

AGENDA

WORCESTER COUNTY COMMISSIONERS

Worcester County Government Center, Room 1101, One West Market Street, Snow Hill, Maryland 21863

March 1, 2016

Item #

- 9:00 AM - Meet in Commissioners' Conference Room - Room 1103 Government Center, One West Market Street, Snow Hill, Maryland - Vote to Meet In Closed Session
- 9:01 - Closed Session: Discussion regarding hiring a Part-Time Document Imager II for MIS Division of Treasurer's Office; receiving legal advice from Counsel; and performing administrative functions

**Please Note - Open Session
to Begin at 9:30 AM**

- 9:30 AM** - Call to Order, Prayer, Pledge of Allegiance
- 9:31 - Report on Closed Session; Review and Approval of Minutes
- 9:40 - Chief Administrative Officer: Administrative Matters 2-13
(Housing Rehabilitation Bid Package, Revised Trustees for Nationwide Pension Plan; Maryland Tourism FY16 Cooperative Marketing Grant Award; Rural Legacy New Agreement of Sale - Stevens Property; Maryland Agricultural Land Preservation Application Criteria; Award of Bids for: Animal Control Shelter Addition, and Newtown Park Pavilion Repair; Proposed Liquidation of Non-Moving Inventory at Liquor Control; Appointments to County Boards and Commissions; Support for SB729/HB1097 - MD Income Tax Refunds - Eastern Shore Counties - Warrant Intercept Program; Board of Education Maintenance of Effort Funding for FY17, and Non-Recurring Costs; and potentially other administrative matters)
- 9:50 -
- 10:00 - Presentation of Proclamation Recognizing March as Women's History Month 1
- 10:10 - Chief Administrative Officer: Administrative Matters 2-13, continued
- 10:20 -
- 10:30 - Meet with Pocomoke City, Snow Hill, Berlin and Ocean Pines Officials - FY17 Budget Requests 14
- 10:40 -
- 10:50 - Meet with Ocean City Officials to Discuss FY17 Budget Request - Tax Differential or MOU 15
- 11:00 - Public Hearing - Rezoning Case No. 396 - Estate of Mildred L. Parsons 16
- 11:10 - - 11.5 acres on east side of MD Route 589 (Racetrack Road), north of Gum Point Road
- 11:20 - - from A-1 Agricultural District to C-2 General Commercial District
- 11:30 -
- 11:40 -
- 11:50 -
- 12:00 - Questions from the Press
- Lunch
- 1:30 PM - Public Hearing - Rezoning Case No. 395 - Sun TRS Frontier, LLC 17
- 1:40 - - 36 acres east of MD 611 (Stephen Decatur Highway), north of MD 376 (Assateague Road)
- 1:50 - - from C-2 General Commercial District to A-2 Agricultural District
- 2:00 -
- 2:10 -
- 2:20 -
- 2:30 - Chief Administrative Officer: Administrative Matters (If Necessary) 2-13, continued
- 2:40 -
- 2:50 -
- 3:00 -

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available - see Kelly Shannahan, Asst. CAO.

Please be thoughtful and considerate of others.

Turn off your cell phones & pagers during the meeting!

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



1

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

COMMISSIONERS
MADISON J. BUNTING, JR., PRESIDENT
MERRILL W. LOCKFAW, JR., VICE PRESIDENT
ANTHONY W. BERTINO, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

PROCLAMATION

WHEREAS, we join with the Worcester County Commission for Women to proclaim March as Women's History Month in Worcester County and to honor contributions made by generations of women that have helped shape our communities. Furthermore we recognize the influential women, students and adults alike, to be honored by the Commission for Women on March 16, 2016 for their leadership, their investments, and their achievements; and

WHEREAS, these women include former County Commissioner Louise L. Gulyas, who is being honored posthumously as the Woman in History, current County Commissioner Diana W. Purnell, who is the Woman of the Year, and the following six Worcester County students who are being honored as Women of Tomorrow: Lydia Marie Woodley, T'Nae Lynase Fitch, Laila Mirza, Tatyana Waters, Tierra Elaina Watkins, and Kallie Jess Blakelock.

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby proclaim March as **Women's History Month** and recognize the countless women of all ages and from every walk of life whose contributions serve to strengthen Worcester County both now and into the future.

Executed under the Seal of the County of Worcester, State of Maryland, this 1st day of March, in the Year of Our Lord Two Thousand and Sixteen.



Madison J. Bunting, Jr., President

Merrill W. Lockfaw, Jr., Vice President

Anthony W. Bertino, Jr.

James C. Church

Theodore J. Elder

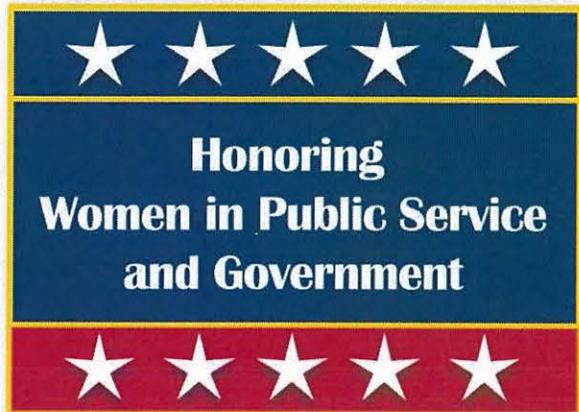
Joseph M. Mitrecic

Diana Purnell

Citizens and Government Working Together

**THE WORCESTER COUNTY COMMISSION
FOR WOMEN**

**Celebrates
Women's History Month**



**Wednesday, March 16, 2016
11am-2pm**

**The Clarion Resort Hotel
101st Street, Ocean City**

\$37.00 per person

**The 2016 Woman of the Year
Diana W. Purnell**

**The 2016 Woman in History
Louise Lee Gulyas**

LUNCHEON · AWARDS · EXHIBITORS · RAFFLES

*** Event to benefit the McGuffey Literacy Project ***

**Reservations by March 9, call Harry Gowl on 410-208-6798 or
e-mail hfgowl@mediacombb.net**

Checks payable to FWCCW, P.O. Box 1712, Berlin MD 21811



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008
www.co.worcester.md.us/drp/drpindex.htm

2

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Worcester County Commissioners

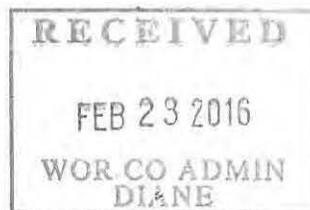
CC: File

From: Jo Ellen Bynum *JEB*

Date: 2/23/2016

Re: Housing Rehabilitation Bid Package

Attached please find a bid package for the housing rehabilitation of a single family home located in the Stockton area. This project is proposed to be funded through the County's current CDBG Housing Rehabilitation grant, MD-15-CD-23 and the Lead Hazard Reduction Grant Program. Please review the package and approve to be placed out for bids per the County's procurement requirements.



Josephine Snead
5627 George Island Landing Road
Stockton, MD 21864
410-632-1581

03/31/15
02/05/16

WORKSCOPE

A. EXTERIOR:

1. Clean gutters.
2. Wash yellow asbestos siding and paint it to match the lighter shade of yellow.
3. Fix leak at porch roof junction. Open up fiberglass roof shingles and asbestos sidewall shingles, remove deteriorated sheathing next to house, as viewed from the underside of rear porch roof. Strike a line on the asbestos several inches up, cut the siding, work counter-flashing in up and behind the siding. Extend counter flashing down over step or roll flashing as needed for a weather tight seal. Use a waterproof membrane beneath metal flashing to wrap the step-down in the roof
4. Replace tiny bathroom window with a white thermal vinyl slider replacements, Grade 35 or better.
5. Replace 3 entrance storm doors, with self-storing white aluminum units. Wrap door casing with metal first before installing doors. Tighten hinge screws and fill in any missing long hinge screws on these 3 recently installed steel doors.
6. Wash and paint or stain the front two entrance steps. Add a graspable grab-bar at the front porch entrance steps attached to the wall. Remove and replace the wood steps at the driveway side entrance, add a landing area 6' wide and 4' deep, then add steps to grade terminating on a concrete pad. Add graspable handrails.
7. Remove all debris from soil in crawlspace, rake clean, cover the bare soil in the crawlspace with 6 mil poly, cut around brick piers, and secure at lap joints and edges with bent wire insulation stays.

Price _____

B. PORCHES:

1. At front porch: Remove storms, replace rotted sills, repair lower wall water damage, wrap opening with white metal, and install new white aluminum storm windows. Trim out interior with stained wood stools, jambs, and simple casings; not the 1/4" paneling in place now. Replace portions of damaged 1/4" factory finished wall paneling, with best match available.
2. Re-screen rear screen porch with like in kind.

Price _____

C. ELECTRIC:

1. House already has 200 amp panel with 7 conductors for whole house. Remove all de-energized fuse box or electrical disconnects. Use blank covers where de-energized push-button switches remain.
2. Add circuits and pull wires to rewire the house. Currently there are 9 receptacles in the house. Where accessible provide the equivalent of one working duplex receptacle on every wall in each bedroom and livingroom space.
3. Restore all previous ceiling light fixture circuits to operation, replacing fixtures/fans as needed.
4. Restore front porch wall switch function to a fixture in that ceiling. Add a separate switched exterior light fixture outside this front sidewalk entrance.

Josephine Snead
5627 George Island Landing Road
Stockton, MD 21864
410-632-1581

03/31/15
02/05/16

5. Make bath receptacle GFCI.
6. Install GFCI protected kitchen counter top receptacles. Install a separate refrigerator circuit.
7. Remove and replace damaged fan/light fixture in rear porch with unit suitable for outdoor locations.
8. Re-secure the upstairs bathroom ceiling light fixture box, and replace fixture with like in kind.

Price _____

D. PLUMBING:

1. Find and fix the source of the leak at the second floor bathroom, as evidenced by the ceiling stains beneath.

Price _____

E. HEATING:

1. Add primary 220 volt electrical baseboard heat in all living areas.
2. Add a secondary Monitor Heater in the master bedroom.

Price _____

F. LEAD PAINT:

1. Remove LBP Kitchen chair rail, two door casings, and wood wainscot on walls (sides C (behind cabinets) and D visible)
2. Enclose the LBP on the treads and risers of the back staircase, and also the riser portion of the attic staircase, above the second floor staircase.
3. Enclose with trim the visible LBP painted 5" turned column post buried at the wall to house connections inside the front porch. Simplify the window header trim, then wrap the house window LBP painted sill and casing with smooth white trim coil metal, caulked tight. Replace the LBP transom window above the entrance door with a white thermal vinyl picture sash. Replace the LBP door casings on the hallway side of this door.
4. Remove all of the LBP ceiling and wall wood surfaces in the Utility Room. Outside wall should be insulated, before all walls are closed with ½" sheetrock. Allow for electrical work.
5. In the utility room; enclose the LBP cast iron stack using adhesive, clamps, and smooth white coilstock metal.
6. Remove the LBP fireplace mantel, brackets, and vertical trims. Install simple replica square edge trim in its place. Cover over the face of the hearth and the exposed flue hole. Prime and paint these materials.
7. Exterior of Garage siding and door are original and peeling and Positive for LBP. Cover painted wood with Tyvek, back-caulked and covered with Vinyl siding and white metal coilstock, where painted now. Vacuum up Paint chips off the ground all around this building.

Price _____

Josephine Snead
5627 George Island Landing Road
Stockton, MD 21864
410-632-1581

03/31/15
02/05/16

G. INSULATION:

1. Install R-3 pipe wrap insulation to exposed water pipes in the crawl space or utility room.
2. Remove all attic debris, old building materials, junk, etc. Add additional blown-in insulation to a depth of 12" in the eave areas in particular and where otherwise not floor covered.
3. Install R-19 fiberglass between floor joists in the crawlspace area. Staple up poly-netting on to joists bottoms to hold the fiberglass batts in position permanently.

Price _____

H. KITCHEN:

1. Remove and replace all cabinets one for one, add a drawer to each full depth base unit. Add a wall cabinet next to the refrigerator. Choose from mid-grade wood finishes, dove-tailed drawer boxes with metal extensions, or equal, is requested, with added knobs and pulls. Replace all countertops with custom-fabricated laminate chosen from standard colors.
2. Install a 32" x 22" double-bowl stainless steel kitchen sink with Delta or equal single-lever faucet and sprayer hose.
3. Replace kitchen ceiling tiles.
4. Install an LED bulb light above kitchen sink.
5. Apply 5/8" Type X sheetrock above the kitchen range, primed with a Kil-stain and painted gloss white for cleaning upkeep.
6. Overlay floor and install medium grade of sheet vinyl flooring covering, and quarter-round trim where needed. Color and pattern to be selected.

Price _____

I. UTILITY ROOM:

1. Disconnect and remove the gas hot water heater and the well water pump to conduct the floor replacement work. Remove the entire floor covering and joists down to dirt. Replace the floor area using only salt-treated joists. Any additional structural work in this area will be a T & M basis.
2. Install 3/4" Advantec subfloor sheathing. Install a beige color 12" porcelain ceramic tile, costing under \$1.00/sq.ft. every day price at Home Depot, or equal. Place in epoxy thin-set mortar. Apply a darker color grout, and seal the grout when dry.
3. Bring the pump and water lines up thru the floor in an insulated sleeve of salt treated wood frame materials. Re-install the pump.
4. Install new 40 gallon electric hot water heater, as per code.
5. Walls and ceilings and window trims were removed under LEAD. Insulate the exterior wall, sheetrock all walls and ceiling, tape, and 2 coat finish, prime and paint.
6. R-3 insulate all exposed water lines in this room.
7. Recess the ceiling light fixture box. Furnish and install a switched ceiling light fixture, LED type bulb.
8. Install 2 GFCI receptacles in this room, one is designated for the water pump and heat tapes. Install an exterior GFCI receptacle in a weather-proof box on the exterior of the outside wall.
9. Install an anti-siphon hose bib on the outside wall.

Price _____

ATTENTION: THIS BID FORM MUST BE REPRODUCED ON YOUR COMPANY LETTERHEAD AND BE SUBMITTED WITH YOUR BID PACKAGE. ALL PAGES OF WORK SCOPE WITH LINE ITEM PRICING DETAIL MUST BE INCLUDED. ANY MISSING INFO OR WORDING MAY DISQUALIFY YOUR BID. THE BID PACKAGE IS ALSO AVAILABLE ON-LINE AT www.co.worcester.md.us

BID FORM

***must be signed to be valid**

**Property of Josephine Snead
5627 George Island Landing Road
Stockton, MD 21864**

I have reviewed the specifications and provisions for rehabilitation work on the above referenced property and understand said requirements. I hereby propose to perform this work for the total price of:

Total Quote : \$ _____

Date: _____

Company Name

Signature

Typed or Printed Name

Address Line 1

Phone Number(s)

Address Line 2

MHIC #

Exp. Date

MDE Cert. #

Exp. Date

EPA Lead RRP Cert. #

Exp. Date

Medli Home Improvement
1806 Jersey Rd.
Salisbury, MD 21801

Walker's Construction
4739 S. Upper Ferry Rd.
Eden, MD 21822

Reed Homes
7934 Ocean Gateway
Easton, MD 21601

Noah's Construction
906 Lake Street
Salisbury, MD 21801

AIM Services, Inc.
Attn: Steve Coady
2314 Allen Drive
Salisbury, MD 21801

Terry D. Love
10 Oak Street
Cambridge, MD 21613

The Myers Group
1147 S. Salisbury Blvd.
#8-140
Salisbury, MD 21801

Allstae Renoavtion
P.O. Box 303
Krappe, MD 21673

Shoreman Construction
606 E. Pine Street
Delmar, MD 21875

Roberts Brooks
Apostle Construction
716 Naylor Mill Rd.
Salisbury, MD 21801

Shoreline Paainting, Inc.
318 Laurel St.
Easton, MD 21601

Colossal Contractors
15456 Old Columbia Pike
Burtonsville, MD 20866

Three Guys Construction
8660 Lake Somerset Rd.
Westover, MD 21871

Covenant Contractors
10522 Jones Road
Berlin, MD 21811

Innovative Construction
27143 Pemberton Drive
Salisbury, MD 21801

J&G Maintancne and Repair
10446 Jones Road
Berlin, MD 21811

Lester Reyes- Erazo
406 South Aurora
Easton, MD 21601

DRAFT

**NOTICE TO LEAD ABATEMENT CONTRACTORS
INVITATION TO BID
Housing Rehabilitation
Worcester County, Maryland**

The Worcester County Commissioners are currently accepting bids for rehabilitation work to be performed on a single family home located in the Stockton area. Bid specification packages and bid forms are available to licensed Maryland Home Improvement Contractors also possessing EPA and M.D.E. lead abatement certification and may be downloaded on-line at www.co.worcester.md.us, picked up from the Office of the County Commissioners, Room 1103, One West Market Street, Snow Hill, Maryland 21863 or by calling the Commissioners Office at 410-632-1194 to request a package by mail. Please note that the General Contractor must hold the lead certifications; lead work may not be subcontracted.

This projects is proposed to be funded by the Community Development Block Grant Program and Lead Hazard Reduction Grant Program are thus subject to all applicable Equal Opportunity and Civil Rights guidelines. Sealed bids will be accepted until **1:00 p.m. on Monday, March 21, 2016** in the Office of the County Commissioners at the above address at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Lead Housing Rehabilitation Bid – March 21, 2016**" in the lower left-hand corner. Bids shall be reviewed by the staff and awarded by the County Commissioners at a future meeting. In awarding the bid, the Commissioners reserve the right to reject any or all bids, waive formalities, informalities, and technicalities therein and to take whatever bid they determine to be in the best interest of the County considering lowest or best bids, quality of work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts or any other factors they deem appropriate.

All inquiries regarding the bid specifications shall be directed to the Program Inspector, John Nosworthy, at 443-736-7085. All other inquiries shall be directed to Jo Ellen Bynum, Housing Program Administrator, at 410-632-1200, ext. 1171.

WORCESTER COUNTY HOUSING REHABILITATION PROGRAM

GENERAL SPECIFICATIONS

These specifications cover general items of information relating to this bid solicitation. Detailed specifications for the homes to be rehabilitated are attached. Bids will be accepted until 1:00 p.m. on Monday, March 21, 2016 at the Worcester County Commissioners Office, Room 1103, One West Market Street, Snow Hill, Maryland 21863 at which time they will be opened and read aloud. General telephone inquiries may be directed to the County's Housing Consultant, Jo Ellen Bynum, at 410-632-1200, ext. 1171. Questions of a technical nature may be directed to the Program Inspector, John Nosworthy, at 443-736-7085. Bids may be mailed or delivered in person. Faxed bids are not acceptable. Bids must be clearly marked "Housing Rehabilitation Bid – March 21, 2016". Each bid must be signed and dated.

Contractor qualifications: Any contractor who has not submitted a Contractor Qualification form to the Program within the past six (6) months must complete and return the enclosed form. Contractors for these projects must be licensed Maryland Home Improvement Contractors as well as be certified RRP and MDE lead contractors. Contractors must also possess active liability insurance (\$100,000/\$300,000 for personal injury and \$50,000/\$100,000 for property damage).

Completion of job: Contractors are expected to commence work within thirty (30) days of the issuance of the Notice To Proceed. Work must be completed within sixty (60) days of commencement of job. If anticipated start date and completion schedule is different than outlined above, please write estimated dates on enclosed Bid Form.

Contracting Policy: Attached to this bid is a copy of the Rehabilitation Program Guidelines. Contractors are urged to read this document carefully.

