\$ 62,500
County Executive -	\$175,000

Please contact me at 410-887-3139 if you have any questions.

Sincerely,



George E. Gay, Secretary  
Personnel and Salary Advisory Board

GEG/

**Bill 76-13****Council District(s) All**

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**Mr. Marks**

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**Food Trucks**

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Bill 76-13 proposes to add a new subtitle 2 to Title 11 of Article 21 of the Code in order to regulate food trucks. The bill is based upon a recommendation of the Planning Board; a copy of the Planning Board report is attached as Exhibit A. The Council held a public hearing on the report on September 16, 2013.

Bill 76-13 defines a food truck as a self-contained mobile vehicle that sells food from the curb side of the vehicle to customers on the curb side of a public street. <sup>(1)</sup>

A person must be licensed to operate a food truck in the County. The bill requires the filing of an application with the Department of Permits, Approvals and Inspections (PAI); the application must contain certain contact and insurance and inspection information, as well as a complete description of the vehicle and the County food service facility permit.

The Administrative Officer will establish the license fee.

PAI will issue a license tag to a licensee which must be displayed on the windshield of the truck.

The bill sets out grounds for the denial, suspension, revocation, or refusal to renew a license.

A licensee must comply with all County Code and zoning regulations, all Health Department regulations, and all parking regulations.

A licensee must provide and maintain trash receptacles for a food truck and must clean the area around a food truck of all debris generated from food truck operations.

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<sup>(1)</sup> The regulation of food trucks is proposed to be separate from the regulation of "hucksters and peddlers" under subtitle 1.

A licensee:

- May not park a food truck within 300 feet of the front public entrance of an open, operating restaurant located in the C.T. (Commercial, Town Center Core) District of Towson, or within 100 feet of a restaurant in any other location;
- May not park a food truck on any sidewalk or private property without permission of the owner;
- Except for a canopy or menu display, may not attach a trailer or other accessory attachment to a food truck; and
- May not play music through a speaker mounted on the outside of a food truck.

A person who violates any provision of the law is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100 for each offense.

With the affirmative vote of five members of the County Council, and signature by the County Executive, Bill 76-13 will take effect on February 3, 2014.

**Final Planning Board Food Truck  
Recommendations**

**Baltimore County Department of Planning**

**Baltimore County Planning Board  
July 22, 2013**

## Food Truck Definition & License

### Definition:

#### Baltimore County Zoning Regulations

**FOOD TRUCK** – A self-contained mobile vehicle that sells food from the curb side of its vehicle to customers on the curb side of a public street with the following restrictions:

- A. Must have commercial vehicle tag.
- B. Must be approved by the Baltimore County Health Department.
- C. Not permitted on sidewalks or on private property without owner's consent.

### License:

#### Baltimore County Code

##### 21-11-108 FOOD TRUCK LICENSE (New)

An applicant who is granted a new Food Truck License is not required to obtain a Huckster License and its requirements are not applicable. An applicant for a Food Truck License shall meet the following requirements:

(a) *Application.* Submit an application to the Miscellaneous Permits Office of the Department of Permits, Approvals & Inspections on the form that the Department requires that should include

- (1) Vehicle name and description
- (2) Vehicle registration and ownership
- (3) License plate number
- (4) Licensee's contact information and description
- (5) Name and contact information of all persons in charge of the Food Truck. All persons in charge must have a state certified license for food preparation.
- (6) Must obtain an annual Food Service Facility Permit from the Baltimore County Department of Health, Division of Environmental Health Services

(b) *Fees.* Pay the Permits Office of the Department of Permits, Approvals and Inspections for each vehicle used on the street of the county to be established by the County Administrative Officer.

(c) *Labels or Tags.*

(1) The permit office will issue a Food Truck License Tag or Label for each vehicle that will bear:

- (i) The inscription "Baltimore County Food Truck License No. \_\_\_\_\_," which shall be the same number as the number in the license issued to the applicant of the vehicle; and
- (ii) Expiration Date of the license
- (iii) Commercial License tag number

(2) The vehicle shall display the Food Truck Tag on the windshield at all times whenever engaging in food sales or preparation.

(d) *Requirements.*

- (1) Food Trucks must obey all County parking requirements when parked on a public street.
- (2) Food Trucks that park past the maximum metered time will pay a \$50 fine. Food Trucks that park at an expired meter for more than a total of four hours will receive an additional \$50 fine.
- (3) *Revocation.* A Food Truck may have their Food Truck license revoked if a truck is cited more than five times during a calendar year for parking more than four hours at an expired metered parking space. This regulation will be void to any district that creates its own Food Truck Parking zone by legislation.
- (4) Vendors have to adhere to existing regulations, licenses and fees required by the County Department of Health which include but are not limited to the handling of water and food, commissary requirements, sanitation, and training.
- (5) Vendors must also comply with all Baltimore County Code and zoning regulations.
- (6) Food Truck operators are responsible for cleaning up debris from their Food Truck and maintaining their own trash receptacles inside and outside of Food Trucks.

(e) *Prohibitions.*

- (1) Food Trucks may not park within 300 feet of the front public entrance of an open operating restaurant. \*
- (2) Attached trailers and other attached accessories that are not permanently a part of the operating vehicle are not permitted on Food Trucks. Attached canopies and displays are permitted.
- (3) Food Trucks may not play music through speakers outside the vehicle.

\* Bill 76-13 reflects a parking prohibition within 100 feet for areas outside the C.T. District of Towson and 300 feet for the C.T. District of Towson.

**Bill 77-13****Council District(s) All**

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**Mr. Marks**

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**Planned Unit Developments**

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Bill 77-13 expands the posting requirement for the preliminary evaluation by County agencies reviewing a Planned Unit Development (“PUD”) application.

The PUD process is initiated by the filing of an application with the Council member in whose district the PUD is proposed to be located. The required contents of the application are detailed in the statute. Following the submission of the application, and prior to the introduction and adoption of a Council resolution approving the review of the PUD proposal, the applicant must hold a post-submission community meeting at which the application must be made available. In addition, copies of the application are submitted to various County agencies for preliminary review and comment, and prior to the adoption of a Council resolution, the agencies provide a written preliminary evaluation of the PUD proposal.

Previously, Bill 4-12 required that the PUD application be posted on the Council’s internet website after being filed with and accepted by the Council member. Bill 42-12 required that the preliminary review by County agencies be provided to the Council member within 15 days of the filing of the PUD application and be posted on the Council’s internet website.

Bill 77-13 requires additional posting of the preliminary reviews by County agencies to the Department of Permits, Approvals and Inspections’ home page of the County’s internet website, with a link to the County Council’s website.

This bill shall take effect on February 3, 2014.

Bill 78-13

Council District(s) All

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**Mrs. Almond**

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**Synthetic Cannabinoids**

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Bill 78-13 amends the “Spice” statute set forth in the County Code, which currently prohibits the purchase, use, possession, or distribution of the substance, material, or compound known as Spice. Spice contains synthetic chemicals that mimic the effects or “high” of marijuana THC.

Previously, the Council passed Bill 77-10, which dealt specifically with Spice and the synthetic compounds known as “JWH-018” and “JWH-073.”<sup>(1)</sup> In addition, in February 2011, the Drug Enforcement Administration (“DEA”) banned the sale and possession of Spice for one year, calling it “an imminent threat to public safety.” Thereafter, in July 2012, Congress passed and the President signed into law the Synthetic Drug Abuse Prevention Act of 2012, which banned synthetic compounds commonly found in synthetic marijuana, placing 26 substances in Schedule I of the Controlled Dangerous Substances Act. Numerous states have also passed legislation making it illegal under state law.

Most recently, during the 2013 Legislative Session, the Maryland General Assembly passed and the Governor signed Senate Bill 109, which codifies “cannabimimetic agents” to the State’s list of Schedule I controlled dangerous substances, and specifically lists several substances that are considered cannabimimetic agents.

The difficulty with the efforts to prohibit the purchase, distribution, or possession of these synthetic drugs is that the chemists and companies that create the compounds and manufacture the products are often overseas and are constantly changing the formulas and active ingredients in an effort to stay ahead of laws outlawing them.

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<sup>(1)</sup> John W. Huffman, a chemist at Clemson University, created many of the chemicals used to manufacture synthetic cannabinoids (including those that bear his initials “JWH”). The original intent was to create a drug that helped stimulate the appetite of people ill with glaucoma, a disease that can cause blindness. An unintended consequence is that others started spraying the chemicals on leaves and herbs, and have been selling the product as a legal alternative to marijuana, though with more unpredictable and sometimes tragic results.