WORCESTER COUNTY IS REQUESTING QUOTATIONS FROM QUALIFIED CONTRACTORS FOR REPAIRS TO:

PROPERTY OF: **Josephine Snead**
ADDRESS: **5627 George Island Landing Road**
Stockton, MD 21864
TELEPHONE: **410-632-1581**

TOTAL QUOTE: _____

CONTRACTOR: _____ DATE: _____
NO QUOTATIONS AFTER: 03/21/16

PART ONE: GENERAL CONDITIONS
PART TWO: SCOPE OF WORK

PART ONE – GENERAL CONDITIONS

- 1) The Contractor shall coordinate all work in progress with the homeowner so as not to severely disrupt living conditions. Inside work which is disruptive, or displaces the use of the kitchen, bathroom, or bedrooms, shall be pursued continuously on normal working days.
- 2) The Contractor shall be responsible for removing and replacing furniture and other articles, to and from other storage areas on premises, as needed to allow work space or to protect such possessions. Provide plastic film protection over all furniture (if not removed), carpets, finished floors, etc. – also install film at doorways as required.
- 3) The Contractor shall remove all excess material, construction debris, and other existing debris and material specified herein, to an approved dumpsite off premises. Work area shall be broom swept at the end of each work day.
- 4) The Contractor shall contact the Program Inspector or Housing Administrator for direction in the event that coordination or clarification problems arise with the homeowner or other contractors.
- 5) The Contractor shall coordinate closely with the homeowner as to which possessions are considered “junk and debris” and which are valuable before hauling anything away.
- 6) The Contractor shall leave all work areas on the premises in a neat and clean condition, and shall instruct the homeowner in the care and use of all installed equipment and appliances. Owner’s manuals and warranty booklets are to be provided to the homeowner for all applicable equipment, appliances, and materials.
- 7) The Contractor shall not undertake or engage in any additional work intended to be billed to the Program as an “extra” or as additional cost to the original contract without a written change order signed by the Program Inspector, Housing Administrator, and homeowner. A written change order as outlined above is also

- required for substitutions or additions to the original scope of work not involving additional costs.
- 8) The Contractor shall obtain and pay for all building, plumbing, electrical, well, septic and other permits required for specified work.
 - 9) The Contractor shall call for all inspections required by County law as well as inspections to receive draw payments and any special inspections required by the Program Inspector. All work shall conform to code.
 - 10) All of the above general conditions shall be adhered to unless otherwise specifically described in the following scope of work.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008
www.co.worcester.md.us/drp/drpindex.htm

PLANNING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Contractors
CC: File
From: Jo Ellen Bynum
Date: 2/23/2016
Re: Josephine Snead Permits

DRP has reviewed the following scope and determined that the following permits will be required before work can commence:

- Building
- Electric
- Plumbing

Many of the proposed improvements will be inspected by DRP for compliance with building code and energy code compliance. When applying for your permit, provide plans which designate the areas of the home affected by the proposed scope of work, as well as list of materials, etc. The current relevant codes the project is subject to are 2015 International Residential Code and IECC/Energy Code and 2014 National Electrical Code.

You may contact Tom Bair, Plans Reviewer/Building Housing Inspector, at 410-632-1200, ext. 1152 with any additional questions regarding the required plans.

**WORCESTER COUNTY HOUSING REHABILITATION PROGRAM
CONTRACTOR QUALIFICATION FORM**

Contractor _____

Address _____

Phone Number _____

Federal I.D. or S.S. # _____

Insurance Company, Agent, & Coverages: _____

List of Company Officers: _____

List of Licenses Currently Held:

MHIC Number	Exp. Date
-------------	-----------

MBR Number	Exp. Date
------------	-----------

MDE Lead Cert.	Exp. Date
----------------	-----------

EPA Lead Cert.	Exp. Date
----------------	-----------

Trade References (2)

Name	Phone
------	-------

Name	Phone
------	-------

Client References (2)

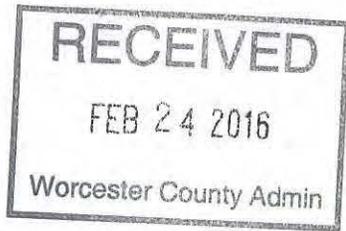
Name	Phone
------	-------

Name	Phone
------	-------

Is contractor in a State of Bankruptcy? _____ Yes _____ No
Is contractor on HUD's debarred list? _____ Yes _____ No

Is contractor any of the following? (not required to qualify)

_____ Minority Business Enterprise
_____ Women's Business Enterprise
_____ Disadvantaged Business Enterprise
_____ Section 3 Employer



3

Worcester County

Government Center
Department of Human Resources
One West Market Street, Room 1301
Snow Hill, Maryland 21863-1213
410-632-0090
Fax: 410-632-5614

STACEY E. NORTON
Human Resources Director
HOPE CARMEAN
Benefits Manager
EDDIE CARMAN
Risk Manager

KELLY BRINKLEY
Volunteer Services Manager
ANN HANKINS
Human Resources Specialist
TARA ARMSTRONG
Office Assistant III

To: Worcester County Commissioners
From: Stacey Norton, Human Resources Director *Stacey Norton*
Date: February 24, 2016
Subject: Recommendation to change trustees for Nationwide

The Worcester County Sanitary District Pension Plan called the Worcester County Supplemental Pension Plan was created April 1, 1968.

I am requesting that we update the plan Trustees as the ones listed in the summary plan description are no longer in those roles.

I am recommending that we change the plan trustees to:

1. President of the Worcester County Commissioners
2. Vice President of the Worcester County Commissioners
3. Chief Administrative Officer
4. Treasurer
5. HR Director

Thank you for your consideration.

1a

RESOLUTION NO. 16 - ____

RESOLUTION REVISING THE TRUSTEES FOR THE SUPPLEMENTAL PENSION PLAN WITH NATIONWIDE FOR FORMER SANITARY COMMISSION EMPLOYEES

WHEREAS, the County Commissioners of Worcester County, Maryland determined to retain the Nationwide Pension Plan for employees transferred from the Sanitary Commission to County employment and designated trustees and administrators for the Supplemental Pension Plan by Resolution No. 94-53, adopted on April 5, 1994; and

WHEREAS, the County Commissioners have determined to revise the Trustees to include key administrative staff members and County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that:

1. The Trustees of the Worcester County Supplemental Pension Plan with Nationwide shall hereby be designated be as follows:
 - President of the Worcester County Commissioners
 - Vice President of the Worcester County Commissioners
 - Worcester County Chief Administrative Officer
 - Worcester County Treasurer
 - Worcester County Human Resources Director

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

PASSED AND ADOPTED this ____ day of _____, 2016.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Madison J. Bunting, Jr., President

Merrill W. Lockfaw, Jr., Vice President

Anthony W. Bertino, Jr.

James C. Church

Theodore J. Elder

Joseph M. Mitrecic

Diana Purnell

WORCESTER COUNTY SUPPLEMENTAL PENSION PLAN
SUMMARY PLAN DESCRIPTION

TABLE OF CONTENTS

I
INTRODUCTION TO YOUR PLAN

II
GENERAL INFORMATION ABOUT YOUR PLAN

1.	General Plan Information.....	2
2.	Employer Information.....	2
3.	Plan Administrator Information.....	2
4.	Plan Trustee Information.....	3
5.	Service of Legal Process.....	3

III
PARTICIPATION IN YOUR PLAN

1.	Eligibility Requirements.....	3
2.	Participation Requirements.....	4
3.	Mandatory Employee Contributions.....	4

IV
FUNDING YOUR PLAN

1.	Funding of Benefits.....	4
----	--------------------------	---

V
CALCULATION OF BENEFITS UNDER YOUR PLAN

1.	Compensation.....	5
2.	Average Monthly Compensation.....	5
3.	Retirement Benefit Formula.....	5
4.	Adjustments to Your Normal Retirement Benefit.....	5
5.	Accrued Benefits.....	6

VI
BENEFITS UNDER YOUR PLAN

1.	Normal Retirement.....	7
2.	Early Retirement.....	7
3.	Late Retirement.....	7
4.	Death.....	8
5.	Disability.....	10
6.	Termination of Employment.....	10
7.	Vesting in Your Plan.....	10

8.	Benefit Payment Options.....	11
9.	Treatment of Distributions From Your Plan.....	13
10.	Domestic Relations Order.....	14

VII
SERVICE RULES

1.	Year of Service.....	15
2.	Hour of Service.....	15
3.	1-Year Break in Service.....	15
4.	Uniformed Services Employment and Reemployment Rights Act.....	16

VIII
YOUR PLAN'S "TOP HEAVY RULES"

1.	Explanation of Top Heavy Rules.....	16
----	-------------------------------------	----

IX
CLAIMS BY PARTICIPANTS AND BENEFICIARIES

1.	The Claims Review Procedure.....	18
----	----------------------------------	----

X
STATEMENT OF ERISA RIGHTS

1.	Explanation of Your ERISA Rights.....	18
----	---------------------------------------	----

XI
AMENDMENT AND TERMINATION OF YOUR PLAN

1.	Amendment.....	20
2.	Termination.....	20
3.	Priorities Upon Termination.....	21

XII
BENEFITS INSURED BY PBGC

1.	Explanation of PBGC Insurance.....	21
----	------------------------------------	----

WORCESTER COUNTY SUPPLEMENTAL PENSION PLAN

SUMMARY PLAN DESCRIPTION

I
INTRODUCTION TO YOUR PLAN

Worcester County Government has amended your Retirement Plan as of July 1, 1989. Worcester County Government continues to recognize the efforts you have made to its success. This amended Retirement Plan is for the exclusive benefit of eligible employees and their beneficiaries.

The purpose of this Plan is to reward eligible employees for long and loyal service by providing them with retirement benefits.

Between now and your retirement, your Employer will contribute to a trust fund amounts necessary to fund your pension and the pensions of all other eligible employees.

Between now and your retirement, your Employer and each eligible employee will contribute to a trust fund amounts necessary to fund your pension and the pensions of all other eligible employees.

Your Employer has the right to submit this Plan to the Internal Revenue Service for approval. The Internal Revenue Service will issue a "determination letter" to your Employer approving this Plan as a "qualified" retirement plan, if this Plan meets specific legal requirements.

This Summary Plan Description is a brief description of your Plan and your rights, obligations, and benefits under that Plan. Some of the statements made in this Summary Plan Description are dependent upon this Plan being "qualified" under the provisions of the Internal Revenue Code. This Summary Plan Description is not meant to interpret, extend, or change the provisions of your Plan in any way. The provisions of your Plan may only be determined accurately by reading the actual Plan document.

A copy of your Plan is on file at your Employer's office and may be read by you, your beneficiaries, or your legal representatives at any reasonable time. If you have any questions regarding either your Plan or this Summary Plan Description, you should ask your Plan's Administrator. In the event of any discrepancy between this Summary Plan Description and the actual provisions of the Plan, the Plan will govern.

II
GENERAL INFORMATION ABOUT YOUR PLAN

There is certain general information which you may need to know about your Plan. This information has been summarized for you in this section.

1. General Plan Information

Worcester County Supplemental Pension Plan is the name of your Plan.

Worcester County Sanitary District Pension Plan was the original Plan name.

Your Employer has assigned Plan Number 001 to your Plan.

The amended and restated provisions of your Plan become effective on July 1, 1989.

Your Plan's records are maintained on a twelve-month period of time. This is known as the Plan Year. The Plan Year begins on July 1 and ends on June 30.

Certain valuations and distributions are made on the Anniversary Date of your Plan. This date is July 1.

The contributions made to your Plan will be held and invested by the Trustee of your Plan.

Your Plan and Trust will be governed by the laws of the State of Maryland.

2. Employer Information

Your Employer's name, address and identification number are:

Worcester County Government
Government Center, One West Market Street, Room 1301
Snow Hill, Maryland 21863-1213
52-0748809

3. Plan Administrator Information

The name, address and business telephone number of your Plan's Administrator are:

Human Resource Director
Government Center, One West Market Street, Room 1301
Snow Hill, Maryland 21863-1213
410-632-0090

Your Plan's Administrator keeps the records for the Plan and is responsible for the administration of the Plan. The Administrator has discretionary authority to construe the terms

of the Plan and make determinations on questions which may affect your eligibility for benefits. Your Plan's Administrator will also answer any questions you may have about your Plan.

4. Plan Trustee Information

The names of your Plan's Trustees are:

John Bloxom, President
James Purnell, Vice President
Jeanne Lynch, Commissioner
Virgil Shockley, Commissioner
Louise Gulyus, Commissioner

*To be
revised*

The Trustees shall collectively be referred to as Trustee throughout this Summary Plan Description.

The principal place of business of your Plan's Trustee is:

Government Center, One West Street, Room 1103
Snow Hill, Maryland 21863

Your Plan's Trustee has been designated to hold and invest Plan assets for the benefit of you and other Plan participants. The trust fund established by the Plan's Trustee will be the funding medium used for the accumulation of assets from which benefits will be distributed.

5. Service of Legal Process

The name and address of your Plan's agent for service of legal process are:

Trustees of Worcester County Supplemental Pension Plan
Government Center, One West Market Street, Room 1103
Snow Hill, MD 21863

Service of legal process may also be made upon the Administrator.

III
PARTICIPATION IN YOUR PLAN

Before you become a member or a "participant" in the Plan, there are certain eligibility and participation rules which you must meet. These rules are explained in this section.

1. Eligibility Requirements

You will be eligible to participate in the Plan if you have completed one (1) Year of Service and have attained age has attained age twenty one and participating Employee Mandatory Contributions.

You should review the Article in this Summary entitled "SERVICE RULES" for a further explanation of these eligibility requirements.

2. Participation Requirements

Once you have satisfied your Plan's eligibility requirements, your next step will be to actually become a member or a "participant" in the Plan. You will become a participant on a specified day of the Plan Year. This day is called the Effective Date of Participation.

You will become a participant on the earlier of the first day of the Plan Year or the first day of the seventh month of the Plan Year coinciding with or next following the date you satisfy your Plan's eligibility requirements.

3. Mandatory Employee Contributions

In order to participate, you must agree to contribute 4% of your compensation.

You are always fully vested in your accumulated employee contributions benefit (your share of Accrued Benefits) derived from your mandatory contributions.

Your employee mandatory contributions will be deducted from your pay in accordance with the written procedure established by the Employer.

You may wish to stop making contributions while still employed with your Employer. You may do so by notifying the Employer at least 10 days before the end of a pay period that you wish to suspend your savings deposits.

If you stop making contributions, you may start again at any time in accordance with the procedures established by the Employer.

Withdrawals from your accumulated employee contributions benefit are not permitted prior to termination of employment with your Employer.

IV FUNDING YOUR PLAN

1. Funding of Benefits

Each year your Employer will be required to contribute an amount to the Plan which is actuarially determined. The amount of the contribution may vary from year to year, depending on, for example, participant turnover, benefit payments, and investment gains or losses of the trust fund. The law requires that an independent professional, called an "enrolled actuary," certify that the Employer is meeting minimum funding requirements. If an

Employer fails to meet minimum funding requirements, it can be subject to penalties.

V
CALCULATION OF BENEFITS UNDER YOUR PLAN

1. Compensation

For the purposes of the Plan, compensation has a special meaning. Compensation is defined as your total compensation that is subject to income tax, that is, all of your compensation paid to you by your Employer during a Plan Year.

The Plan, by law, cannot recognize compensation in excess of \$170,000. This amount will be adjusted in future years for cost of living increases. For any short Plan Year, the adjusted limit will be prorated based upon the number of full months in the short Plan Year.

2. Average Monthly Compensation

Your Normal Retirement Benefit is based on average monthly compensation.

"Average Monthly Compensation" means your compensation converted to a monthly amount and then averaged over the final Five consecutive Plan Years from your date of participation to your date of termination. If you have less than Five consecutive Plan Years of service from your date of participation to your date of termination, your Average Monthly Compensation will be based on your monthly compensation from your date of participation to your date of termination.

3. Retirement Benefit Formula

At your Normal Retirement Date, you will be entitled to a monthly benefit which is called your "Normal Retirement Benefit." This benefit will be equal to your Accrued Benefit which is explained in the Section of this Article entitled "ACCRUED BENEFITS." Your Accrued Benefit will be determined based on a retirement benefit formula equal to 38% of your Average Monthly Compensation, computed to the nearest cent.

4. Adjustments to Your Normal Retirement Benefit

You should be aware that the law imposes certain limits on the amount of the benefit that can be provided for you. These limits are extremely complex but generally the benefit paid to you at retirement may not exceed the lesser of 100% of your average monthly compensation or \$7,500 per month. The Administrator will inform you if these limits affect your benefit.

5. Accrued Benefits

Your Accrued Benefit is that portion of the retirement benefit formula you have earned as of a particular date. It equals the retirement benefit formula multiplied by your accrual fraction.

Your accrual fraction (which may not be greater than one (1)) equals your Years of Service completed as of the date of computation divided by your Years of Service you would have if you remain employed until your Normal Retirement Age. You will earn a Year of Service for each Plan Year, including years prior to the Effective Date of the Plan, during which you completed 1000 Hours of Service.

In addition to the calculations set forth above, your Accrued Benefit will be subject to the following rules and limitations:

(a) If you are still employed after reaching your Normal Retirement Age, you will continue to accrue benefits based upon your service and Average Monthly Compensation determined at the close of any Plan Year coinciding with or following your Normal Retirement Age.

(b) If you return to employment following a separation from service and a distribution of your Accrued Benefit has been made, you may restore your Accrued Benefit provided you repay such distribution with interest prior to the earlier of five (5) years after your date of reemployment or the close of your first period of five (5) consecutive 1-Year Breaks in Service commencing after the distribution. Otherwise, your Accrued Benefit will be reduced by the actuarial equivalent of your Accrued Benefit distributed to you. Your Administrator will advise you of the amount to be repaid, including interest.

(c) Your Accrued Benefit is derived from your Employer contributions and your mandatory contributions. You must contribute 4% of your compensation during the Plan Year, otherwise, you will not accrue a benefit for such year.

(d) When the Plan Year is a short year, the number of the Hours of Service required will be proportionately reduced based on the number of full months in the short Plan Year.

(e) Your Accrued Benefit will not be less than the minimum Accrued Benefit, if any, provided in the Article in this Summary entitled "Your Plan's Top Heavy Rules."

VI
BENEFITS UNDER YOUR PLAN

1. Normal Retirement

Your Normal Retirement Date is the first day of the month coinciding with or next following your Normal Retirement Age.

You will attain your Normal Retirement Age when you reach your 65 birthday.

At your Normal Retirement Age, you will be entitled to receive your Normal Retirement Benefit. Payment of your benefits will, at your election, begin as soon as practicable following your Normal Retirement Date. If you continue working after your Normal Retirement Age, you may defer receipt of your benefits until your Late Retirement Date. However, if you are a 5% owner, payment cannot be deferred past April 1st following the end of the year in which you attain age 70 1/2. (See the Section in this Article entitled "Benefit Payment Options.")

2. Early Retirement

Your Early Retirement Date is the first day of the month following the date you have attained age 55 and completed 10 Years of Service with your Employer. You will have completed a Year of Service if you are credited with 1000 Hours of Service during a Plan Year, even if you were not employed on the first or last day of the Plan Year. You may elect to retire when you reach your Early Retirement Date.

If you retire on your Early Retirement Date, you will be entitled to receive your Accrued Benefit which will be paid at your Normal Retirement Date, unless you elect to receive it earlier.

Your Early Retirement Benefit payable at your Early Retirement Date will be equal to the greater of your Accrued Benefit reduced by 1/15th for each of the first five (5) years and then 1/30th for each of the next five (5) years and reduced actuarially for each additional year thereafter that your Early Retirement Date precedes your Normal Retirement Date, or the actuarial equivalent of your Accrued Benefit payable at your Normal Retirement Date if such benefit is distributed in a form other than a nondecreasing life annuity payable for a period not less than your life expectancy.

Payment of your Early Retirement benefits will begin as soon as practicable following the date you elected to receive payment. However, if the value of your vested benefit is less than a certain dollar threshold, a distribution will be made to you within a reasonable time after you terminate employment. (See the Section in this Article entitled "Benefit Payment Options.")

3. Late Retirement

You may remain employed past your Plan's Normal Retirement Date and retire instead on your Late Retirement Date. Your Late Retirement Date is the first day of the month coinciding with or next following the date you choose to retire after first having reached your Normal Retirement Date. On your Late Retirement Date, you will be entitled to 100% of your Accrued Benefit. Actual benefit payments will begin as soon as practicable following your Late Retirement Date.

The benefit you will receive at your Late Retirement Date generally takes into account the requirement that you continue to earn or "accrue" benefits past your Normal Retirement Age. The calculation of your Late Retirement Benefit is based on complex IRS Regulations which would generally provide, for each Plan Year past Normal Retirement Age, a Late Retirement Benefit equal to the greater of the following:

(a) the retirement benefit you have actually earned or "accrued" as of the end of the Plan Year in which you actually retire, or

(b) the actuarial equivalent of the benefit you were entitled to as of the close of the Plan Year immediately preceding your actual retirement date.

There are other laws that may require the Plan to begin distributions to you while you are still employed. If distributions are made to you before you actually retire, your Late Retirement Benefit will be adjusted for these distributions.

4. Death

Your beneficiary will receive benefits payable upon your death which are subject to certain limitations imposed by law. Death benefits will be equal to the actuarial equivalent of the "minimum spouse's death benefit." This means that no death benefits will be provided if you are not married at the time of your death. The "minimum spouse's death benefit" is explained in greater detail in the Article entitled "DEATH BENEFITS" in your Plan.

If you are married at the time of your death, your spouse will be the beneficiary of the death benefit, unless you otherwise elect in writing on a form to be furnished to you by the Administrator. IF YOU WISH TO DESIGNATE A BENEFICIARY OTHER THAN YOUR SPOUSE, HOWEVER, YOUR SPOUSE MUST IRREVOCABLY CONSENT TO WAIVE ANY RIGHT TO THE SPOUSE'S DEATH BENEFIT. YOUR SPOUSE'S CONSENT MUST BE IN WRITING, BE WITNESSED BY A NOTARY OR A PLAN REPRESENTATIVE AND ACKNOWLEDGE THE SPECIFIC NONSPOUSE BENEFICIARY.

If no valid waiver is in effect, the death benefit payable to your spouse will be in the form of a survivor annuity, that is, periodic payments over the life of your spouse. Your spouse may direct that payments begin immediately after your death. The size of the monthly payments will depend on the value of your

death benefit at the time of your death. Your death benefit may be distributed in an alternative method, such as a single lump sum or in installments, provided your spouse consents in writing to this alternative form.

Generally, the period during which you and your spouse may waive this survivor annuity begins as of the first day of the Plan Year in which you reach age 35 and ends when you die. The Administrator must provide you with a detailed explanation of the survivor annuity. This explanation must be given to you during the period of time beginning on the first day of the Plan Year in which you will reach age 32 and ending on the first day of the Plan Year in which you reach age 35.

It is, therefore, important that you inform the Administrator when you reach age 32 so that you may receive this information.

If, however, your spouse has validly waived any right to the death benefit in the manner outlined above then your death benefit will be paid to the beneficiary of your own choosing in an alternative method, such as a single lump sum or in installments. You may designate the beneficiary on a form to be supplied to you by the Administrator. If you change your designation, your spouse must again consent to the change.

The payment of your death benefit may be paid in one of the following alternative forms:

- (a) a single lump-sum payment in cash.
- (b) equal monthly, quarterly, semi-annual, or annual cash installments over a period to be determined by you or your beneficiary.
- (c) a monthly pension payable over your beneficiary's life (straight life annuity).
- (d) a reduced monthly pension payable over your designated beneficiary's life with a guarantee that your designated beneficiary and his beneficiary together will receive a total of at least 120 monthly payments.

Under a special rule, you and your spouse may waive the survivor annuity form of payment any time before you turn age 35. However, any waiver will become invalid at the beginning of the Plan Year in which you turn age 35, and you and your spouse will be required to make another waiver.

If your designated beneficiary is a person (rather than your estate or most trusts) then minimum distributions of your death benefit must generally begin within one year of your death and must be paid over a period not extending beyond your beneficiary's life expectancy. If your spouse is the beneficiary, the start of payments may be delayed until the year in which you would have attained age 70 1/2. Generally, if your beneficiary is

not a person, then your entire death benefit must be paid within five years after your death.

Since your spouse participates in these elections and has certain rights in the death benefit, you should immediately report any change in your marital status to the Administrator.

5. Disability

Under your Plan, disability is defined as a physical or mental condition resulting from bodily injury, disease, or mental disorder which renders you incapable of continuing your usual and customary employment with your Employer. Your disability will be determined by a licensed physician chosen by the Administrator.

If you become totally and permanently disabled in accordance with the terms of the Plan while you are a participant in the Plan and your condition continues for a period of six months, you will receive a disability benefit equal to your Early Retirement Benefit.

Payment of your disability benefits will be made to you as if you had retired. However, if the value of your vested benefit is less than a certain dollar threshold, a distribution will be made to you within a reasonable time after you terminate employment. (See the Section in this Article entitled "Benefit Payment Options.")

6. Termination of Employment

Your Plan is designed to encourage you to stay with your Employer until retirement. Payment of your Accrued Benefit under your Plan is available upon your death, disability or retirement.

If your employment terminates for reasons other than those listed above, you will be entitled to receive only your "vested percentage" of your Accrued Benefit and the remainder of your Accrued Benefit will be forfeited.

If you so elect, the Administrator will direct the Trustee after your termination to distribute the present value of your vested Accrued Benefit to you before the date it would normally be distributed. However, if the value of your vested benefit is less than a certain dollar threshold, a distribution will be made to you within a reasonable time after you terminate employment. (See the Section in this Article entitled "Benefit Payment Options.")

7. Vesting in Your Plan

Your "vested percentage" in your Accrued Benefit attributable to Employer contributions is determined under the following schedule and is based on vesting Years of Service. You will always, however, be 100% vested upon your Early or Normal Retirement Date. (See the Section in this Article entitled "Normal Retirement.")

Vesting Schedule	
Years of Service	Percentage
Less than 5	0 %
5	100 %

Your vested percentage will not be less than your vested percentage under the Plan before this amendment and restatement.

Years of Service prior to April 1, 1968, which is the Effective Date of your Plan, will not be counted for vesting purposes.

If you have completed 3 Years of Service with your Employer as of the expiration of the election period, you may elect to have your "vested percentage" determined under the pre-amendment vesting schedule. Your election period will commence on the adoption date of this amendment and will end 60 days after the later of (a) the adoption date of this amendment, (b) the effective date of this amendment, or (c) the date you receive written notice of this amendment from the Employer or Administrator. This election should be made on a form provided by the Employer. The pre-amendment vesting schedule is as follows:

Pre-Amendment Vesting Schedule	
Years of Service	Percentage
less than 5	0 %
5	25 %
6	30 %
7	35 %
8	40 %
9	45 %
10	50 %
11	60 %
12	70 %

8. Benefit Payment Options

There are various methods by which benefits may be distributed to you from your Plan. The method depends on your marital status, as well as the elections you and your spouse make. All methods of distribution, however, have equivalent values. The rules under this Section apply to all distributions you will receive from the Plan, whether by reason of retirement, termination, or any other event which may result in a distribution of benefits.

If you are married on the date your benefits are to begin, you will automatically receive a joint and 50% survivor annuity, unless you otherwise elect. This means that if you die and are survived by a spouse, your spouse will receive a monthly benefit for the remainder of his life equal to 50% of the monthly benefit you were receiving at the time of your death. It should be noted

that a joint and survivor annuity may provide a lower monthly benefit than other forms of payment. You should find out the differences before making such election.

If you are not married on the date your benefits are to begin, you will automatically receive a life annuity, which means you will receive payments for as long as you live.

You may, however, elect to waive these forms of payment, subject to the following rules.

When you are about to receive any distribution, the Administrator will explain the joint and survivor annuity or the life annuity to you in greater detail. You will be given the option of waiving the joint and survivor annuity or the life annuity form of payment during the 90 day period before the annuity is to begin. IF YOU ARE MARRIED, YOUR SPOUSE MUST IRREVOCABLY CONSENT IN WRITING TO THE WAIVER IN THE PRESENCE OF A NOTARY OR A PLAN REPRESENTATIVE. You may revoke any waiver. The Administrator will provide you with forms to make these elections. Since your spouse participates in these elections, you must immediately inform the Administrator of any change in your marital status.

If you and your spouse elect not to take a joint and survivor annuity or if you are not married when your benefits are scheduled to begin and have elected not to take a life annuity, you may elect to receive your benefits in one of the following methods:

- (a) a single lump-sum payment in cash.
- (b) installments over a period of not more than your assumed life expectancy (or your and your beneficiary's assumed life expectancies) determined at the time of distribution.
- (c) a monthly pension payable over your life.
- (d) a reduced monthly pension payable over your life with a guarantee that you and your designated beneficiary together will receive a total of at least 120 monthly payments.
- (e) a reduced monthly pension payable over your life and upon your death, a monthly amount equal to 50% of the amount payable during your life will be paid to your designated beneficiary (50% joint and survivor annuity).
- (f) a reduced monthly pension payable over your life and upon your death, a monthly amount equal to 100% of the amount payable during your life will be paid to your designated beneficiary (100% joint and survivor annuity).

If your vested benefit under the Plan does not exceed \$5,000 (\$3,500 for Plan Years beginning prior to July 1, 2002) at the

time of any prior distribution, the Administrator will direct the Trustee to distribute your vested benefit to you (regardless of whether you obtain spousal consent) if the distribution occurs prior to the later of your age 62 or Normal Retirement Age.

If your vested benefit under the Plan exceeds \$5,000 (\$3,500 for Plan Years beginning prior to July 1, 2002), you (and your spouse, if you are married) must give written consent before the distribution may be made. Also, if you want the distribution to be in a form other than an annuity payment, you (and your spouse, if you are married) must first waive the annuity form of payment.

In addition to the benefit payment mentioned above, there are rules which require that certain minimum distributions be made from the Plan. If you are a 5% owner, distributions are required to begin not later than the April 1st following the end of the year in which you reach age 70 1/2. If you are not a 5% owner, distributions are required to begin not later than the later of the April 1st following the end of the year in which you reach age 70 1/2 or retire. You should see the Administrator if you feel you may be affected by these rules.

9. Treatment of Distributions From Your Plan

Whenever you receive a distribution from your Plan, it will normally be subject to income taxes. You may, however, reduce, or defer entirely, the tax due on your distribution through use of one of the following methods:

(a) The rollover of all or a portion of the distribution to an Individual Retirement Account (IRA) or another qualified employer plan. This will result in no tax being due until you begin withdrawing funds from the IRA or other qualified employer plan. The rollover of the distribution, however, MUST be made within strict time frames (normally, within 60 days after you receive your distribution). Under certain circumstances all or a portion of a distribution may not qualify for this rollover treatment. In addition, most distributions will be subject to mandatory federal income tax withholding at a rate of 20%. This will reduce the amount you actually receive. For this reason, if you wish to rollover all or a portion of your distribution amount, the direct transfer option described in paragraph (b) below would be the better choice.

(b) You may request for most distributions that a direct transfer of all or a portion of your distribution amount be made to either an Individual Retirement Account (IRA) or another qualified employer plan willing to accept the transfer. A direct transfer will result in no tax being due until you withdraw funds from the IRA or other qualified employer plan. Like the rollover, under certain circumstances all or a portion of the amount to be distributed may not qualify for this direct transfer, e.g., a distribution of less than \$500 will not be eligible for a direct transfer. If you elect to actually receive the

distribution rather than request a direct transfer, then in most cases 20% of the distribution amount will be withheld for federal income tax purposes. If you decide to directly transfer all or a portion of your distribution amount, you (and your spouse, if you are married) must first waive the annuity form of payment. (See the Section in this Article entitled "Benefit Payment Options" for a further explanation of this waiver requirement.)

(c) The election of favorable income tax treatment under "10-year forward averaging" or, if you qualify, "capital gains" method of taxation.

WHENEVER YOU RECEIVE A DISTRIBUTION, THE ADMINISTRATOR WILL DELIVER TO YOU A MORE DETAILED EXPLANATION OF THESE OPTIONS. HOWEVER, THE RULES WHICH DETERMINE WHETHER YOU QUALIFY FOR FAVORABLE TAX TREATMENT ARE VERY COMPLEX. YOU SHOULD CONSULT WITH QUALIFIED TAX COUNSEL BEFORE MAKING A CHOICE.

10. Domestic Relations Order

As a general rule, your interest in your Accrued Benefit, including your "vested interest," may not be alienated. This means that your interest may not be sold, used as collateral for a loan, given away or otherwise transferred. In addition, your creditors may not attach, garnish or otherwise interfere with your Accrued Benefit.

There are two exceptions to this general rule. The Administrator must honor a "qualified domestic relations order." A "qualified domestic relations order" is defined as a decree or order issued by a court that obligates you to pay child support or alimony, or otherwise allocates a portion of your assets in the Plan to your spouse, former spouse, child or other dependent. If a qualified domestic relations order is received by the Administrator, all or a portion of your benefits may be used to satisfy the obligation. The Administrator will determine the validity of any domestic relations order received. You and your beneficiaries can obtain, without charge, a copy of the QUALIFIED DOMESTIC RELATIONS ORDER PROCEDURE from the Administrator.

The second exception applies if you are involved with the Plan's administration. If you are found liable for any action that adversely affects the Plan, the Administrator can offset your benefits by the amount you are ordered or required by a court to pay the Plan. All or a portion of your benefits may be used to satisfy any such obligation to the Plan.

VII
SERVICE RULES

1. Year of Service

The term "Year of Service" is used in this Summary Plan Description and in your Plan. A Year of Service for eligibility purposes is defined as follows:

You will have completed a Year of Service for each twelve consecutive months of employment with your Employer if you have been credited with 1000 Hours of Service during such twelve consecutive month period. A twelve consecutive month period will be measured from the date on which you first complete an Hour of Service and anniversaries thereof.

You will have completed a Year of Service for vesting purposes if you are credited with 1000 Hours of Service during a Plan Year, even if you were not employed on the first or last day of the Plan Year.

For purposes of determining whether you have completed a Year of Service where the computation period is based upon a short Plan Year, your Administrator will notify you of the number of the Hours of Service that are required and the method of calculating a Year of Service.

2. Hour of Service

You will be credited with an Hour of Service for purposes of eligibility for participation, vesting and benefit accrual for:

(a) each hour for which you are directly or indirectly compensated by your Employer for the performance of duties during the Plan Year;

(b) each hour for which you are directly or indirectly compensated by your Employer for reasons other than performance of duties (such as vacation, holidays, sickness, disability, lay-off, military duty, jury duty or leave of absence during the Plan Year); and

(c) each hour for back pay awarded or agreed to by your Employer.

You will not be credited for the same Hours of Service both under (a) or (b), as the case may be, and under (c).

3. 1-Year Break in Service

A 1-Year Break in Service for purposes of eligibility for participation and vesting is a computation period during which you have not completed more than 500 Hours of Service with your Employer.

A 1-Year Break in Service does NOT occur, however, in the computation period in which you enter or leave the Plan for reasons of:

- (a) an authorized leave of absence;
- (b) certain maternity or paternity absences.

The Administrator will be required to credit you with Hours of Service for a maternity or paternity absence. These are absences taken on account of pregnancy, birth, or adoption of your child. No more than 501 Hours of Service shall be credited for this purpose and these Hours of Service shall be credited solely to avoid your incurring a 1-Year Break in Service. The Administrator may require you to furnish proof that your absence qualifies as a maternity or paternity absence.

4. Uniformed Services Employment and Reemployment Rights Act

If you are a veteran and are reemployed under the Uniformed Services Employment and Reemployment Rights Act of 1994, your qualified military service may be considered service with the Employer. If you may be affected by this law, ask your Administrator for further details.

VIII YOUR PLAN'S "TOP HEAVY RULES"

1. Explanation of "Top Heavy Rules"

A Defined Benefit Plan that primarily benefits "key employees" is called a "top heavy plan." Key employees are certain owners or officers of your Employer. A plan is a "top heavy plan" if the sum of the present value of Accrued Benefits for key employees is more than 60% of the sum of the present value of Accrued Benefits for all employees.

Each year, the Administrator is responsible for determining whether your Plan is a "top heavy plan."

If your Plan becomes top heavy in any Plan Year, then non-key and key employees will be entitled to certain "top heavy minimum benefits," and other special rules will apply. Among these top heavy rules are the following:

- (a) If your Accrued Benefit is less than the "top heavy minimum benefits," you may be entitled to at least the "top heavy minimum benefits."

- (b) Instead of the vesting schedule outlined in the Article and Section in this Summary entitled "BENEFITS UNDER YOUR PLAN: Vesting in Your Plan," your nonforfeitable right to benefits derived from Employer contributions will be determined according to the following schedule:

Vesting Schedule
Years of Service Percentage

Less than 2	0 %
2	20 %
3	40 %
4	60 %
5	80 %
6	100 %

(c) If you are a participant in more than one Plan, you may not be entitled to "top heavy minimum benefits" under both Plans.

IX
CLAIMS BY PARTICIPANTS AND BENEFICIARIES

Benefits will be paid to participants and their beneficiaries without the necessity of formal claims. You or your beneficiaries, however, may make a request for any Plan benefits to which you may be entitled. Any such request must be made in writing, and it should be made to the Administrator. (See the Article in this Summary entitled "GENERAL INFORMATION ABOUT YOUR PLAN.")

Your request for Plan benefits shall be considered a claim for Plan benefits, and it will be subject to a full and fair review. If your claim is wholly or partially denied, the Administrator will furnish you with a written notice of this denial. This written notice must be provided to you within a reasonable period of time (generally 90 days) after the receipt of your claim by the Administrator. The written notice must contain the following information:

- (a) the specific reason or reasons for the denial;
- (b) specific reference to those Plan provisions on which the denial is based;
- (c) a description of any additional information or material necessary to correct your claim and an explanation of why such material or information is necessary; and
- (d) appropriate information as to the steps to be taken if you or your beneficiary wishes to submit your claim for review.

If notice of the denial of a claim is not furnished to you in accordance with the above within a reasonable period of time, your claim will be deemed denied. You will then be permitted to proceed to the review stage described in the following paragraphs.

If your claim has been denied or deemed denied, and you want to submit your claim for review, you must follow the Claims Review Procedure.

1. The Claims Review Procedure

(a) Upon the denial of your claim for benefits, you may file your claim for review, in writing, with the Administrator.

(b) YOU MUST FILE THE CLAIM FOR REVIEW NO LATER THAN 60 DAYS AFTER YOU HAVE RECEIVED WRITTEN NOTIFICATION OF THE DENIAL OF YOUR CLAIM FOR BENEFITS, OR IF NO WRITTEN DENIAL OF YOUR CLAIM WAS PROVIDED, NO LATER THAN 60 DAYS AFTER THE DEEMED DENIAL OF YOUR CLAIM.

(c) You may review all pertinent documents relating to the denial of your claim and submit any issues and comments, in writing, to the Administrator.

(d) Your claim for review must be given a full and fair review. If your claim is denied, the Administrator must provide you with written notice of this denial within 60 days after the Administrator's receipt of your written claim for review. There may be times when this 60 day period may be extended. This extension may only be made, however, where there are special circumstances which are communicated to you in writing within the 60 day period. If there is an extension, a decision shall be made as soon as possible, but not later than 120 days after receipt by the Administrator of your claim for review.

(e) The Administrator's decision on your claim for review will be communicated to you in writing and will include specific references to the pertinent Plan provisions on which the decision was based.

(f) If the Administrator's decision on review is not furnished to you within the time limitations described above, your claim will be deemed denied on review.

(g) If benefits are provided or administered by an insurance company, insurance service, or other similar organization which is subject to regulation under the insurance laws, the claims procedure relating to these benefits may provide for review. If so, that company, service, or organization will be the entity to which claims are addressed. If you have any questions regarding the proper person or entity to address claims, you should ask the Administrator.

X
STATEMENT OF ERISA RIGHTS

1. Explanation of Your ERISA Rights

As a participant in this Plan you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974, also called ERISA. ERISA provides that all

Plan participants are entitled to:

(a) Examine, without charge, at the Administrator's office and at other specified locations, all documents governing the Plan, including insurance contracts and collective bargaining agreements, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Pension and Welfare Benefit Administration.