Bill 78-13 expands on the prohibition related to Spice. The bill specifies the term “synthetic cannabinoid,” recognizing that Spice is merely a type of synthetic cannabinoid, along with similar products known as K2, Scooby Snax, and Potpourri.

The bill does not seek to place any substances in the schedule of controlled dangerous substances, as current State law now does. Rather, in order to enforce the prohibition on substances and compounds that may not be found on the State’s schedule, the bill prohibits the purchase, use, possession, or distribution of a synthetic cannabinoid, which is defined as any material, substance, compound, mixture, or preparation in any form that would reasonably indicate under all circumstances to be synthetic marijuana. The bill also defines the term “synthetic marijuana” to be a psychoactive substance or compound created with man-made synthetic chemicals that, when consumed or ingested, mimics the intoxicating effects of marijuana THC.

Finally, in addition to the existing criminal penalties, Bill 78-13 provides for the possibility of forfeiture of property seized in connection with enforcement of the statute.

Bill 78-13 shall take effect 45 days after its enactment.

FM-1 (BAT 14-03)

Council District(s) All

**Department of Planning**

**Baltimore County Homeless Shelters/Maryland Food Bank**

The Administration is requesting approval of a General Fund budget appropriation transfer totaling \$253,000 from the Reserve for Contingencies Program to the Department of Planning – Neighborhood Improvement Program (\$98,000); the Department of Health and Human Services – Social Services – Emergency Funds Program (\$80,000); and Organization Contributions – General Grant Program (\$75,000). See Exhibit A.

**Fiscal Summary**

<u>Transfer From</u>	<u>Program</u>	<u>Current Appropriation</u>	<u>Transfer Amount</u>	<u>Adjusted Appropriation</u>
<b>047-4701</b>	Reserve for Contingencies	\$ 1,000,000	\$ (253,000)	\$ 747,000
<b>Transfer To</b>				
<b>012-1207</b>	Department of Planning – Neighborhood Improvement	\$ 354,542	\$ 98,000	\$ 452,542
<b>031-3111</b>	Department of Health and Human Services - Social Services – Emergency Funds	\$ 650,000	\$ 80,000	\$ 730,000
<b>059-5902</b>	Organization Contributions-General Grant	\$ 4,776,770	\$ 75,000	\$ 4,851,770
			<u>\$ 253,000</u>	

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## Analysis

### Source of Funds

The source of funding for the transfer is the Reserve for Contingencies Program. Specifically, \$253,000 is available from the \$1,000,000 that is presently unexpended and unencumbered within the Reserve for Contingencies Program.

### Use of Funds

#### Department of Planning – Neighborhood Improvement Program - \$98,000

The additional funds will be used to provide dedicated security personnel at two homeless shelters in the County. Specifically, the Department will post a guard at the Eastside Shelter, located at 9100 Franklin Square Drive in Rosedale, from 3:00 p.m. to 11:00 p.m. daily, and will post a guard at this location from 11:00 p.m. to 7:00 a.m. when freezing weather shelters (temperatures below 32 degrees) are activated. The Department will also post a guard at the Westside Men's Shelter, located at the Spring Grove Campus in Catonsville, from 6:00 p.m. to 2:00 a.m. daily. Dunbar Guard Services, Inc. will provide guards under its 5-year contract to provide security guard services at various County facilities, approved by the Council on March 1, 2010. The Department advised that the current contract rate for guards is \$24.16 per hour.

The Department advised that security services began on December 1, 2013; the proposed transfer is expected to cover these additional costs through the remainder of FY 2014 (from December 1, 2013 through June 30, 2014). The Department further advised that funding for these additional services is planned for future budgets.

#### Department of Health and Human Services - Social Services – Emergency Funds Program - \$80,000

The Emergency Funds Program provides emergency financial assistance to eligible County residents who, due to unforeseen circumstances such as a period of illness or unemployment, are in need of one-time aid. Funds are used for a variety of purposes, including rental eviction prevention and utility turn-off prevention.

The additional funds will be used to assist low-income Baltimore County residents who suffer a loss of income due to the expiration of the extended federal unemployment insurance benefits. The Department estimates approximately 125-150 County households to be affected by this loss.

Organization Contributions – General Grant Program - \$75,000

The additional funds will be used to increase grant funding for the Maryland Food Bank to provide additional operations in the County.