(b) Obtain, upon written request to the Administrator, copies of documents governing the operation of the Plan, including insurance contracts and collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The Administrator may make a reasonable charge for the copies.

(c) Receive a summary of the Plan's annual financial report. The Administrator is required by law to furnish each participant with a copy of this summary annual report.

(d) Obtain a statement telling you whether you have a right to receive a pension at Normal Retirement Age and, if so, what your benefits would be at Normal Retirement Age if you stop working under the Plan now. If you do not have a right to a pension benefit, the statement will tell you how many years you have to work to get a right to a pension benefit. THIS STATEMENT MUST BE REQUESTED IN WRITING AND IS NOT REQUIRED TO BE GIVEN MORE THAN ONCE EVERY TWELVE (12) MONTHS. The Plan must provide the statement free of charge.

In addition to creating rights for Plan participants, ERISA imposes duties upon the people who are responsible for the operation of the Plan. The people who operate your Plan, called "fiduciaries" of the Plan, have a duty to do so prudently and in the interest of you and other Plan participants and beneficiaries. No one, including your employer or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a pension benefit or exercising your rights under ERISA.

If your claim for a pension benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA, there are steps you can take to enforce the above rights. For instance, if you request materials from the Plan and do not receive them within 30 days, you may file suit in a federal court. In such a case, the court may require the Administrator to provide the materials and pay you up to \$110.00 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Administrator.

If you have a claim for benefits which is denied or ignored, in whole or in part, you may file suit in a state or Federal court. In addition, if you disagree with the Plan's decision or lack thereof concerning the qualified status of a domestic relations order or a medical child support order, you may file suit in Federal court.

If it should happen that the Plan's fiduciaries misuse the Plan's money, or if you are discriminated against for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a Federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees if, for example, it finds your claim is frivolous.

If you have any questions about the Plan, you should contact the Administrator. If you have any questions about this statement or about your rights under ERISA, or if you need assistance in obtaining documents from the Administrator, you should contact the nearest office of the Pension and Welfare Benefits Administration, U.S. Department of Labor, listed in the telephone directory or the Division of Technical Assistance and Inquiries, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Pension and Welfare Benefits Administration.

XI

AMENDMENT AND TERMINATION OF YOUR PLAN

1. Amendment

Your Employer has the right to amend your Plan at any time. In no event, however, will any amendment:

(a) authorize or permit any part of the Plan assets to be used for purposes other than the exclusive benefit of participants or their beneficiaries; or

(b) cause any reduction in your Accrued Benefit.

2. Termination

Your Employer has the right to terminate the Plan. Upon termination, you will become 100% vested in your Accrued Benefit (to the extent funded as of such date of termination). Your Employer may direct that either:

(a) benefits be distributed to you in any manner permitted by the Plan as soon as practicable; or

(b) the Trust created by the Plan be continued and benefits be distributed to you or your beneficiaries as if the Plan had not terminated. (See the Article in this Summary entitled, "BENEFITS UNDER YOUR PLAN.")

3. Priorities Upon Termination

Upon termination of the Plan, the assets of the trust shall be "allocated" or divided among participants and beneficiaries in accordance with the following priorities:

(a) to provide benefits to former participants who have retired under the Plan prior to its termination.

(b) to provide benefits to participants who have reached the Plan's Normal Retirement Date but have not retired on the date of termination.

(c) to provide benefits to participants who have not reached Normal Retirement Date, in the order that each participant will attain his Normal Retirement Date. The benefit will be based on your Accrued Benefit at the time of termination.

Any excess funds will be reallocated to all participants as specified in the Plan. Excess funds credited from your mandatory contributions will be returned to you.

XII BENEFITS INSURED BY PBGC

1. Explanation of PBGC Insurance

Benefits provided under this Plan are not insured by the Pension Benefit Guaranty Corporation (PBGC) because the insurance provisions of ERISA are not applicable to this Plan.

TEL: 410-632-3110
FAX: 410-632-3158
E-MAIL: tourism@co.worcester.md.us

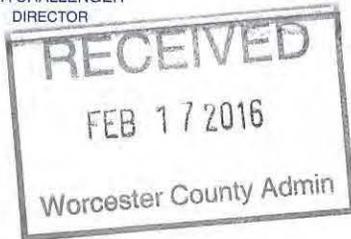


DEPARTMENT OF
TOURISM

Worcester County

104 WEST MARKET STREET
SNOW HILL, MARYLAND
21863

LISA CHALLENGER
DIRECTOR



February 16, 2016

To: Harold Higgins, CAO

From: Lisa Challenger, Director *LC*
Worcester County Tourism

Re: Maryland Tourism Development Board (MTDB)
FY '16 County Cooperative Marketing Grant

Attached are copies of the MTDB Marketing Grant Agreement. Our award for FY '16 is \$140,127.

Each year Worcester County Tourism receives a grant from the state for advertising and marketing for the County. The grant is based on a formula that takes into consideration the level of county advertising expenditures and the performance of tourism tax revenues. We spend almost 100% of the grant on advertising in print, on-line and TV and cable, both in and out of the market.

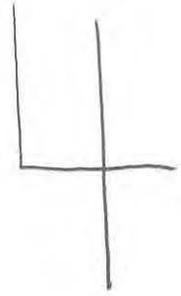
The grant amount varies each year due to the level of the state grant pool and depending on levels of advertising expenditures in all other counties in Maryland.

In order to access the grant funds, please sign all three (3) copies of the attached grant and return to me. The grant agreement must be signed and returned to the MD Office of Tourism by March 31, 2016.

Thank you.

LC:dk

Attachments



Copy: Kathy Whited ✓
Kim Watts ✓
Phil Thornton ✓

MARYLAND DEPARTMENT OF COMMERCE
MARYLAND TOURISM DEVELOPMENT BOARD

FY 2016 DESTINATION MARKETING ORGANIZATION
GRANT AGREEMENT

THIS GRANT AGREEMENT ("Agreement") is made between the Department of Commerce ("Commerce" or the "Department"), a principal department of the State of Maryland (the "State"), acting through the Maryland Tourism Development Board ("MTDB"), an agency of the Department, the County Commissioners of Worcester County Maryland ("Grantee") whose Federal Identification Number is 52-6001064.

RECITALS

A. Grantee has requested grant assistance from MTDB in order to undertake activities consistent with Section 4-202 of the Economic Development Article of the Maryland Code, which establishes as MTDB's mission: "To guide, stimulate, and promote the coordinated, efficient, and beneficial development of travel and tourism in the State so that the State can derive the economic, social, and cultural benefits of travel and tourism to the fullest extent possible."

B. Consistent with Sections 4-212, 4-213 and 4-214 of the Economic Development Article of the Maryland Code, which require MTDB to: develop an annual marketing plan; encourage, assist, and coordinate the tourism activities of local and regional promotional organizations; and spend funds for the assistance and development of tourism and travel industries in the State, MTDB has developed a policy to support financially those political subdivisions that have presented viable marketing plans that are consistent with the State's annual tourism marketing plan. Section 4-214 further provides that the MTDB "shall set policies for spending money on tourism advertising, written and graphic materials, cooperative and matching promotional programs, and other tourism and travel developmental and promotional activities for the State; spend money of the Fund to plan, advertise, promote, assist, and develop the tourism and travel industries in the State; and beginning in Fiscal Year 2011, provide grants of not less than \$2,500,000 in total each fiscal year to destination marketing organizations for the purpose of attracting visitors to the State."

C. MTDB has approved the award of funding assistance to Grantee, to be expended by Grantee in accordance with this Agreement and the MTDB FY 2016 County Cooperative Grant Guidelines, attached hereto and incorporated herein as Exhibit A.

THEREFORE, IN CONSIDERATION of the foregoing and the mutual promises and covenants contained in this Agreement, MTDB and Grantee agree as follows:

1. Grant. MTDB agrees to provide Grantee with funds in an amount not to exceed One Hundred Forty Thousand One Hundred Twenty Seven Dollars (\$140,127) (the "Grant" or "Grant Funds"), subject to the availability of funds for such purpose.

a) Grant Formula: MTDB has awarded the Grant based on Grantee's FY 2015 Allowable Expenditures, 6.80% growth of FY 2015 Allowable Expenditures over same expenditures in FY 2014, 0.65% growth of FY 2015 Comptroller-determined lodging tax revenues over same tax revenues collected in FY 2014 and on the estimated impact of international visitation on their jurisdiction.

b) Grant Term: The Agreement is in effect from January 1, 2016 to December 31, 2016.

2. Purpose. Grantee may use the Grant only for the purposes and in the manner set forth in its FY 2016 Destination Marketing Organization Grant Marketing Plan, attached hereto and incorporated herein as Exhibit B. The amount of \$1236.00 of the Grant Funds shall be spent in support of the Tourism Economic Impact Report for the State of Maryland and Maryland's DMO's.

3. Guidelines. Execution of this Agreement by Grantee shall bind Grantee to all terms and conditions set forth in Exhibit A.

4. Disbursement.

a) Most Allowable Expenditures will be reimbursed at a rate of 50%; however, OTD will reimburse Grantee at a rate of 100% for using OTD-developed advertising creative; participation in OTD-developed Cooperative Advertising placements; Advertising placed in high-value geographic markets; participation in the Tourism Economic Impact Report for the State of Maryland and Maryland's DMO's Research Program; participation in the Maryland Sports Team Maryland Program and financial support for some of the projects associated with Capital Region USA, Brand USA, Maryland Civil War Trails, the Star-Spangled /War of 1812 Experience, Harriet Tubman/Underground Railroad, Maryland Scenic Byways, Culinary and Outdoor Recreation; and, media cost to purchase ad space in OTD publications such as Destination Maryland Guide, Maryland Scenic Byways Guidebook, etc., and on OTD web products, editorial, online Calendar of Events, etc., and delegate registration for USTA's

Annual Educational Seminar for Tourism Organizations (ESTO), DMAI's Annual Convention and Maryland Tourism Council's annual Maryland Travel and Tourism Summit.

b) Grantee must submit all reimbursement requests no later than January 10, 2017. Disbursements of Grant Funds are subject to the continuing availability of funds for such purpose, the State's fiscal position, the Department's financial resources, and compliance with all applicable laws. The Department may, at any time, assess the State's fiscal position and the Department's financial resources and reduce the amount of undisbursed Grant funds.

5. Notices. All notices, requests, and consents made pursuant to this Agreement must be in writing or via email. Any communication is effective when mailed, first-class postage prepaid, as follows:

a) Submit Grant Agreement, FY 2016 Destination Marketing Organization Grant Marketing Plan and Application Affidavit (when applicable) to :

Liz Fitzsimmons, Executive Director
Maryland Tourism Development Board
Office of Tourism Development
401 E. Pratt Street, 14th Floor
Baltimore, MD 21202

b) Submit Reimbursement Requests, Proof of Performance, copies of Advertising Creative Approval Requests and any other applicable correspondence to:

Ms. Marci Wolff Ross, Assistant Director for Tourism Development
Maryland Office of Tourism Development
401 East Pratt Street, 14th Floor
Baltimore, MD 21202
TEL: 410.767.6286
EMAIL: mross@visitmaryland.org

c) Submit Advertising Creative Approval Requests to:

Ms. Kat Evans
Maryland Office of Tourism Development
401 East Pratt Street, 14th Floor
Baltimore, MD 21202
TEL: 410.767.6330
EMAIL: kevans@visitmaryland.org

d) Communications to Grantee:

Name: Lisa Challenger
Title: Director
Office Name: Worcester County Tourism
Street Address: 104 West Market Street
Town, Zip Code: Snow Hill, MD 21863
TEL: 410-632-3110
EMAIL: lisac@co.worcester.md.us

6. Amendment. This Agreement may be amended only by a written instrument executed by both parties.

7. Maryland Law. This Agreement shall be construed, interpreted, and enforced in accordance with the laws of the State of Maryland.

8. Political Contributions.

a) Grantee shall not use any Grant Funds to make contributions: to any persons who hold, or are candidates for, elected office; to any political party, organization, or action committee; or in connection with any political campaign or referendum.

b) If in any fiscal year ending during the term of this Agreement Grantee derives more than 50% of its operating funds from State funding, it shall not contribute any money or thing of value: to any persons who hold, or are candidates for, elected office; to any political party, organization, or action committee; or in connection with any political campaign or referendum.

9. Entire Agreement. This Agreement, together with the Exhibits attached to this Agreement and incorporated by reference, represents the complete and final understanding of the parties. No other understanding or representations, oral or written, regarding the subject matter of this Agreement may be deemed to exist or to bind the parties at the time of execution.

WITNESS/ATTEST:

By: _____
(Signature)

(Typed Name)

GRANTEE:

By: _____
(Signature)

(Typed Name)

(Title)

WITNESS:

MARYLAND TOURISM DEVELOPMENT BOARD:

By: _____

(Typed Name/Title)

Date: _____

Approved for form and legal sufficiency by:

_____, Assistant Attorney General

- Attachments: Exhibit A: FY 2016 DMO Grant Guidelines
 Exhibit B: FY 2016 Destination Marketing Organization Grant Marketing Plan
 Exhibit C: Application Affidavit, if applicable

5



Worcester County
Department of Environmental Programs

RECEIVED
FEB 24 2016
Worcester County Admin

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS, REHS
Director, Environmental Programs 

Subject: Rural Legacy New Agreement of Sale – Coastal Bays Rural Legacy Area
Stevens Property, Ward Road
Request for Approval and Signature
Map 78, Parcel 44

Date: February 23, 2016

Attached you will find a memorandum from Katherine Munson, of my staff with and a new conservation easement agreement of sale for the above referenced property. This property consists of 156.49 acres located on Ward Road and is funded from the FY 2015 Coastal Bays Rural Legacy (RLA) Grant. The original agreement of sale was entered in with the landowner in October of last year. A subsequent confirmatory boundary survey revealed that the surveyed acreage and deed acreage did not match. This required an update to the base price and a third appraisal since the values were more than 20% apart.

The three appraisal values of: \$297,000, \$219,000, and \$110,000 are also more than 20% apart. Instead of requiring a fourth appraisal there was a negotiation done that used a weighted average of the three appraisals for a per acre easement purchase payment of \$1,514.50/acre, which the property owners have accepted for a total price of \$237,000. This was approved by Maryland DNR and is contingent on final approval by the State Board of Public Works. This negotiated price per acre is lower than the prior agreement from October which was \$1,750/acre. The County Attorney has reviewed the agreement of sale. This easement application is fully funded by the State and no County match is required or provided and County administrative costs are reimbursed. Therefore I recommend that the County Commissioners authorize President Bunting to sign the agreements where indicated with additional signatures from Mr. Higgins and Ms. Howarth.

If you have any questions or need any additional information please let me know. Both Ms. Munson and I will be available to discuss with you and the County Commissioners at your convenience.

Enclosures

Citizens and Government Working Together



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410.632.1220 / FAX: 410.632.2012

AGRICULTURAL PRESERVATION
CONSERVATION PROGRAM
WATER & SEWER PLANNING
SHORELINE CONSTRUCTION

WELL & SEPTIC
NATURAL RESOURCES
PLUMBING & GAS
COMMUNITY HYGIENE

Memorandum

TO: Robert Mitchell, Director

FROM: Katherine Munson, Planner IV *KM*

SUBJECT: Coastal Bays Rural Legacy Area Conservation Easement Purchase—New Agreement of Sale (Stevens Property Ward Road, Map 78, Parcel 44; 156.49 acres)

DATE: February 23, 2016

This project is to be funded by FY15 Coastal Bays Rural Legacy Area grant. An Agreement of Sale was entered with this landowner October 6, 2015. Subsequently a boundary survey (completed November 2015) showed 36+/- acres more than the deed indicates. This acreage correction required that the two appraisals on which the price was based be updated; the two revised conservation easement values were more than 20% apart in value. In such a case MD DNR requires the sponsor to obtain a 3rd appraisal. The three new easement values are: \$297,000; \$219,000 and \$110,000.

Attached please find summaries of the three (3) appraisals (two updates; one new) of this property. These values are, also, all more than 20% apart in value. We have not encountered this situation previously in the Coastal Bays RLA. However, rather than order a fourth appraisal, we negotiated a price of \$237,000 with the landowner (a weighted average of the three). This was approved by MD DNR (but is, as always, contingent on approval by the Maryland Board of Public Works).

Prior to the survey, we had entered an agreement to pay the landowner \$1,750/acre. Under this new agreement the landowner will be paid \$1,514.50/acre.

An aerial image of the property is attached.

A new Agreement of Sale is attached for approval and signature, which has been reviewed and approved by the county attorney. Please let me know of any questions or concerns you have.

cc: Maureen Howarth, County Attorney

SUMMARY OF IMPORTANT DATA AND CONCLUSIONS

REPORT TYPE:	Appraisal File No. CC10301
REPORT DATE:	November 20, 2015
LOCATION:	Ward Road Girdletree, Maryland 21829 Map 78 Grid 23 Parcel 44
OWNER OF RECORD:	Linda & Michael Stevens
LAND AREA:	156.49 +- acres (unrecorded survey)
IMPROVEMENTS:	None
ZONING:	A-1 - Agricultural District
CENSUS TRACT:	#9514.00
FLOOD MAP STATUS:	Zone C (Not a flood hazard area) Map # 2400830225A Dated 2/15/1979
HIGHEST AND BEST USE BEFORE:	up to 6 home sites
HIGHEST AND BEST USE AFTER:	Homesite/Agriculture/hunting
PROPERTY RIGHTS APPRAISED:	Fee Simple
OPINION OF VALUES:	
BEFORE VALUE:	\$579,000
AFTER VALUE:	\$282,000
VALUE OF EASEMENT/ DIFFERENCE:	\$297,000
EFFECTIVE DATE:	
	May 22, 2015
APPRAISERS:	
	William R. McCain, MAI, MBA F. Lee Gosnell

SUMMARY OF SALIENT FACTS

EFFECTIVE DATE: December 10, 2015 (Supplemental Update)

ORIGINAL APPRAISAL: *Lefort Appraisal & Consulting, Inc. File No. 215c0110*
Effective Date: July 17, 2015

IDENTIFICATION: *156.49 +/- Acres Agricultural Farm (Revised per Survey)*
Southwest Side Ward Road @ South Side Johnson Neck Road
West of Girdletree
East of Pocomoke City, Worcester Co, Maryland 21851

TAX MAP REFERENCE: Worcester Tax Map 78, Grid 23, Parcel 44

CENSUS TRACT: 9514

OWNER OF RECORD: Linda C. Stevens (9/10th) Michael Stevens (1/10th)

DEED REFERENCE: Liber 6360, Folio 288 Liber 6041, Folio 396

SITE SIZE: **156.49 +/- Acres (Per Boundary Survey)**
40.8 +/- Acres Tillable/Cleared (27.1%) – % Revised
115.7 +/- Acres Woodlands (73.9%)

ZONING: A-1; Agricultural District

UTILITIES: Private Well and Septic Systems required

POTENTIAL DEV. RIGHTS: At least Five (5) minor subdivision rights
Total Potential for 6 Total Rights under Cluster Scenario

FLOOD PLAIN MAP: FEMA Community Maps #24047-0375-H, dated July 16, 2015, predominantly Zone C – South Boundary along Bachelors Branch appears to lie within Zone A flood plain.

SOIL CLASSIFICATIONS: Mixture of Various Compositions: Hammonton loamy sand; Cedartown-Rosedale Complex; Askecksy loamy sand; Fallsington sandy loam; Fort Mott loamy sand; Klej loamy sand; Longmarsh & Indiantown soils; Sassafras sandy loam.