During FY 2013, the Maryland Food Bank expanded its Mobile Pantry program in Baltimore County. The Department advised that due to a continued and increasing need among Baltimore County citizens, the Maryland Food Bank experienced a 14% increase in Baltimore County's food distribution in the first quarter of FY 2014 over the first quarter of FY 2013. The Department further advised that the Maryland Food Bank has also experienced growth in its Baltimore County School Pantry program in FY 2014 that currently serves 11 schools.

The proposed budget appropriation transfer will result in a \$253,000 increase to ongoing spending subject to the Spending Affordability Committee's FY 2014 guideline; following the transfer, the budget will be approximately \$2.1 million under the guideline.

County Charter, Section 712, provides that “[d]uring any fiscal year, the county council, upon the recommendation of the county executive on the advice of the county administrative officer, may make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies in the county budget...provided that the director of finance shall certify in writing that such funds are available for such appropriation.”

## **Executive Summary**

The Administration is submitting BAT 14-03 to transfer \$253,000 from Reserve for Contingency to provide additional services to Baltimore County citizens in need. The specific distribution of the transfer is detailed below.

### **Department of Planning 012-1207 - \$98,000**

Increased security services beginning December 1, 2013 have been provided at two homeless shelters in Baltimore County. Currently, there are no dedicated security personnel at these locations to ensure the safety and security of clients and staff at these locations.

A guard will be posted at the Eastside Shelter located at 9100 Franklin Square Drive, Baltimore, Md 21237 between 3:00 p.m. to 11 p.m. This location functions as the Day Resource Center during the day and as the Eastside Homeless Shelter in the evenings. Although contiguous to the Family Resource Center, which has posted security 8:30 a.m. - 9:30 p.m., the operations at the shelter require a devoted security presence rather than the existing shared approach.

A guard will also be posted at the Westside Men's Shelter located at the Spring Grove Campus in Catonsville between 6:00 p.m. to 2 a.m.

Additionally, a guard will also be placed at this location during evenings between 11:00 p.m. and 7:00 a.m. when Freezing Weather Shelters (temperatures below 32 degrees) are activated. These services will be scheduled a week in advanced based on the National Weather Service forecast as a guide.

The guards at the Eastside and Westside will work a full time shift (8 hrs) every day and be paid at the contract rate (24.16/hr). The estimated cost for the seven months services are being provided in FY 2014 (December 1-June 30) is approximately \$83,100. The Department of Planning estimates that there will be 75 days this winter where the Freezing weather shelter would be activated. The guard assigned to the Eastside Shelter when the Freezing Weather Shelter would be activated works a full time shift (8hrs) and would be paid the contract rate (24.16/hr). The estimated cost to provide this coverage during the winter months in FY 14 would be approximately \$14,500. To fund these additional costs for the remainder of FY2014, a budgetary transfer totaling \$98,000 will be made. Future budgetary years will account for this additional staff accordingly.

Guards will be provided by Dunbar Services, which the County has under contract to provide these types of services. The contract commenced February 5, 2010 and council approved on an 11 month extension through February 4, 2011 with four automatic 1-~~1~~ year renewals. The contract provides various hourly rates for armed and unarmed guards working straight or overtime. Compensation may not exceed the amount appropriated for these services during each renewal period.

Prepared by: The Administration

**Department of Health and Human Services/Department of Social Services 031-3111 - \$80,000**

The Department of Health and Human Services/Department of Social Services Budget Appropriation Transfer to the County's Emergency Funds program, 001-031-3111 will increase the FY 2014 appropriation from \$650,000 to \$730,000.

The expiration of extended federal Unemployment Insurance benefits will immediately affect an estimated 25,000 Marylanders. In addition, 28,000 Marylanders will lose Unemployment Benefits over the next 6 months as their 26 weeks of Maryland Unemployment Insurance expire and there are no longer extended benefits available through the Federal government, pending action by Congress.

The Department of Social Services plans to modify its Emergency Funds program to assist low-income Baltimore County residents who suffer a loss of income due to the expiration of Unemployment Insurance benefits. This additional \$80,000 will assist approximately 125 - 150 households who may be affected by the loss of the extended federal Unemployment Insurance benefit.