HIGHEST AND BEST USE:
(Before Easement): Agricultural and Recreational with Minor Residential Development Potential in the Future
(After Easement): Agricultural/Recreational Use with One Development Right

VALUE CONCLUSIONS:

“AS IS” MARKET VALUE (BEFORE) -	\$4,300 per Acre	\$ 673,000
VALUE ENCUMBERED BY CONSERVATION EASEMENT (AFTER)	\$ 454,000	
<i>(Estimate of Unit Value)</i>	<i>- \$2,900 per Acre</i>	
CONCLUDED VALUE OF EASEMENT:		\$ 219,000
<i>(Extracted Unit Value Conclusion)</i>	<i>~ \$1,400 per Acre</i>	

SUMMARY OF IMPORTANT DATA

APPRAISAL OF: A proposed conservation easement

GRANTORS: Michael and Linda C. Stevens

LOCATION: South corner of Betheden Church and Klej Grange Roads, Gridletree, Maryland

TAX MAP & PARCEL: Map 0078, Parcel 0044

PROPERTY SIZE: 156.49 Acres

PURPOSE AND EFFECTIVE DATE OF APPRAISAL: To estimate the value of a proposed conservation easement which will encumber an inland property. The effective date of the appraisal is as of the date of inspection, December 22, 2015.

THE PRESENT USE: The present use of the subject property is for farming and the production of timber.

HIGHEST AND BEST USE:
(Before Approach) The highest and best use of the subject property before imposition of the proposed conservation easement is for farming, production of timber and recreation, with the potential for future residential subdivision.

HIGHEST AND BEST USE:
(After Approach) The highest and best use of the subject property, after the imposition of the proposed conservation easement, is an agricultural use, with subdivision prohibited and residences limited to one primary dwelling.

SUMMARY OF IMPORTANT DATA (Cont.)

SUMMARY OF VALUES

Before Value

COST APPROACH	Not Applicable
SALES COMPARISON	\$548,000
INCOME APPROACH	Not Applicable
ESTIMATED VALUE	\$548,000

After Value

COST APPROACH	Not Applicable
SALES COMPARISON APPROACH	\$438,000
INCOME APPROACH	Not Applicable
ESTIMATED VALUE	\$438,000

FINAL CONCLUSIONS

Estimated value of the subject property before the encumbrance of the proposed easement	\$548,000
Estimated value of the subject property after the encumbrance of the proposed easement	- <u>\$438,000</u>
Estimated value of the proposed easement	\$110,000

AGREEMENT OF SALE

THIS AGREEMENT OF SALE (“Agreement”), dated as of the _____ day of _____, 2015 is made by and between LINDA C. STEVENS AND MICHAEL C. STEVENS, (“Sellers”) and the County Commissioners of Worcester County, Maryland (“Buyer”).

1. The Sellers are the owners of that property (“Property”) located in the 8th tax district of Worcester County, Maryland; which is one (1) parcel, 156.49 acres total, more or less, and located on the south side of Ward Road, Girdletree, MD, having tax ID number of 08-000239.
2. The Buyer desires to purchase a conservation easement from the Sellers over and across the Property on the terms and conditions set forth in this Agreement.
3. The Sellers are willing to grant to Buyer and/or its assigns for the hereinafter price, a conservation easement in perpetuity, on, over, and across the Property.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

SECTION 1. PURCHASE AND SALE.

Subject to the terms and conditions set forth in this Agreement, Sellers hereby agree to sell to Buyer and Buyer hereby agrees to purchase from Sellers a conservation Easement on, over and across the Property: attached is **Exhibit A** which is an unrecorded survey plat of the property.

SECTION 2. PURCHASE PRICE AND PAYMENT.

2.1. The purchase price (Purchase Price) to be paid for the Rural Legacy Program Easement (as defined below) shall be Two Hundred Thirty-Seven Thousand Dollars (\$237,000.00), of which \$1.00 has been paid upon signing.

2.2. At Closing (as defined below), the entire Purchase Price shall be payable by Buyer to Sellers by cash or county check.

2.3. The payment of the Purchase Price for the Deed of Conservation Easement is complete payment for the status and quality of the title to the Property required to be conveyed under this Agreement.

SECTION 3. CLOSING.

The consummation of the transaction contemplated in this Agreement (“Closing”) shall take place on or before July 29, 2016 at a date, time and at a place as set by Buyer, unless extended in writing for an additional 90 days by Buyer in order to obtain the approvals required by the Rural Legacy Board and Board of Public Works.

SECTION 4. CONVEYANCE OF THE EASEMENT.

4.1. At Closing, Seller shall convey to Buyer, and/or its assigns the Deed of Conservation Easement (“Easement”) to the Property in the same form and containing those

restrictions and conditions set forth in the Easement attached hereto as **Exhibit B**, and made a part hereof. Title shall be good and marketable and free and clear of any and all encumbrances, exceptions, limitations, leases and liens whatsoever, except that any mortgages shall be subordinate to the Easement at Closing if they are to remain as a lien. Title to the Property shall be insurable at regular rates by Buyer's title insurance company without any exception for mechanic's liens or rights of persons in possession. In the event a lien holder fails to execute a required subordination at or prior to Closing to the satisfaction of the Buyer, the Buyer at its sole option, may terminate this Agreement and the parties shall have no further obligation to each other.

4.2. Sellers shall not mortgage, lease, encumber or otherwise dispose of the Property, or any part thereof, prior to Closing or the termination of this Agreement without first having obtained the prior written consent of the Buyer.

SECTION 5. CONDITION OF THE PROPERTY AND RISK OF LOSS.

5.1. If prior to or through Closing, all or a substantial part of the Property is destroyed or damaged, without fault of the Buyer, then this Agreement, at the option of the Buyer, upon written notice to Sellers, shall be null and void and of no further effect and the parties shall have no further obligation to each other, in which event the Deposit and any interest accrued thereon shall be returned to the Buyer.

5.2. Sellers covenant that at Closing, the Property shall be in the following condition:

i) No major alterations or construction that would be inconsistent with the terms of the Easement will be made to the Property from and after the effective date of this Agreement.

5.3. From and after the effective date of this Agreement, Sellers grant permission to the Buyer and its contractors and subcontractors to enter upon the Property for the purpose of making tests, surveys and inspections of the Property and the improvements thereon. Without limiting the generality of the foregoing, Buyer shall have the right to inspect the Property, one or more times prior to Closing, for the purpose of determining whether the Property is in the condition, status and quality required under this Agreement.

5.4. The Sellers are responsible for the removal of dumps of materials including but not limited to soil, rock, other earth materials, trash, ashes, garbage, waste, abandoned vehicles, appliances, machinery or other material on the Property to the satisfaction of the Buyer. Soil, rock, other earth materials and vegetative matter may remain stored on the Property for reasonable agriculture and silviculture purposes or for construction or maintenance of structures or means of access ongoing at the time of this Agreement and permitted under the Easement, as determined by the Buyer.

SECTION 6. CLOSING COSTS.

6.1. Buyer shall pay the following costs associated with the consummation of the transaction contemplated in this Agreement:

i) any state or county recordation and transfer taxes or fees or other costs imposed upon the recordation of the Easement.

ii) all expenses for examination of title and the premium for any title insurance obtained by it.

6.2. Sellers shall pay the following costs associated with the consummation of the transaction contemplated in this Agreement:

i) all taxes and fees relating to the recordation of any release or subordination of a mortgage, deed of trust, or other lien or encumbrance affecting the Property which is to be released, subordinated or discharged at Closing;

ii) any attorney's fees incurred by the Sellers, and

iii) all real estate taxes and personal property taxes owing for the then current year levied or assessed with respect to the Property. All taxes and other assessments against said property shall be in and remain the exclusive responsibility of the Sellers, including but not limited to the payment of real estate taxes.

SECTION 7. SELLERS' REPRESENTATIONS.

7.1. Sellers make the following representations and warranties as of the date of this Agreement and as of Closing.

7.2. Sellers represent and warrant that:

i) no hazardous material of any kind, nor storage tanks have been deposited, stored, treated, disposed of, managed, generated, manufactured, produced, released, emitted or discharged on, onto, in, into, from or under the Property by the Sellers, its agents, employees, officers, invitees, contractors, subcontractors, and any person in possession or use of the Property under it, and to the best of its knowledge, information and belief, any other person, which could expose a landowner to liability under federal law,

ii) neither Sellers nor any of their agents, employees, officers, invitees, contractors, subcontractors, and any person in possession or use of the Property under it, and to the best of its knowledge, information and belief, any other person, have brought to the Property as materials or waste materials, or used on the Property or generated therein as a product or by-product of activities on the Property, or otherwise placed, handled, stored or released on the Property any (1) polychlorinated biphenyls ("PCBs"), (2) asbestos, (3) lead paint, (4) petroleum products, distillates, or by-products, (5) radioactive materials, chemicals known to cause cancer or reproductive toxicity, (6) waste, materials, or substances which would qualify as hazardous waste, hazardous substances, hazardous materials, toxic waste, toxic materials or toxic substances under any "Environmental Laws", which shall mean under the following: the Resource Conservation and Recovery Act, the Comprehensive Environmental Response Compensation and Liability Act, the Toxic Substance Control Act, the Superfund Amendments and Reauthorization Act, the Occupational Safety and Health Act, the Consumer Product Safety Act, the Federal Water Pollution Control Act, the Clean Water Act, the Clean Air Act, the National Environmental Policy, or any amendments thereto, or any similar or successor laws, whether federal state or local, or any regulations adopted or incorporated thereunder (Hereinafter referred to collectively as "Environmental Laws"),

iii) as of Closing, the status and condition of the Property or any portion thereof, including by way of example, the soil, paint or tiles, although then not in violation of the Environmental Laws is such that disturbance, removal or relocation thereof shall not create or result in a condition or status which is, or with the passage of time may become, unlawful under the Environmental Laws,

iv) no governmental or private action, suit or proceeding to enforce or impose liability under any Environmental Laws has been instituted or threatened concerning the Property and no lien has been created under any applicable Environmental Laws,

v) Sellers have no notice or knowledge of conditions or circumstances at the Property which pose a risk to the environment or to the health and safety of persons,

vi) no work shall have been done or materials provided for or about any of the Property within one hundred eighty (180) days ending on the day of the Closing or which the person performing the work or providing the materials has not acknowledged in writing that is has been paid in full at or before Closing.

7.3. The Sellers' representations and warranties set forth above shall not merge with or into the Easement and shall survive delivery of the Easement at Closing.

SECTION 8. OBLIGATIONS OF SELLERS AT CLOSING.

8.1. At Closing, Sellers shall execute and deliver the Easement to the Buyer.

8.2. At Closing, Sellers shall execute and deliver to the Buyer's title insurance company or Buyer such affidavits and writings reasonably requested from a seller in connection with the settlement of like property.

SECTION 9. OBLIGATIONS OF BUYER AT CLOSING.

At Closing, Buyer shall deliver the Purchase Price in accordance with the terms and conditions of this Agreement.

SECTION 10. DEFAULT.

10.1. In the event that Sellers cannot convey to Buyer the easement on the Property as required under this Agreement, Buyer shall:

i) permit Sellers to take any action necessary to perfect their title and remove any and all legal, equitable and beneficial grounds of objection to or defect of the title, at Sellers' sole cost and expense, and

ii) extend Closing until such action is completed, but not longer than one hundred twenty (120) days from the Sellers' receipt of notice from Buyer of such defect or defects to the title.

In the event that Sellers fail to cure the defect or defects to title within that one hundred twenty (120) day period, then and only then shall Sellers be in default of their obligations to convey the easement on the Property under this Agreement.

10.2. Subject to Section 10.1, in the event that Sellers default in any of the terms, provisions, covenants or agreements to be performed by the Sellers under this Agreement, Buyer shall be entitled, after such default, to:

i) waive any failure to perform in writing;

ii) terminate this Agreement, in which event the parties hereto shall thereafter be relieved of any and all further rights, liabilities and obligation under or pertaining to this Agreement, other than those which by the express terms of this Agreement are intended to survive termination, in which event the Deposit and any interest accrued thereon shall be returned to the Buyer provided Sellers must then pay to Buyer an amount equal to all Buyer's survey costs and

iii) exercise any and all rights and seek any and all remedies which Buyer may have or to which Buyer may be entitled at law or in equity, including, without limitation, seeking damages or specific performance.

10.3. In the event Buyer defaults in any of the terms, provisions, covenants or agreement to be performed by Buyer under this Agreement, Sellers shall be entitled, after such default, to:

i) waive any failure of performance in writing,

ii) terminate this Agreement in entirety, in which event the parties hereto shall thereafter be relieved of any and all further rights, liabilities and obligations, other than those, which by the express terms of this Agreement are intended to survive such termination, or

iii) institute such actions or proceedings for monetary damages and/or equitable relief as are authorized by applicable law.

SECTION 11. GENERAL PROVISIONS.

11.1. This Agreement is the full agreement among the parties on the matters set forth herein. This Agreement can only be amended by written amendment executed by the parties hereto.

11.2 The parties hereto further agree that this Agreement is expressly contingent upon the approval by the Maryland Rural Legacy Board and the Maryland State Board of Public Works. In the event the Maryland Rural Legacy Board or the Board of Public Works fails to approve this Agreement, the Buyer, at its sole option, may terminate this Agreement by written notice to Sellers, and the parties shall have no further obligation to each other.

SECTION 12. SURVEY PROVISION

In the event the Seller may void this Agreement all sums paid hereunder shall be returned to Buyer and Seller shall reimburse Buyer for Buyer's out of pocket costs for the survey of the Property.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed and delivered, the day and year first written above.

Witness/Attest:

Katherine D. Munson
Nicole Wilson

SELLERS

By: Linda C. Stevens (Seal)
Linda C. Stevens
By: Michael C. Stevens (Seal)
Michael C. Stevens

BUYER

County Commissioners of Worcester County, Maryland

Harold L. Higgins
Chief Administrative Officer

By: Madison J. Bunting, Jr. (Seal)
Madison J. Bunting, Jr.
President

Approved as to legal form and sufficiency.

Maureen Howarth
Worcester County Attorney

Environmental Assessment
Coastal Bays RL easement: Linda C and Michael Stevens
TM 78, Parcel 44
156.49 acres



Image made 2013
Map made October 5, 2015

0.15 0.075 0 0.15 Miles

13



6

RECEIVED
FEB 24 2016
Worcester County Admin

Worcester County
Department of Environmental Programs

FYI

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS, REHS
Director, Environmental Programs

Subject: MALPF Application Criteria
Proposed Minimum Soils Criteria
State Approval

Date: February 23, 2016

The Worcester County Commissioners approved in December of last year, a proposal by the Worcester County Agricultural Land Preservation Advisory Board to include a minimum soil index score to determine eligibility for MALPF (Maryland Agricultural Land Preservation Foundation) applications. Attached you will find a memorandum from Katherine Munson, of my staff concerning the approval of the state MALPF Board and detailing the particulars of the new criteria.

The proposal was approved unanimously by the MALPF Board and will be in effect for the FY17 application cycle. As we emphasized in December, this is a conservative increase in the minimum standards that moves the bar upward in the selection of only the best actively farmed land for this program.

If you have any questions or need any additional information please let me know. If needed, I will be available, along with Ms. Munson, to discuss with you and the County Commissioners at your convenience.

Enclosure

cc: Katherine Munson

Citizens and Government Working Together



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL:410.632.1220 / FAX: 410.632.2012

AGRICULTURAL PRESERVATION
CONSERVATION PROGRAM
WATER & SEWER PLANNING
SHORELINE CONSTRUCTION

WELL & SEPTIC
NATURAL RESOURCES
PLUMBING & GAS
COMMUNITY HYGIENE

Memorandum

TO: Robert Mitchell, Director

FROM: Katherine Munson, Planner IV *Km*

SUBJECT: FY17 MALPF Application—Proposed Minimum Soils Criteria

DATE: February 23, 2016

At the December 15, 2015 County Commissioners' meeting, the County Commissioners considered and approved the proposal by the Worcester County Agricultural Land Preservation Advisory Board that MALPF (Maryland Agricultural Land Preservation Foundation) applications be required to meet a minimum Land Evaluation (LE) score of 25 in order to be eligible to apply to sell an easement to MALPF. This is a soil index score with a cap of 80 points; a minimum score of 25 is more stringent than the minimum soil quality required by MALPF (50% Class I, II and III soils) for eligibility. This proposed requirement would have eliminated 6 of the 23 submitted applications that were eligible in FY15/16. Three (3) of these properties were also heavily enrolled in CREP (Conservation Reserve Enhancement Program). The purpose of this policy is to reduce/eliminate expenditure of funds on properties that contain poorer soils, that are or could be enrolled in CREP which the board feels strongly conflicts with MALPF's goals when used on the majority of a property, and properties that typically rank low anyway.

This proposal was approved unanimously today by the MALPF Board in Annapolis. So for the FY17 application cycle this new minimum eligibility requirement will be in effect.

FY17 applications to sell an easement to MALPF will be accepted by our office from March 1, 2016 to May 20, 2016. I would like to recommend that we contact past applicants to inform them of the opportunity to re-apply and to also issue a press release to local news media regarding this opportunity.

I am available to answer any questions. Thank you for your attention to this matter.

Mr. Mitchell and Land Planner IV Katherine Munson met with the Commissioners to propose adding Minimum Soils Criteria for Maryland Agricultural Land Preservation Foundation (MALPF) Applications. Mr. Mitchell stated that County staff and the Worcester County Agricultural Land Preservation Advisory Board conducted a review of the easement sale ranking system and the FY15/16 cycle final rankings and have made the following recommendations for accepting MALPF easement sale applications: not accepting applications that include properties with more than 66% of the lands under Conservation Reserve Enhancement Program (CREP), Wildlife Habitat Incentive Program (WHIP), and Conservation Reserve Program (CRP), as they are not feasible or approvable by the State; eliminating the scoring bonus for Century Farms, as there are so few and the program criteria are very difficult to meet; and adopting a minimum soil requirement within the program criteria to accept applications for easement sales on properties with a land evaluation score of 25 or higher (up to 80 possible points), which is a soil quality index developed by the United States Department of Agriculture (USDA) which is already used as part of the County's ranking system.

In response to a question by Commissioner Bunting, Ms. Munson explained that 50% of MALPF easements must currently be either Class 1, 2, or 3 soils, but the proposal before them today would make the requirement for applicants more stringent as a result of requiring a more refined soil analysis and higher land evaluation scores. Commissioner Elder expressed concern that some of the properties being protected are no longer being farmed, which seems to run counter intuitive to the County's goal of keeping farmland in production. Ms. Munson agreed and stated that the recommendations before them would help staff to address that issue. Following some discussion and upon a motion by Commissioner Church, the Commissioners unanimously approved the three criteria proposed by staff when accepting MALPF applications.

In a related matter, Commissioner Bertino requested that staff return at a future meeting with the Commissioners to explain the MALPF program and other conservation programs such as Rural Legacy and the Conservation Reserve Enhancement Program (CREP) to help them better understand the intent of the various programs and how they impact the County. The Commissioners concurred.



Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS, REHS
Director, Environmental Programs

Subject: MALPF Application Criteria
Proposed Minimum Soils Criteria

Date: December 4, 2015

In the most recent meeting of the Worcester County Agricultural Land Preservation Advisory Board, reviews were conducted on the easement sale ranking system and the FY 15/16 cycle final rankings and offers. Attached you will find a memorandum from Katherine Munson, of my staff concerning this meeting. Ms. Munson also indicated they reviewed the enclosed memorandum from you, dated 7-23-14, regarding the inclusion of bonus points for Century Farms and rejection or discouragement in ranking of farms in which the properties are more than 66% enrolled in the Conservation Reserve Enhancement Program (CREP).

As Ms. Munson points out, and I would reiterate, the Board has previously recommended that Worcester County no longer accept the MALPF easement sale applications that include properties with more than 66% of the lands under CREP/CRP/WHIP contracts but was turned down by the state MALPF Board. The state board was concerned about discouraging participation as it is permitted across programs. The state board wants to encourage and enable the preservation of farmland in active production and looks more favorably on local criteria changes that continue that focus.