The Emergency Funds program provides emergency allocations, one-time per year, to eligible County residents. Approximately 90% of funding is used for rental eviction prevention and utility turn-off prevention.

**Organization Contributions 059-5902 - \$75,000**

The Budget Appropriation Transfer will move \$75,000 for increased grant funding to be used by the Maryland Food Bank to provide additional operations in Baltimore County. The current grant amount is \$325,000.

Due to continued economic stress experienced by many Baltimore County families, the Maryland Food Bank has experienced a high demand for its food services over the last several years. During FY 13, the Maryland Food Bank expanded its Mobile Pantry program in Baltimore County, which reached a previously underserved population in the County. In that fiscal year the Food Bank held 26 food drops and distributed nearly 239,492 pounds of food in its first quarter. Due to a continued and increasing need among Baltimore County citizens, the Food Bank has experienced a 14% increase in Baltimore County's food distribution during the same period in FY14. From July 1-September 30<sup>th</sup> of FY 14, the Food Bank held 27 Baltimore County food drops and distributed 274,654 pounds of food to County residents. The Maryland Food Bank has also experienced growth in its Baltimore County School Pantry program this fiscal year and currently serves 11 Baltimore County schools through the Pantry program.

The Maryland Food Bank operates a 93,200 square foot warehouse in Baltimore County. Through distribution of critical food supplies to other non-profits serving Baltimore County's vulnerable residents as well as several direct distribution programs, the Food Bank will utilize the funding to assist Baltimore County families in need.

Prepared by: The Administration

FM-2 (Contract)

Council District(s) All

## Office of Budget and Finance

## Air Duct Cleaning/Mold Remediation Services

The Administration is requesting approval of a contract with BARCO Enterprises, Inc. to provide air duct cleaning and mold remediation services at various County-owned and/or operated facilities as needed. The contract commences upon Council approval, continues for 1 year, and will automatically renew for four additional 1-year periods with an option to further extend the initial term or any renewal term an additional 120 days. The contract does not specify a maximum compensation amount for the initial 1-year term. Estimated compensation totals \$359,240 for the initial 1-year term. Compensation may not exceed \$1,985,028 over the entire 5-year and 4-month term, including the renewal and extension periods.

## Fiscal Summary

Funding Source	Initial Term	Maximum Compensation	Notes
County <sup>(1)</sup>	\$ 359,240	\$ 1,985,028	<sup>(1)</sup> General Fund and/or Capital Projects Fund. <sup>(2)</sup> Estimated compensation for the initial 1-year term. The contract does not specify a maximum compensation amount for the initial 1-year term. <sup>(3)</sup> Maximum compensation for the entire 5-year and 4-month term, including the renewal and extension periods.
State	--	--	
Federal	--	--	
Other	--	--	
<b>Total</b>	<u>\$ 359,240</u> <sup>(2)</sup>	<u>\$ 1,985,028</u> <sup>(3)</sup>	

## Analysis

The contractor will provide all labor, materials, tools, equipment, fuel, supervision, and incidentals to perform air duct cleaning and mold remediation services at various County-owned and/or operated facilities on an as-needed basis. Specifically, the contractor will be responsible for the removal of visible surface contaminants and deposits from within HVAC systems in strict

accordance with National Air Duct Cleaners Association specifications. Hourly rates for labor (skilled mechanics) are \$82.46 for duct cleaning and \$89.46 for mold remediation. Materials costs include a 20% markup.

The contract commences upon Council approval, continues for 1 year, and will automatically renew for four additional 1-year periods unless the County provides notice of non-renewal. The County may extend the agreement at the end of the initial term or any renewal term for an additional 120 days, on the same terms and conditions. The contract does not specify a maximum compensation amount for the initial 1-year term. Estimated compensation totals \$359,240 for the initial 1-year term. Compensation may not exceed \$1,985,028 over the entire 5-year and 4-month term, including the renewal and extension periods.

Prior to the commencement of each renewal period, the County may entertain a request for an escalation in unit prices in accordance with the Consumer Price Index – All Urban Consumers – United States Average – All Items (CPI-U), as published by the United States Department of Labor, Bureau of Labor Statistics at the time of the request, or up to a maximum 5% increase on the current pricing, whichever is lower. The County may terminate the agreement by providing 30 days prior written notice.

The contract was awarded through a competitive procurement process; one other bid was received and deemed non-responsive.

On November 17, 2008, the Council approved a 5-year contract not to exceed \$396,825 with BARCO Enterprises, Inc. for similar services. The Office advised that expenditures under this contract totaled \$270,922 and that no other air duct and mold remediation services have been required since the expiration of this contract. The Office further advised that BARCO Enterprises, Inc. has been providing these services since September 2002.

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”

**FM-3 (Contract)**

**Council District(s) All**

**Department of Public Works**

**Various Services – Solid Waste Transfer Facility – Eastern Sanitary Landfill**

The Administration is requesting approval of an agreement with Maryland Environmental Service (MES) to provide design, construction, construction management, and inspection services for a new open top solid waste transfer facility (OTTF) at the Eastern Sanitary Landfill (ESL) in White Marsh. The agreement commences upon Council approval and continues through project completion. Estimated compensation totals \$7,961,520. The facility will accommodate solid waste and single stream recyclables that Harford County will begin delivering on or about March 2016 in accordance with the August 2013 Municipal Solid Waste Disposal Agreement between Baltimore and Harford counties.

**Fiscal Summary**

<b>Funding Source</b>	<b>Total Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 7,961,520	<sup>(1)</sup> Capital Projects Fund.
<b>State</b>	--	<sup>(2)</sup> Estimated total compensation. The agreement does not specify a maximum compensation amount.
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	<u>\$ 7,961,520</u> <sup>(2)</sup>	

**Analysis**

On August 28, 2013, Baltimore County entered into a Municipal Solid Waste Disposal Agreement with Harford County. On January 2, 2014, Baltimore County began transporting single stream recycling from Harford County to the Central Acceptance Facility (CAF) in Cockeysville formerly known as the Baltimore County Resource Recovery Facility (BCRRF); the estimated net revenue from Harford County recyclables is \$400,000 per year. Under the terms

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of the agreement, the County must design and construct a new transfer facility at ESL to accommodate solid waste and single stream recyclables from both counties beginning in 2016; Harford County will be responsible for transporting its solid waste and single stream recyclables to the new OTTF. The Department advised that during the transfer facility's first year of operation, Harford County is expected to divert 100,000 tons of solid waste to the ESL OTTF; associated compensation to Baltimore County is estimated to total \$940,000 based on a \$1.40/ton host fee to be paid by Harford County and an \$8/ton transfer fee to be paid by Waste Management, Inc. Harford County does not compensate the County for the recyclables because the County sells the materials for profit.

MES will provide design, construction, construction management, and inspection services for a new OTTF at ESL. The planned dual-tunnel OTTF (for solid waste and recyclables) will provide an efficient manner by which to load waste from residential and commercial curbside haulers into bulk tractor-trailers for transport to processing and/or disposal facilities. The contractor will also make necessary site improvements, including constructing and/or upgrading existing roadways and infrastructure to handle residential and commercial hauler traffic and operations. The Department advised that construction is expected to begin in April 2015 and be completed in February 2016.

The agreement commences upon Council approval and continues through project completion. The agreement does not specify a maximum compensation amount. Estimated compensation totals \$7,961,520. MES will procure and contract for the services of a design engineer and a construction contractor; the results of the procurements and the actual costs of these services (plus fringe and overhead costs) will affect the amount of the County's final compensation to MES. The Department advised that the full cost of the project will be borne by Harford County and will be repaid in 20 annual installments. Either party may terminate the agreement for cause by providing 30 days prior written notice, provided that the party alleged to be in violation has not corrected, or commenced correcting, the violation.

The agreement was awarded on a non-competitive basis because MES designed and built new transfer facilities at the County's Western Acceptance Facility (WAF) in Halethorpe and CAF in Cockeysville. The Department advised that the transfer facility MES proposed for ESL will have the same design as the transfer facility it recently completed at the CAF, thus avoiding duplication of work. The Department advised that completion of the new OTTF is also time-sensitive due to deadlines established in the Municipal Solid Waste Disposal Agreement with Harford County.

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In 1970, the Maryland General Assembly created MES in order to provide solid waste disposal services, waste purification, and water supply monitoring in compliance with State laws, regulations, and policies governing air, land, and water pollution. MES has a unique structure that allows it to operate as both an agency of government and a nonprofit utility. MES is self-supporting and does not receive general funds directly from the State. Baltimore County and MES have had an ongoing contractual relationship since 1973.