One area that the Board examined that may contribute to selecting the best lands for this program would be the inclusion of a minimum soils criteria in the ranking system. We have seen that lands within the CREP system typically contain lower quality soils. The Board looked at this data at their meeting and recommended that Worcester County make the minimum soils requirement more stringent. We have enclosed an accounting of the easement ranking with this criteria for review. Since official offers have not been made yet, this is information that is typically not released until offers are made and accepted. What the inclusion of the new soils criteria shows is the elimination

Citizens and Government Working Together

of six (6) mid-to-low ranking in our current ranking pool and would also include two (2) of the four (4) properties that are more than 66% enrolled in CREP. This is a conservative increase in the minimum standards that moves the bar upward in the selection of only the best farms for this program.

A final area that the Board looked at was adding bonus points for Century and Legacy farms as a part of the ranking system. A legacy program could not be found in Maryland, but the Century Farm program was reviewed. We do have these farms in the County, but they are few in number and would not make a difference in the criteria since most farms could not meet the criteria.

In summary, we have the following actions for which we would like to request concurrence from the County Commissioners to proceed:

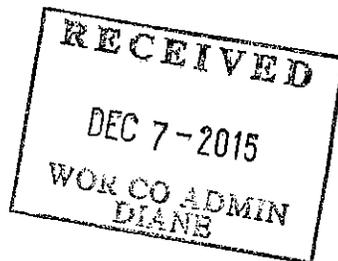
1. That a criteria requirement for lands more than 66% enrolled in CREP will not be feasible and approvable by the state and we should not move forward with their inclusion as an amendment to the local MALPF program.
2. That a scoring bonus for Century Farms was not recommended by the Board as these farms are so few and would not make a difference in ranking since the program criteria are very difficult to meet.
3. That we accept a minimum soils requirement within the program criteria to accept applications for easement sales on properties with a LE (land Evaluation) score of 25 or higher (up to 80 points are possible). This is a soil quality index developed by USDA and used already as part of the county's ranking system.

We would recommend that the Worcester County Commissioners consider accepting the minimum soils requirement within the local MALPF program and do not move forward with including CREP and Century Farms criteria at this time. Should this recommendation be approved, we will bring it to the state MALPF Board in Annapolis for review and approval.

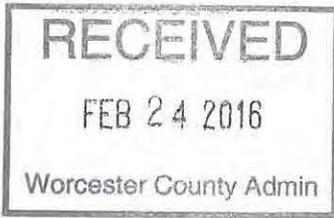
If you have any questions or need any additional information please let me know. If needed, I will be available, along with Ms. Munson, to discuss with you and the County Commissioners at your convenience.

Enclosures

cc: Katherine Munson



Citizens and Government Working Together



7

DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1201

SNOW HILL, MARYLAND 21863

TEL: 410-632-1200 / FAX: 410-632-3008

BOARD OF APPEALS
PLANNING COMMISSION
AGRICULTURAL PRESERVATION

ELECTRICAL BOARD
SHORELINE COMMISSION
LICENSE COMMISSIONERS

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: William Bradshaw, County Engineer *WJB*
 Ken Whited, Maintenance Supervisor
 Susan Rantz, Animal Control Officer
DATE: February 23, 2016
SUBJECT: Animal Control Building Shelter Addition Award Recommendation

Bids were received on February 8, 2016 in response to an RFP issued by Worcester County on January 5, 2016 to construct an addition on the rear of the Animal Control Building at 6207 Timmons Road, Snow Hill. Bids were received from six (6) contractors and are summarized in Table 1 below:

Table 1 - Animal Control Addition - Bid Summaries

Bidder	Base Price	Alternate 1	Base+ Alt 1	Alternate 2	Base+Alt 1 + Alt 2
Hazard Construction, Ocean City, MD	\$ 33,560.00	\$ 3,456.00	\$ 37,016.00	\$ 12,670.00	\$ 49,686.00
RD Meredith, Salsbury, MD	\$ 59,400.00	\$ 8,000.00	\$ 67,400.00	\$ 13,500.00	\$ 80,900.00
Delmarva Veteran Bldrs, Salisbury, MD	\$ 39,800.00	\$ 6,168.00	\$ 45,968.00	\$ 14,088.00	\$ 60,056.00
J&L Services, Seaford, DE	\$ 30,196.00	\$ 6,584.15	\$ 36,780.15	\$ 19,342.87	\$ 56,123.02
Harkins Contracting, Salisbury, MD	\$ 37,900.00	\$ 1,440.00	\$ 39,340.00	\$ 14,298.00	\$ 53,638.00
KB Coldiron, Frankford, De	\$ 106,070.00	\$ 6,590.00	\$ 112,660.00	\$ 14,890.00	\$ 127,550.00

Page
4
6
7
8
12
13
14

Bid Specifications

The specifications and drawings were prepared to provide weather protection and include a base scope of constructing a roof and support system 20 feet by 70 feet nominal over the existing exterior kennels, walkway and drainage swale. Alternate 1 adds side wall enclosure (20 feet) on both ends of the building to provide additional weather protection. Alternate 2 includes overhead garage doors and a personnel door on the rear (70 feet) of the building which will allow for the kennels to be completely enclosed or partially open depending on weather.

**SUBJECT: Animal Control Building Shelter Addition Award
Recommendation
Page 2**

The original budgeted funds in the amount of \$31,000.00 were approved for this project. However, through discussions and evaluation of the options, Animal Control Staff are recommending the construction of the complete enclosure. The Sheriff's Department is able to use savings from current fuel budget to fund Alternate 2 at the least cost proposal option of \$49,686 provided by Hazard Construction.

Therefore, it is our recommendation that the County Commissioners approve the award of the project to Hazard Construction in the amount of \$49,686. The total project expenditure is estimated to be \$60,000 including professional services, electrical, fire alarm modifications, and contingency.

Should you have any questions, please do not hesitate to call.

Attachments

Competitive Bid Worksheet

Item: Construction of Animal Control Shelter Addition Snow Hill - Worcester County

Bid Deadline/Opening Date: 1:00 P.M., Monday, February 8, 2016

Bids Received by deadline = 6

<u>Vendor's Submitting Bids</u>	<u>Total Base Bid</u>	<u>Alternate 1 Price</u>	<u>Alternate 2 Price</u>
Hazard Construction 12441 West Torquay Road Ocean City, MD 21842	<u>\$33,560</u>	<u>\$3,456</u>	<u>\$12,670</u>
R. D. Meredith - General Contractor P.O. Box 32 Salisbury, MD 21803	<u>\$59,400</u>	<u>\$8,000</u>	<u>\$13,500</u>
Delmarva Veteran Builders P.O. Box 621 Salisbury, MD 21803	<u>\$39,800</u>	<u>\$6,168</u>	<u>\$14,088</u>
J & L Services 5670 Galestown-Reliance Road Seaford, DE 19973	<u>\$30,196</u>	<u>\$6,584¹⁵</u>	<u>\$19,342⁸²</u>
Harkins Contracting, Inc. 31400 Winterplace Parkway, Suite 400 Salisbury, MD 21804	<u>\$37,900</u>	<u>\$1,440</u>	<u>\$14,298</u>
K. B. Coldiron, Inc. P.O. Box 297 Frankford, DE 19945	<u>\$106,070</u>	<u>\$6,590</u>	<u>\$14,890</u>
_____	_____	_____	_____
_____	_____	_____	_____

BID FORM

2016 Animal Control Building Shelter Addition

I/We have reviewed the specifications and provisions for adding the shelter as described in the bid documents, specifications and drawings at 6207 Timmons Road, Snow Hill, MD 21863. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Base Bid Price \$ 33,560⁰⁰

Total Bid Alternate 1 Price \$ 3,456⁰⁰

Total Bid Alternate 2 Price \$ 12,670.⁰⁰

Acknowledgement of Receipt of Bid Addendum: (Bidder must check for and acknowledge addendums prior to submitting final bid. Bids must acknowledge each addendum to be complete - List by date)

Addendum No. 1 M.H. 2/5/16

Addendum No. 2 M.H. 2/5/16

Other (list by number and date) _____

List of any exclusions or costs not included in the preparation of this Bid

Materials & Labor if Soil Does not meet 2000 PSF
Concrete Aprons for Overhead Doors

BID MUST BE SIGNED TO BE VALID.

Date: 2/5/16

Signature: 

Typed Name: Michael Hazard

Title: President

Firm: Hazard Construction Co

Address: 12441 W. Torquay Rd
Ocean City Md 21842

Phone: 410-251-3747

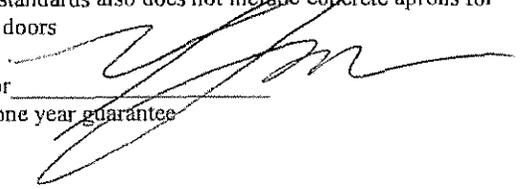
Hazard Construction co inc MHIC 124305

12441 west torquay rd
 Ocean City, MD 21842
 ph 410 251 3747
 fax 410 213 2014

Estimate

Date	Estimate #
2/5/2016	390

Name / Address
Animal control 6207 Timmons rd snow hill md

			Project
Description	Qty	Rate	Total
To Build animal shelter as per plans and addendum 1 and 2 1. to construct one 20 x70 area,concrete,post,trusses,metal roofing 2.attach wall ledgers as per addendum1 3.all labor and material needed to complete project as per base drawings 4 compaction test for soil and study to be provided		33,560.00	33,560.00
To close in gable walls as per alternate #1 1.concrete,post,framing,metal 2.all labor and material to complete #1		3,456.00	3,456.00
Alternate #2 overhead doors (6) 1.8x7 hass 224-H hollow metal track doors with 2 24"x6" windows per door 2.1 36 " metal door with panic bar and metal frame 3. metal siding to match sides 4.trim door opening with white aluminum metal 5.does not include concrete for aprons for overhead doors price does not include additional site work if compaction test does not meet standards also does not include concrete aprons for overhead doors		12,670.00	12,670.00
Contractor  all work one year guarantee			
		Total	\$49,686.00

Phone #	Fax #
410 251 3747	410 213 2014

BID FORM

2016 Animal Control Building Shelter Addition

I/We have reviewed the specifications and provisions for adding the shelter as described in the bid documents, specifications and drawings at 6207 Timmons Road, Snow Hill, MD 21863. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Base Bid Price \$ 59,400.~~00~~⁰⁰

Total Bid Alternate 1 Price \$ 8,000.~~00~~

Total Bid Alternate 2 Price \$ 13,500.~~00~~

Acknowledgement of Receipt of Bid Addendum: (Bidder must check for and acknowledge addendums prior to submitting final bid. Bids must acknowledge each addendum to be complete - List by date)

Addendum No. 1 01/27/16

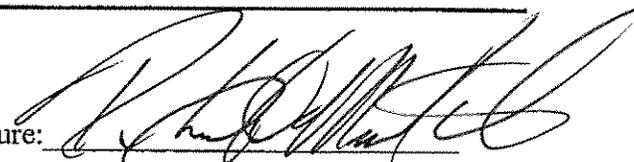
Addendum No. 2 02/03/16

Other (list by number and date) _____

List of any exclusions or costs not included in the preparation of this Bid - ① ANY WORK RELATED TO ALL KENNELS; ② ANY SANITIZING OF WORK AREAS; ③ DEWATERING

BID MUST BE SIGNED TO BE VALID.

Date: 02/08/16

Signature: 

Typed Name: RICHARD D. MEREDITH

Title: PRINCIPAL

Firm: R. D. MEREDITH GENERAL CONTRACTORS, LLC.

Address: P.O. BOX 32

SALISBURY, MD. 21803

Phone: 410 742 3753

BID FORM

2016 Animal Control Building Shelter Addition

I/We have reviewed the specifications and provisions for adding the shelter as described in the bid documents, specifications and drawings at 6207 Timmons Road, Snow Hill, MD 21863. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Base Bid Price \$ 39,800

Total Bid Alternate 1 Price \$ 6,168

Total Bid Alternate 2 Price \$ 14,088

Acknowledgement of Receipt of Bid Addendum: (Bidder must check for and acknowledge addendums prior to submitting final bid. Bids must acknowledge each addendum to be complete - List by date)

Addendum No. 1 1/21/2016

Addendum No. 2 2/03/2016

Other (list by number and date) _____

List of any exclusions or costs not included in the preparation of this Bid

N/A

BID MUST BE SIGNED TO BE VALID.

Date: 2/08/2016

Signature: 

Typed Name: Lee Beauchamp

Title: Vice President

Firm: Delmarva Veteran Builders, LLC

Address: P.O. Box 621

Salisbury, MD 21803-0621

Phone: 443-736-1584

BID FORM

2016 Animal Control Building Shelter Addition

I/We have reviewed the specifications and provisions for adding the shelter as described in the bid documents, specifications and drawings at 6207 Timmons Road, Snow Hill, MD 21863. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Base Bid Price \$ 30,196.00

Total Bid Alternate 1 Price \$ 6,584.15

Total Bid Alternate 2 Price \$ 19,342.87

Acknowledgement of Receipt of Bid Addendum: (Bidder must check for and acknowledge addendums prior to submitting final bid. Bids must acknowledge each addendum to be complete - List by date)

Addendum No. 1 1-21-16

Addendum No. 2 2-3-16

Other (list by number and date) _____

List of any exclusions or costs not included in the preparation of this Bid

BID MUST BE SIGNED TO BE VALID.

Date: February 8, 2016

Signature: Hazel Burt

Typed Name: Hazel Burt

Title: President

Firm: J & L Services, Inc.

Address: 5670 Galestown Reliance Rd
Seaford Delaware 19973

Phone: 410-943-3355

J & L Services, Inc.
5670 Galestown Reliance Road
Seaford, Delaware 19973
410-943-3355 * 410-883-2032

List of References

Channel Marker, Inc.
8626 Brooks Drive, Unit 304
Easton, Maryland 21601
Ricky George 410-822-4619
Remodel various residential properties

Kent County Housing
400 High Street
Chestertown, Maryland 21620
410-778-7426
Remodel various residential properties

Worcester County Commissioners
"John Walter Smith Park Pavilion"
One West Market Street
Snow Hill, Maryland 21863
Bill Rodriguez 410-632-3173

Wicomico County Dept. of Public Works
"Parsonsburg Convenience Center Dock Renovations"
PO Box 1897
Salisbury, Maryland 21802
Rick Konrad 410-548-4805

Montgomery County Public School
45 W. Gude Drive, Suite 4300
Rockville, Maryland 20850
Gerry Howard 301-543-0981
Working with them since 1987 all bid contract work
Relocate Portable Modular classrooms various locations in the county
Remove deck-steps-ramps-skirt-canopy- break down building –disconnect electric / low voltage
relocate –put building together –build deck steps-ramps-skirt- canopy- reconnect electric / low
voltage-

Cont.

Baltimore County Public Schools
9610 Pulaski Park Drive-Suite 204
Baltimore, Maryland 21220

Wayne Thamert
410-887-6300

Standing contract since 2009 various amount of buildings each year
Relocate Portable Modular classroom
Approximately \$175,000.00 per year

Anne Arundel County Public Schools
9034 Fort Smallwood Road
Pasadena, Maryland 21122

Jason Whopler
443-852-0576

Working with them since 1985 all bid contract work
2013 – Relocate portable modular classrooms



**Everlast
Roofing, Inc.**

Product Technical Bulletin

Everlast II Traditional Steel Roofing and Siding Panel

Description

True 28-gauge steel (before paint) with heavy-duty metallic coating is encased in abrasion-busting primer and Siliconized Modified Polyester topcoat to deliver enduring corrosion resistance and longer life. Wider blanks, deeper minor rib heights create a stronger, more durable panel.

Advantages of Everlast II Traditional

- Synergy chalk and fade resistance
- Greater snow and wind yields and hail resistance
- Highly resistant to UV rays, acid rain, salt spray, and abrasion

UL Ratings

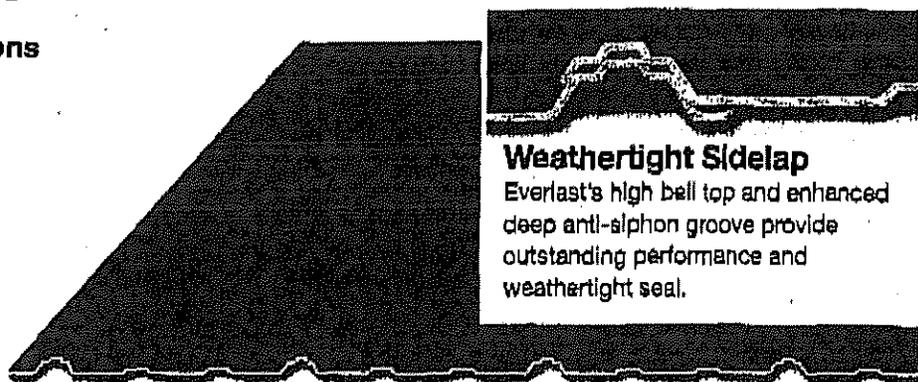
- UL construction No# 580 UPLIFT TEST
- UL 2218 Class 4 IMPACT RESISTANCE
- UL 790 Class A FIRE RESISTANCE

Roofing and Siding Applications

- Agricultural
- Architectural
- Commercial
- Industrial
- Residential

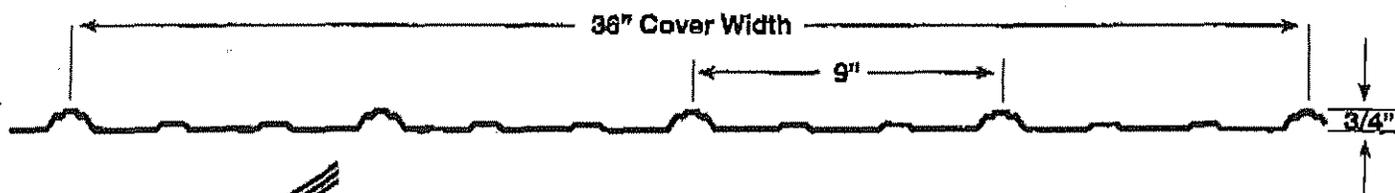
Standard Specifications

- 28-gauge (.016) Structural Steel Grade 80 produced in conformance with ASTM792
- 85,000 PSI minimum yield
- Siliconized Modified Polyester Paint System with standard primer
- Heat-formed panels with 3/4" major rib height; 3/16" minor rib height
- 36" cover width
- Custom cut to the inch up to 40' feet
- Available in wide variety of colors
- 3:12 recommended minimum roof pitch
- 40-year non-prorated warranty
- 10-year edge rust warranty
- Cut panels coated with CEDTM



Weatherlight Sidelap

Everlast's high bell top and enhanced deep anti-siphon groove provide outstanding performance and weathertight seal.




**Everlast
Roofing, Inc.**
OUR NAME SAYS IT ALL

Mid-Atlantic
10 Enterprise Court
Lanahan, PA 17042
Phone: 717.270.6554
888.339.0059

New England
24 JR Mains Drive
Bridgton, ME 04009
Phone: 207.647.5500
800.677.2060

Midwest
7180 N 050 E
Howe, IN 46746
Phone: 260.562.3783
866.562.3782

BID FORM

2016 Animal Control Building Shelter Addition

I/We have reviewed the specifications and provisions for adding the shelter as described in the bid documents, specifications and drawings at 6207 Timmons Road, Snow Hill, MD 21863. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Base Bid Price \$ 37,900.00

Total Bid Alternate 1 Price \$ 1,440.00

Total Bid Alternate 2 Price \$ 14,298.00

Acknowledgement of Receipt of Bid Addendum: (Bidder must check for and acknowledge addendums prior to submitting final bid. Bids must acknowledge each addendum to be complete - List by date)

Addendum No. 1 1/21/16

Addendum No. 2 2/3/16

Other (list by number and date) _____

List of any exclusions or costs not included in the preparation of this Bid

Bid Bond, Payment & Performance Bond, Permit Fees, Sitework

BID MUST BE SIGNED TO BE VALID.

Date: February 8, 2016

Signature: 

Typed Name: David Strauss

Title: Chief Estimator

Firm: Harkins Contracting Inc.

Address: 31400 Winter Place Pkwy, Ste. 400
Salisbury, MD 21804

Phone: (410) 749-3300

BID FORM

2016 Animal Control Building Shelter Addition

I/We have reviewed the specifications and provisions for adding the shelter as described in the bid documents, specifications and drawings at 6207 Timmons Road, Snow Hill, MD 21863. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Base Bid Price \$ 106,070.00

Total Bid Alternate 1 Price \$ ~~6,590.00~~

Total Bid Alternate 2 Price \$ 14,890.00

Acknowledgement of Receipt of Bid Addendum: (Bidder must check for and acknowledge addendums prior to submitting final bid. Bids must acknowledge each addendum to be complete - List by date)

Addendum No. 1 01/21/16

Addendum No. 2 02/03/16

Other (list by number and date) _____

List of any exclusions or costs not included in the preparation of this Bid

N/A

BID MUST BE SIGNED TO BE VALID.

Date: February 08, 2016

Signature: 

Typed Name: Gary D. Feeheley

Title: Vice President

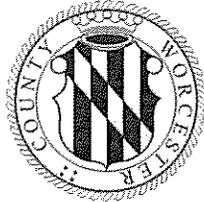
Firm: K B Coldiron, Inc.

Address: PO Box 297

Frankford, DE 19945

Phone: (302) 436-2611

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



COMMISSIONERS
MADISON J. BUNTING, JR., PRESIDENT
MERRILL W. LOCKFAW, JR., VICE PRESIDENT
ANTHONY W. BERTINO, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 5, 2016

PAID
1/5/16 @ 10:40 PM

TO: *The Daily Times* Group and *Ocean City Today* Group
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*

Please print the attached Notice to Bidders in *The Daily Times/Worcester County Times/ Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on January 14, 2016. Thanks.

NOTICE TO BIDDERS

Construction of Animal Control Shelter Addition Snow Hill, Worcester County, Maryland

The Worcester County Commissioners are currently accepting bids for the addition of a shelter roof on the rear of the Animal Control building located on 6207 Timmons Road, Snow Hill, Maryland 21863. Bid specification packages and bid forms are available from the Office of the County Commissioners, Worcester County Government Center, One West Market Street - Room 1103, Snow Hill, Maryland 21863, obtained online at www.co.worcester.md.us or by calling the Commissioners' Office at 410-632-1194 to request a package by mail. Interested bidders are requested to attend a **pre-bid inspection meeting to be held at 1:00 PM on Thursday, January 21, 2016**, at the site location at 6207 Timmons Road, Snow Hill, Maryland 21863. During the Pre-Bid Inspection Meeting the project scope and Bid Documents will be discussed to answer any questions that Bidders may have. Any questions must be submitted in writing to Ken Whited, Maintenance Superintendent, at kenwhited@co.worcester.md.us by 2:00 pm EST on February 1, 2016. **Sealed bids will be accepted until 1:00 PM EST, Monday, February 8, 2016** in the Office of the County Commissioners, Room 1103 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863, at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Bid for Animal Control Shelter Addition**" in the lower left-hand corner. After opening, bids will be forwarded to the County Engineer for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the bid, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities therein, and to take whatever bid they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate. All inquiries shall be directed to Susan Rantz, Animal Control Officer, 410-632-1340 - srantz@co.worcester.md.us and to Ken Whited, Maintenance Superintendent - kenwhited@co.worcester.md.us or by fax - 410-632-1753. Email correspondence is encouraged and will be binding.

✓ KDC
11/6/10

BIDDERS LIST

J&L Services, Inc.
5670 Galestown Road
Seaford, DE 19973
410-934-3355 or 410-610-5795,
jandl@gmail.com, little_hazey@yahoo.com.

↳ N/A

K.B. Coldiron, Inc.
36546 DuPont Blvd
Selbyville, DE 19975
302-436-2611
gary@kbcoldiron.com,

Jones & Sons, Inc.
PO Box 595
Berlin, MD 21811
410-641-2231
Info@JonesandSonsInc.com

Soulsman Construction
9813 Quail Run Lane
Ocean City, MD 21842
410-251-4911
b.soulsman@comcast.net.

Hazard Construction
12441 West Torquay Rd
Ocean City, MD 21842,
410-251-3747
mbhazard@comcast.net

BBCS, Inc, Beauchamp Construction
900 Clarke Ave
Pocomoke City, MD 21851
410-957-1100
john@BBCS.net

Holland Construction
1201 Cedar Hall Road
Pocomoke City, MD 21851
410.957.3570

Diamond State Pole Building
P.O. Box 163
Magnolia, DE 19962
302-387-1710
nicka@diamondstatepole.com

✓ KOS
1/6/16

VENDOR LIST:
(Pole Building)

Pioneer Pole Buildings, Inc.
716 South Route 183
Schuylkill Haven, PA 17972
Attn: Sales
Phone No.: 888-448-2505
Fax No.: 570-739-1449
E-mail: deanb@pioneerpolebuildings.com → N/A

Delmarva Pole Building Supply, Inc.
317 North Layton Avenue
Wyoming, DE 19934
Attn: Will Kramer
Phone No.: 302-698-3636
Fax No.: 302-698-5036
E-mail: willk@delmarvapole.com → N/A

Soulsman Construction
8648 Saddle Creek Drive
Berlin, MD 21811
Attn: Brad Soulsman
Phone No.: 410-251-4911
Fax No.: None
E-mail: None

Fetterville Sales
245 Fetterville Road
East Earl, PA 17519
Attn: Brian Smith
Phone No.: 717-354-7561
Fax No.: 717-355-9181
E-mail: bsmith@fettervillesales.com

Dutchway Pole Barns
344 East Main Street
Leola, PA 17540
Attn: Chad Becker
Phone No.: 877-756-0732
Fax No.: 717-656-2973
E-mail: cbecker@dutchwaypolebarns.com

BID SPECIFICATIONS

2016 Animal Control Shelter Addition

1. Bids

- A. Bids shall be submitted in sealed envelopes clearly marked in lower left-hand corner.
"Bid for Animal Control Shelter Addition"

2. Late Bids

- A. Bids shall be mailed or hand-carried to be received in the Office of the County Commissioners by or before **February 8, 2016 1:00 P.M. EST.** Bids received after the appointed time will not be considered.

3. Taxes

- A. The County is **NOT** exempt from federal and state taxes on this project. Your prices should reflect included taxes.
- B. To clarify the County's tax status, the County is exempt from all Federal and States taxes for direct purchase of supplies and materials. However, the County's tax exemption does not extend to the bidder for supplies and materials, which bidder must purchase to complete the job. Therefore, bidders' prices should reflect the inclusion of Federal and State taxes on purchased supplies and materials for this project.

4. Scope of Work

- A. Supply and install all supervision, material and labor to install the roof addition on the rear of the Animal Control Building as per project drawings prepared for the project by J. Stacey Hart & Associates as follows.
- General Notes and Section, Sheet 1
 - Base Bid Plan and Elevation, Sheet 2
 - Bid Alternate Plan and Section, Sheet 3
- B. Work Included:
1. Contractor shall provide all permits, supervision, labor, materials, standard manufacturer's warranty, tools and equipment to supply and install new system as delineated on the project drawings to include but not limited to posts, concrete, fasteners, ledgers, roof trusses (engineered design submittal is required prior to material order for approval by the project engineer and building inspector), roofing, doors (alternate bid) and siding where required per the Bid Documents and project drawings to the satisfaction of the County, project engineer, governing inspection agencies and manufacturers.
 2. Contractor shall notify the County in writing of any potential conflicts observed with performance of the work.

3. Contractor shall investigate below grade systems and utilities prior to excavating for footers/foundations. Notify Owner of any obstructions or concerns.
4. Contractor shall provide daily clean-up and removal off-site of all trash and debris generated by the work.
5. Contractor shall be required to locate stored materials in an area(s) designated by the County. Contractor further acknowledges the need to store some of the product off site. This may be at the Contractor's facilities or at the manufacturer's factory warehouse and if the Contractor is invoicing for stored materials then the Contractor shall provide insurance for the stored materials.
6. Contractor shall provide all vertical hoisting and horizontal transportation required by this scope.
7. Contractor to provide protective barriers, barricades and traffic control as required protecting the staff and patrons near the facility from any harm arising from performance of the work.
8. Contractor shall provide all, compressed air, sanitary facilities for crew, safety equipment, dumpster(s), removal of all debris generated by the work, tipping fees, temporary heat, temporary enclosures, lighting and all other equipment and services as may be required to perform the Work. Electric and Water are available by coordination with County.
9. Contractor shall protect the existing structure through the duration of the repair so as to prevent loss of the structure from inclement weather and to protect patrons, employees and animals. Loss will be determined on a case by case basis and is solely dependent on the type event that may occur.
10. Contractor shall repair at its own expense any and all damage associated with the performance of this work.
11. Contractor to coordinate all required inspections with the Owner and all governing agencies to include the Worcester County Department of Development Review and Permitting.

5. Specifications

The following specific items shall be included as a part of the repair being provided:

A. General

1. All work is to be in full compliance with Worcester County Building Code's latest revision. Design shall meet hurricane exposure "C" requirements. All unsuitable soils and the mitigation methods and materials to correct said conditions shall be considered extra work to be negotiated as a Change Order with the Owner.

B. Permits

1. Contractor shall apply for a building permit from the Worcester County Department of Development Review and Permitting, and all other agencies that govern this work.
2. Worcester County shall supply a construction (Building, Plumbing, Fire and Storm water/Erosion Control) permit with the name the contractor on the application at no charge. The contractor shall be responsible to coordinate inspections needed to complete the renovations. Third party inspections including, not limited to, soil compaction/bearing, steel, engineers certification are the responsibility of the contractor.
3. A site plan will be provided by the Worcester County Department of Public Works to the Contractor to accompany the building drawings for obtaining the building permit.
4. Contractor must be licensed in Maryland for Commercial Building.

C. Repair/Construction:

1. Per project Drawings and specifications
2. See Bid alternates included on the project drawings

D. Submittals

1. Contractor to provide submittals for all building components including the following:
 - Posts – ACQ ground contact rated
 - Fasteners – Hot Dipped Galvanized or Stainless Steel
 - Roof Trusses – Engineered for wind exposure 130 MPH – including strapping attachments required by roof supplier engineer
 - Doors – As required with proposal for bid alternate
 - Roof/Siding material specifications – Color selection by County

E. Other

1. References – With proposal submit contact information for 3 references where similar work has been completed.
2. Project Schedule: The successful contractor will receive a “Notice to Proceed” from Worcester County and will then proceed to execute the project. The timeline for completion of the renovations shall be no more than 90 days beyond “notice to proceed”. Notice to proceed shall be based on Worcester County Commissioner approval and finalization of all contract, bond and insurance documentation.
3. Proposal Submittals - Vendors shall submit one (1) original and three (3) copies of the proposals.
4. The successful contractor will be required to execute a contract with Worcester County with reference to the specifications, drawings, attachments and addenda.
5. To demonstrate qualifications to perform the Work, each Bidder must be

prepared to submit within two days of the County's request, written evidence of types such as financial data, previous experience, and any other pertinent information requested to complete the project to the satisfaction of the County.

6. Change orders – Change orders shall be submitted to the owner – 3 copies are required. Change orders must include a full itemization of material and labor necessary to complete the work and include a written description of the change. It is preferable to execute change orders by lump sum price. General Contractor markup for overhead and profit shall be 5% on subcontractor change orders. All change orders must be approved by the Worcester County Commissioners. Adequate time must be allowed for change order submission, review and approval by the County Commissioners at scheduled bi-weekly meetings.
7. A work initiating meeting shall be held with the contractor and owner after award to review the contract documents, schedule, work plan and any other issues pertinent to the completion of the project. At the initial meeting, the contractor shall present the work plan and sequence of work to the owner. Prior to beginning work on the project, the selected contractor shall be provided "Notice to Proceed" letter from the Owner.

Addendum 1 – Pre-bid conference meeting notes and clarifications.

Worcester County Animal Control Building Shelter Addition – 6207 Timmons Road, Snow Hill, MD 21863

Addendum 1 –

Prebid Meeting Notes of 1/21/16 Meeting

Prebid Meeting Attendance Roster

Revised Drawings:

1. Sketch – Addendum 1 – Ledger Attachment Revision

This addendum must be recognized as received in the final bid due Monday February 8, 2016 by 1:00 PM in the Office of the County Commissioners, Room 1103 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195. All clarifications, specifications and drawings included with this addendum are to be included with the final proposal.

Prebid Meeting Notes:

January 21, 2016 at 1:00 p.m.

Worcester County Animal Control – Snow Hill

Notes and Clarifications:

1. The general scope of the project was reviewed regarding the request for contractor services. Worcester County participants were introduced as follows:
 - a. Susan Rantz, Animal Control Officer
 - b. Glen Grandstaff, Deputy Animal Control officer
 - c. Bill Bradshaw, Worcester County Engineer
 - d. Ken Whited, Maintenance Superintendent
2. This project includes the addition of a roof on the rear of the building to be used as weather protection for the existing animal pens.
3. Bids are due 8 February 2016. Bids must be delivered as required or will not be considered. See the documents “notice to bidders” and specifications for details. Bidders were reminded to not deliver the proposals to animal control.
4. Bidders are responsible to check and include all addendums in their proposals. All issued addendums will be required to be acknowledged on the Bid forms – Version (final- date) .
5. Questions must be submitted to Ken Whited at (kenwhited@co.worcester.md.us) before 1 February 2016 2:00 PM EST preferably email in writing to facilitate responses from the appropriate party. Answers will follow in a final addendum.
6. The successful contractor will be required to complete a contract with Worcester County referencing the specifications and bid documents. The contractor will be required to include a certificate of insurance and licensing.
7. After Contract completion, a “notice to proceed” letter will be issued to the contractor to begin work. Time allotted for the completion of work is 90 calendar days.

8. The facility will remain open during construction of the addition. Contractors must protect the public using the building. Any work which interferes with the operation of the facility activities must be coordinated with Worcester County
9. Contractors must supply and maintain dumpster facilities for the construction work. No construction or debris or trash from the renovation project will be permitted in the facility dumpsters.
10. A permit will be supplied by Worcester County for the renovation project covering building renovation, Fire Marshal, and site modifications. Third party inspections including soil compaction testing are the responsibility of the Contractor.
11. Existing building areas were toured.
12. Normal Work schedule: Monday to Friday – 7:30 am to 4:00 pm. Work schedules must be coordinated with Worcester County.
13. Worcester County Maintenance will remove and reconnect lighting/electrical components as required to support the project. Coordination with maintenance is required.
14. There is no interior ceiling specified or required for the project.
15. Alternate 1 includes side end wall enclosure to grade. Additional framing and siding is required per the project drawings.
16. Alternate 2 includes rear overhead doors and additional framing and siding to completely enclose the structure.
17. Footers are designed to be 24 inches below grade. This exceeds the minimum frost depth and is required for structural support.
18. Soil compaction tests of footer excavation are required and shall be provided by the sub-contractor. Certified testing agencies are required to perform and report in writing on the results. Contractors must identify the testing agency prior to "notice to proceed" is provided and is subject to approval by Worcester County and Project Engineer. A bearing capacity of 2000 psf is required per the project drawings.
19. The upper and lower treated ledger attachment to the CMU wall shall be modified to include ½ inch, through bolting including all associated hardware, washers and nuts to complete the attachment per the sketch drawing included in addendum 1. Delete Hilti sleeve anchors referenced on the original project drawing. The

contractor shall re-torque the through bolting in 6 months after initial installation and after lumber is dry.

20. There is no concrete flat slab work required. Concrete specifications are for reference to footer construction.
21. Bid Alternate 2 - Roll-up doors shall include steel hardware with one door/lock bar on the right side of the door at the door track. Include 1 row of view lights in each door. Chain hoists are not required. Material Submittals are required for approval.
22. A standard 1 year warranty shall be provided as required by Maryland.

Attendance Roster from Pre-bid Meeting

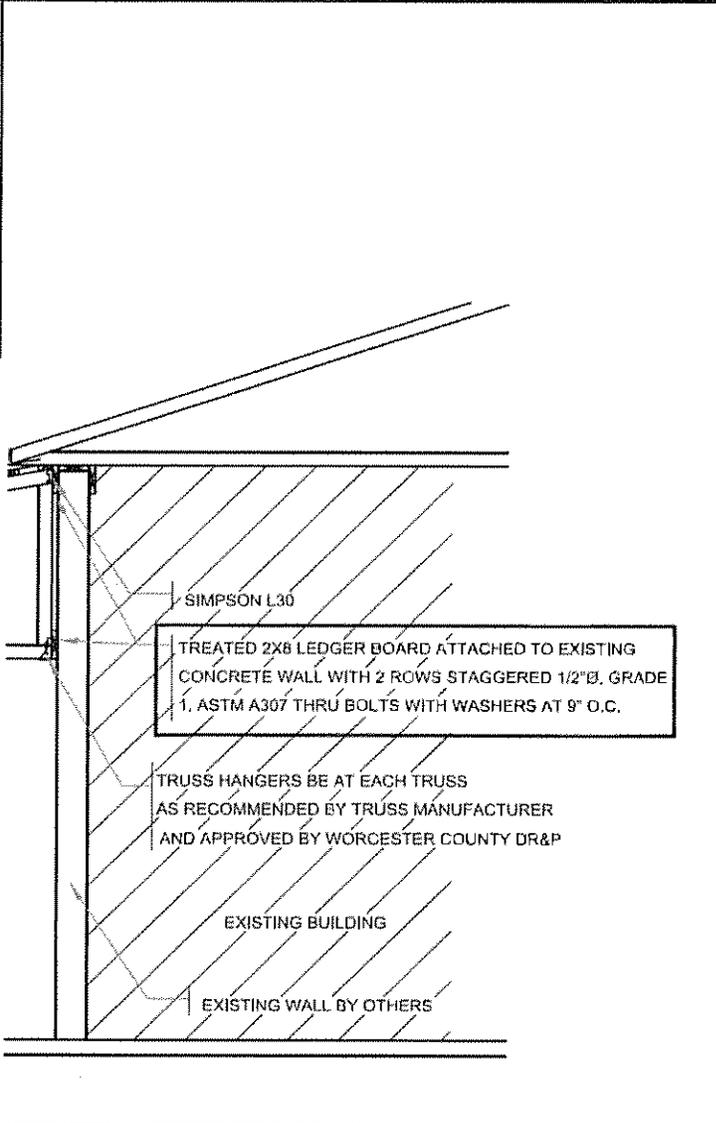
Worcester County Pre-Bid Attendance List
 Project: Worcester County Animal Control Building Addition
 Date: 1/21/16 @ 1:00
 Location: Worcester County Animal Control Building – 6207 Timmons Road Snow Hill, MD

Name	Company	Phone	Fax	Email
Bill Bradshaw	Worcester Coy	410-632-1700	410-632-3108	bbradshaw@cs-worcounty.md.us
Dan Seese	SandL Services	410-943-3355	410-983-2032	SandL Dan @ Gmail.com
Lee Beauchamp	Delmarva Vietnam Builders	447-880-2701		Lee@DelmarvaVeteranBuilders.com
Ken Whited	Wor Co. Maint			Ken.Whited@Co.Worcester.md.us
Mike Hazard	Hazard Construction Co., Inc	410-351-3747		MB.Hazard@Curreast.net

Addendum 1 – Pre-bid conference meeting notes and clarifications.