On July 5, 2011, the Council approved two 30-year agreements with MES to continue to provide solid waste services at the WAF and the OTTF in Halethorpe and the CAF in Cockeysville. In addition, the CAF agreement specified the obligations of MES and the County regarding the planned single stream recycling facility and OTTF at the CAF. Annual compensation is to be based on the difference between the cost of operating the facilities and the revenues generated. The Department advised that compensation to MES for the operation of the WAF and the CAF facilities totaled \$13.2 million from July 5, 2011 to December 31, 2013; compensation for the construction of the single stream recycling facility and OTTF at the CAF totaled \$23.9 million. The Department advised that the agreements will not need to be amended to include the new OTTF at ESL because the County will operate the ESL facility.

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”

MB-1 (Res. 1-14)

Council District(s) 2

Mr. Quirk (By Req.)

Department of Public Works

**Baltimore County Water Supply and Sewerage Plan**

This resolution amends the Baltimore County Water Supply and Sewerage Plan (Cycle 31). Amendments to the Plan are made annually in accordance with the Executive Orders of April 11, 1990, July 22, 2003, and August 28, 2009.

On July 18, 2013 the Planning Board held an advertised public hearing on three requests for an amendment to the Plan and reported the results of the hearing to the County Executive. The Departments of Environmental Protection and Sustainability, Public Works, and Planning, and the Planning Board reviewed the requests and approved one request. The County Executive reviewed the proposed amendment and submitted it to the Council on January 6, 2014. Resolution 1-14 adopts the recommendation for one of the three requests.

Upon County Council approval, the amendment will be submitted to the Maryland Department of the Environment which has 90 days to act on the amendment. If approved, the amendment becomes part of the regulatory Plan.

Symbols used to describe the various water and sewer designations in the Plan are:

W=Water

S=Sewer

- |                 |                                                                                                                                                                                                                                                                                        |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. S-1 and W-1: | Existing water and/or sewer area.                                                                                                                                                                                                                                                      |
| 2. S-2 and W-2: | Not utilized.                                                                                                                                                                                                                                                                          |
| 3. S-3 and W-3: | Capital facilities area - in order to provide service, facilities need to be built and money is in the current year's Capital Budget or the ensuing 5 years' estimated budgets. Facilities are subject to budget limitations, petitions made for service, public work agreements, etc. |
| 4. S-4 and W-4: | Not utilized.                                                                                                                                                                                                                                                                          |

- 5. S-5 and W-5: Master Plan area - capital facilities are required to support the Land Use Master Plan. However, these areas are usually not in the Metropolitan District and the owners must petition to be included.
- 6. S-6 and W-6: Areas of future consideration for Metropolitan District facilities.
- 7. S-7 and W-7: No planned Metropolitan District facilities.

The amendment to the Plan is as follows:

Council District	Area/Property Name	Current Designation	Proposed Designation
2	Emerson Farms SPS Maintenance Building	W-7, S-7 With special exception to allow public sewer service to existing dwellings only.	W-7, S-7 With the special exception modified to allow extension for the plumbing fixtures required for an 8,000 sq. ft. maintenance building only.

This resolution shall take effect from the date of its passage by the County Council.

**MB-2 (Res. 2-14) Donation**

**Council District   4**

**Mr. Quirk (By Req.)**

**Police Department**

**Accept Donation – Fitness Equipment**

This resolution authorizes the County to accept a donation of new and used fitness equipment valued at \$30,335 and cash escrow of \$1,565 for any related equipment repairs/maintenance for the Department’s Woodlawn Precinct from the Baltimore County Police & Community Relations Council #2 (PCRC). The PCRC received a \$30,000 donation specifically designated for a fitness program for the Woodlawn Precinct. The PCRC purchased new fitness equipment (and associated freight and delivery/set-up charges) totaling \$28,435. The equipment includes exercise machines, weight plates, pre-set barbells, adjustable benches, and dumbbells. The PCRC has set aside the remaining \$1,565 of the \$30,000 donation for any repairs/maintenance required once the 5-year warranty on the equipment expires. In addition, the PCRC is donating three pieces of used equipment (one treadmill and two exercise bikes) valued at \$1,900. The Department advised that the Woodlawn Precinct is one of the few precincts that does not have its own fully-equipped exercise facility.

Section 306 of the Baltimore County Charter vests the power “to accept gifts and grants” to the County Council. However, the Department advised that it took possession of the equipment between August 1, 2013 and October 4, 2013 (prior to Council approval). Given that the equipment has been shipped/delivered and set up within the precinct facility, we believe this situation may constitute a violation of the aforementioned section of the County Charter.

The Department advised that no County matching funds are required for this donation. This resolution shall take effect from the date of its passage by the County Council.

**MB-3 (Res. 3-14) Project & Financing Endorsement****Council District(s)   2**

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**Mr. Quirk (By Req.)**

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**Department of Planning**

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**67 Timber Grove Road**

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The Administration is requesting approval and endorsement of a low-income housing redevelopment project and related project financing for Timbercroft Housing, LLC (a subsidiary of Wishrock Investment Group), owner of the Timbercroft Apartments and Townhomes located at 67 Timber Grove Road in Owings Mills.

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**Fiscal Summary**

This resolution has no fiscal impact to the County.

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**Analysis**

Timbercroft Housing, LLC currently owns the property located at 67 Timber Grove Road in Owings Mills. The Timbercroft Apartments and Townhomes consist of 284 units (a mix of one-bedroom apartments and two- and three-bedroom townhomes). The Department advised that renovations are expected to begin in March 2014 and to be substantially completed in June 2015. The renovations will address energy efficiency needs, long-term maintenance issues (e.g., clogged drains, water infiltration), indoor air quality improvements, landscaping and recreation improvements, interior finishes, roofs, siding, etc. An existing community room will also be upgraded and include a new computer center for residents. Fifteen of the rental units, as well as all site amenities, will be made fully accessible to residents with physical disabilities, and five additional units will be adapted to meet the needs of residents with audio or visual impairments.

Of the 284 rental units, 47 units will be reserved for persons whose incomes do not exceed 60% of the area median income (\$36,000 for an individual and \$41,100 for a 2-person household), and 237 units will be reserved for persons whose incomes do not exceed 50% of the area median income (\$30,000 for an individual and \$34,250 for a 2-person household).

This resolution endorses the redevelopment project and approves the project financing to enable Timbercroft Housing, LLC to receive state financial assistance. State regulations require local government endorsement of projects receiving state financial assistance.

Estimated project costs for Timbercroft Housing, LLC to refinance the acquisition of the property and to perform the renovations total \$56.1 million and will be financed as follows:

HUD-Insured Loan from Oak Grove Capital	\$ 31,775,000
Proceeds of the sale of Low Income Housing Tax Credits by Enterprise Community Investment, Inc.	12,789,512
HUD-Restricted Reserves	5,966,600
Developer's Equity	2,855,302
Maryland DHCD Rental Housing Works Loan	1,500,000
Maryland DHCD EmPOWER Loan	986,060
Deferred Developer's Fee	<u>211,194</u>
Total	<u><u>\$ 56,083,668</u></u>

On March 4, 2013, the Council approved a 20-year payment-in-lieu-of-real-property-taxes (PILOT) agreement for this project with lost property tax revenue to the County totaling an estimated net present value of \$8.8 million.

MB-4 (Res. 6-14)

Council District(s) 5

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**Mr. Marks**

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**Re-Designation of Joppa Trail Park Site, Forge View Park Site  
and Soukup Arena Site**

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Resolution 6-14 re-designates certain park sites in the Honeygo area.

The County Council adopted the Honeygo Plan as part of the Baltimore County Master Plan on July 5, 1994 (Resolution 55-94) and subsequently adopted the Honeygo area zoning overlay districts (Bill 176-94). Since that time, the County has identified and acquired the land for several park sites in the Honeygo area, including the Joppa Trail Park site, the Forge View Park site, and the Soukup Arena site.

In order to honor the Native American trail that became what is now Joppa Road, and to honor the families that lived along Cross and Forge Roads as among the earliest African-American settlements in the Perry Hall area, as well as recognize the many contributions of Jerry and Pat Soukup to the Perry Hall Recreation Council since 1955, the Council desires and deems it appropriate to re-designate the park sites as follows:

- 1) The Joppa Trail Park site is to be re-designated the Susquehannock Trail Park site;
- 2) The Forge View Park site is to be re-designated the Gwynn-Harvey Park site; and
- 3) The Soukup Arena site is to be re-designated the Soukup Park site.