Worcester County Animal Control Building Shelter Addition – 6207 Timmons Road, Snow Hill, MD 21863

DRAWINGS

<p>PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THIS STATE.</p> <p>LICENSE NO.: MD 22796 EXPIRATION DATE: AUGUST 10, 2016</p>  <p>1/26/16</p>	 <p>SIMPSON L30</p> <p>TREATED 2X8 LEDGER BOARD ATTACHED TO EXISTING CONCRETE WALL WITH 2 ROWS STAGGERED 1/2"Ø. GRADE 1, ASTM A307 THRU BOLTS WITH WASHERS AT 9" O.C.</p> <p>TRUSS HANGERS BE AT EACH TRUSS AS RECOMMENDED BY TRUSS MANUFACTURER AND APPROVED BY WORCESTER COUNTY DR&P</p> <p>EXISTING BUILDING</p> <p>EXISTING WALL BY OTHERS</p>		
<p>WORCESTER COUNTY ANIMAL CONTROL 6207 TIMMONS ROAD, SNOW HILL ADDENDUM 1</p>		<p>© 2015</p>  <p>J. STACEY HART & ASSOCIATES, INC.</p> <p>POST OFFICE BOX 6 SNOW HILL, MD 21863 PHONE: 410-390-5096 FAX: 877-440-4355 EMAIL: stacey@jstaceyhart.com</p>	
<p>JOB NUMBER: 2015-047</p>	<p>SCALE: 3/8"=1'-0"</p>	<p>SHEET NO: 1 OF 1</p>	<p>DATE: 01/26/2016</p>

Addendum 2 (2/3/2016) –

This addendum must be recognized as received in the final bid due Monday February 8, 2016 by 1:00 PM in the Office of the County Commissioners, Room 1103 – Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195. All clarifications, specifications and drawings included with this addendum are to be included with the final proposal. This addendum must be acknowledged on the bid form as Addendum 2 dated 2/3/2016.

Notes and Clarifications to RFI's received by 2/1/16 at 2:00 PM:

1. Metal roofing and siding is specified on the drawings and specifications are provided on sheet 1 under Metal Cladding. Aluminum siding and roofing panels are not included on this project. Drawing notes specify metal roofing and siding products.
2. Metal cladding shall be factory painted conforming to manufacturer's specifications. Bidders shall provide with proposal manufacturer's specification sheet on the siding included. Color to be selected from manufacturer's standard color offerings.
3. Alternate 2 doors may be track supported from trusses. All necessary frame and hardware shall be provided for doors to operate manually. Bidders shall provide manufacturer specifications with proposal.
4. Bidders shall include a copy of Maryland Contractors License issued by Maryland Circuit Court.

BID FORM

2016 Animal Control Building Shelter Addition

I/We have reviewed the specifications and provisions for adding the shelter as described in the bid documents, specifications and drawings at 6207 Timmons Road, Snow Hill, MD 21863. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Base Bid Price \$ _____, _____

Total Bid Alternate 1 Price \$ _____, _____

Total Bid Alternate 2 Price \$ _____, _____

Acknowledgement of Receipt of Bid Addendum: (Bidder must check for and acknowledge addendums prior to submitting final bid. Bids must acknowledge each addendum to be complete - List by date)

Addendum No. 1 _____

Addendum No. 2 _____

Other (list by number and date) _____

List of any exclusions or costs not included in the preparation of this Bid

BID MUST BE SIGNED TO BE VALID.

Date: _____

Signature: _____

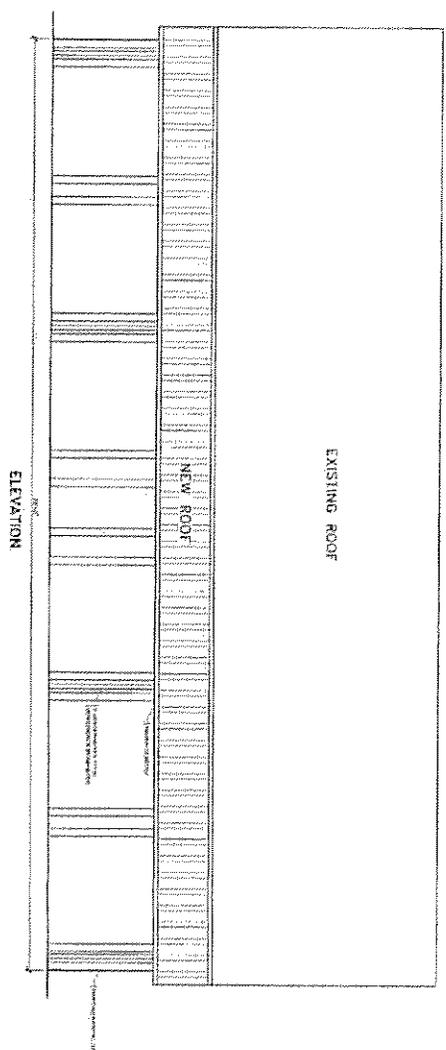
Typed Name: _____

Title: _____

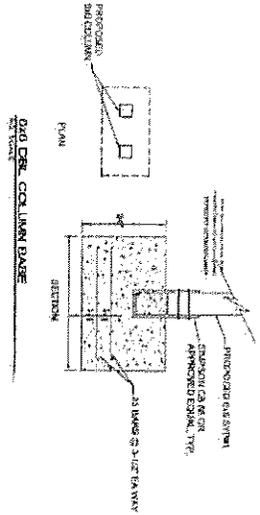
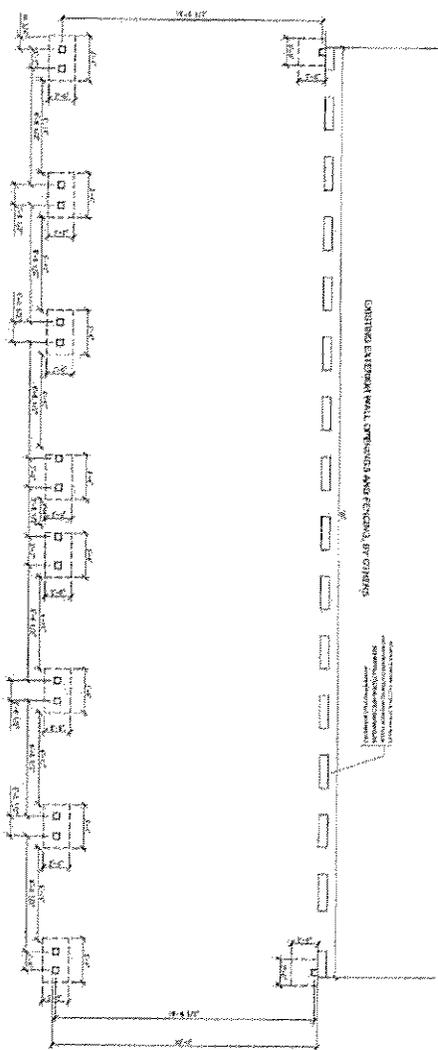
Firm: _____

Address: _____

Phone: _____



FOUNDATION PLAN
1/4" = 1'-0"

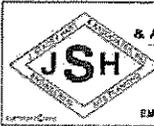


PROJECT NO.	21A
DATE	02/01/01
DESIGNER	JSH
CONTRACTOR	
NO. OF SHEETS	2 of 3

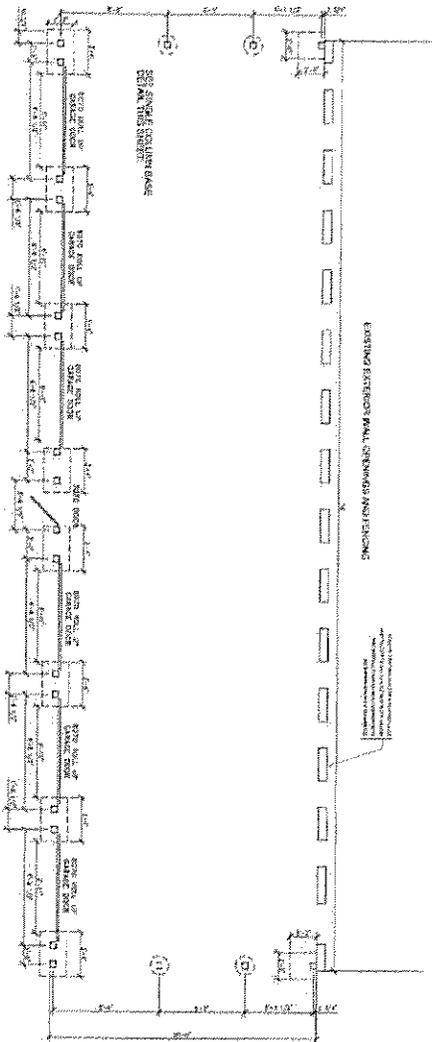


WORCESTER COUNTY
ANIMAL CONTROL
6207 TIMMONS ROAD
 SNOW HILL
 WORCESTER COUNTY, MARYLAND

REVISIONS	
DATE	REVISION

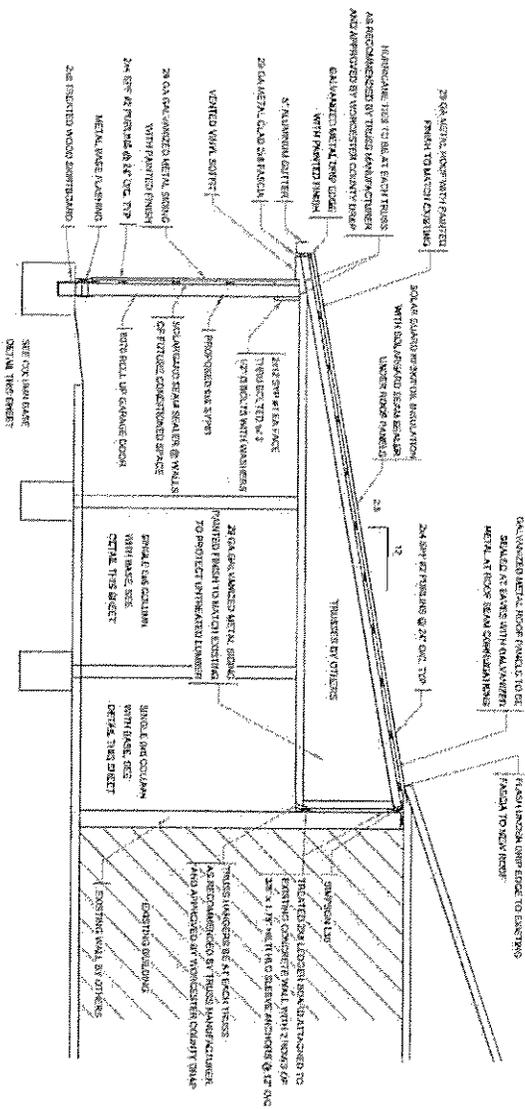


J. STACEY HART & ASSOCIATES, INC.
 POST OFFICE BOX 8
 SNOW HILL, MD 21863
 PHONE: 410-330-8010
 FAX: 410-330-4115
 EMAIL: stacey@staceyhart.com

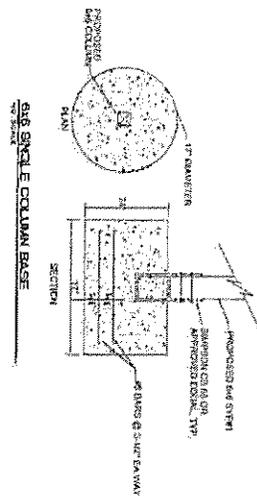


FOUNDATION PLAN
1/4" = 1'-0"

- REVISIONS:**
1. REVISIONS TO FOUNDATION PLAN TO ACCORD WITH THE FOUNDATION PLAN.
 2. REVISIONS TO FOUNDATION PLAN TO ACCORD WITH THE FOUNDATION PLAN.
 3. REVISIONS TO FOUNDATION PLAN TO ACCORD WITH THE FOUNDATION PLAN.



BUILDING SECTION - BID ALTERNATE WITH SIDING
1/2" = 1'-0"



DATE	BY	REVISION

BID ALTERNATE PLAN & SECTION
3 of 3



WORCESTER COUNTY ANIMAL CONTROL
6207 TIMMONS ROAD
SNOW HILL, MARYLAND
WORCESTER COUNTY, MARYLAND

REVISIONS

DATE	REVISION

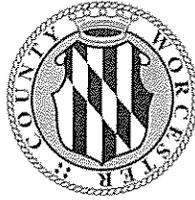
J. STACEY HART & ASSOCIATES, INC.

POST OFFICE BOX 6
SNOW HILL, MD 21863
PHONE: 410-396-4365
FAX: 877-848-4365
EMAIL: jstacey@staceyhart.com

RECEIVED

DEC 28 2015

WOR CO ADMIN



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1201

SNOW HILL, MARYLAND 21863

TEL: 410-632-1200 / FAX: 410-632-3008

www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: William Bradshaw, County Engineer
Ken Whited, Maintenance Supervisor
Susan Rantz, Animal Control Officer
DATE: December 22, 2015
SUBJECT: Animal Control Building Shelter Addition

Attached for your review and approval are bid documents for addition of a shelter/roof above the pens on the rear of the Animal Control building located at 6207 Timmons Road in Snow Hill, Maryland. Included in this packet is the Notice to Bidders, Specifications, Drawings, Bid Form and Bidders List. Once the Commissioners have had the opportunity to review the packet, we request authorization to solicit bids for the budgeted project.

Animal Control budgeted funds in the amount of \$30,000.00 were approved for this expenditure.

Should you have any questions, please do not hesitate to call.

Attachments

APPROVED
Worcester County Commissioners
Date HH 1/5/16



DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
 Technical Services Division

PROPERTY OWNER:

County Commissioners
 1 West Market Street
 Snow Hill, MD 21863

PREMISE INFORMATION:

6207 Timmons Road
 Account ID No.: 2402005948
 Tax Map 56, Parcel 26

SOURCE INFORMATION:

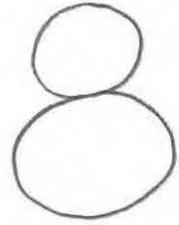
2013 MD Assessment & Taxatic
 2013 Aerial Imagery



Worcester County
Department of Recreation & Parks

Paige Hurley, Director

6030 Public Landing Road, Snow Hill, Maryland 21863
410.632.2144 • Fax: 410.632.1585



TO: Harold Higgins
FROM: Paige Hurley *PH*
DATE: February 22, 2016
RE: Newtown Park Pavilion Repair Project

On February 22, 2016, two bids were opened for the Newtown Park Pavilion Repair Project, located in Pocomoke, MD. This project will serve the users of Newtown Park by ensuring the structural integrity of the existing pavilion for many years to come. The total of \$18,888 has been allocated in the FY2016 Budget, account number 100.1602.530.6160.247, entitled Grant Program POS-Pavilions.

The following bids reflect the contractors total cost for all building components associated with the replacement of fourteen (14) structural post supporting the existing pavilion as outlined in the BID SPECIFICATIONS for the Newtown Park Pavilion Repair Project's NOTICE TO BIDDERS:

<u>Contractors Submitting Proposals</u>	<u>Installed Price</u>	<u>Page</u>
Nanticoke Masonry & Construction 20674 Medcalf Lane/Box 163 Nanticoke, MD 21840-0163	\$38,000.00	3
J & L Services, Inc. 5670 Galestown Reliance Road Seaford, DE 19973	\$14,185.00	4
	<i>Bid Specifications</i>	5

Based on their lowest cost bid submittal, we would like to recommend the contract for the Newtown Park Pavilion Repair Project be awarded to J & L Services, Inc. of Seaford, Delaware at a total cost of \$14,185.00

Thank you, in advance, for your consideration of this bid recommendation. Feel free to contact me at 410.632.2144, extension 2505, if I can be of assistance.

Attachment

cc: William Rodriguez

Competitive Bid Worksheet

Item: Newtown Park Pavilion Repair Project

Bid Deadline/Opening Date: 1:00 P.M., February 22, 2016

Bids Received by deadline = 2

Vendor's Submitting Bids

Total Bid Price

Nanticoke Masonry & Construction
20674 Madcalf Lane/Box 163
Nanticoke, MD 21840-0163

\$ 38,000⁰⁰

J & L Services
5670 Galestown-Reliance Road
Seaford, DE 19973

\$ 14,185⁰⁰

BID FORM

Newtown Park Pavilion Repair Project

I/We have reviewed the specifications and provisions for replacing the structural posts at the Newtown Park Pavilion located at 2001 Groton Road, Pocomoke, MD 21851. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Bid Price \$ THIRTY-EIGHT THOUSAND DOLLARS/NOCENTS
38,000.00 ~~217~~

BID MUST BE SIGNED TO BE VALID.

Date: 2/17/16

Signature: Dante A. Jones

Typed Name: Dante A. Jones

Title: OWNER

Firm: Nanticoke Masonry & Construction

Address: 20674 Mad Calf Lane / Bx163

Nanticoke, Md 21840-0163

Phone: 443-359-4582

Email: nanmascon1@gmail.com

BID FORM

Newtown Park Pavilion Repair Project

I/We have reviewed the specifications and provisions for replacing the structural posts at the Newtown Park Pavilion located at 2001 Groton Road, Pocomoke, MD 21851. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Bid Price \$ 14,185.00

BID MUST BE SIGNED TO BE VALID.

Date: 2-22-16

Signature: Hazel Burt

Typed Name: Hazel Burt

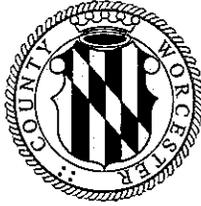
Title: President

Firm: J & L Services Inc.

Address: 5670 Galestown Reliance Rd
Seaford Delaware 19973

Phone: 410-943-3355

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



COMMISSIONERS
MADISON J. BUNTING, JR., PRESIDENT
MERRILL W. LOCKFAW, JR., VICE PRESIDENT
ANTHONY W. BERTINO, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 3, 2016

FAXED
2/3/16 @ 3:10pm

TO: *The Daily Times* Group and *Ocean City Today* Group
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*

Please print the attached Notice to Bidders in *The Daily Times/Worcester County Times/ Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on February 11, 2016. Thanks.

NOTICE TO BIDDERS

Newtown Park Pavilion Repair Project Pocomoke, Worcester County, Maryland

The Worcester County Commissioners are currently accepting bids for replacement of structural posts on one pavilion located at Newtown Park, 2001 Groton Road, Pocomoke, Maryland 21851. Bid specification packages and bid forms are available from the Office of the County Commissioners, Worcester County Government Center, One West Market Street - Room 1103, Snow Hill, Maryland 21863, obtained online at www.co.worcester.md.us or by calling the Commissioners' Office at 410-632-1194 to request a package by mail. Interested bidders are highly recommended to attend a **pre-bid meeting and work site inspection to be held at 10:00 AM on Tuesday, February 16, 2016**, at the site location at 2001 Groton Road, Pocomoke, Maryland 21851. During the Pre-Bid Inspection Meeting the project scope and Bid Documents will be discussed in depth to answer any questions that Bidders may have. **Sealed bids will be accepted until 1:00 PM, Monday, February 22, 2016** in the Office of the County Commissioners, Room 1103 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863, at which time they will be opened and publicly read aloud. Envelopes shall be marked "**Bid for Newtown Park Pavilion Repair Project**" in the lower left-hand corner. After opening, bids will be forwarded to the Department of Recreation and Parks for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the bid, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities therein, and to take whatever bid they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate. All inquiries shall be directed to William Rodriguez, Parks Superintendent, at 410-632-3173 (office), 443-614-2152 (cell), 410-632-3273 (fax), or wrodriguez@co.worcester.md.us (Email). Email correspondence is encouraged and will be binding.

BID SPECIFICATIONS

Newtown Park Pavilion Repair Project

1. Bids

- A. Bids should be submitted in sealed envelopes clearly marked in lower left-hand corner.

"Newtown Park Pavilion Repair Project"

2. Late Bids

- A. Bids should be mailed or hand-carried to be received in the Office of the County Commissioners by or before **1:00 p.m. on Monday February 22, 2016**. Bids received after the appointed time will not be considered.

3. Taxes

- A. The County is **NOT** exempt from federal and state taxes on this project. Your prices should reflect included taxes.
- B. To clarify the County's tax status, the County is exempt from all Federal and States taxes for direct purchase of supplies and materials. However, the County's tax exemption does not extend to the bidder for supplies and materials, which bidder must purchase to complete the job. Therefore, bidders' prices should reflect the inclusion of Federal and State taxes on purchased supplies and materials for this project.

4. Scope of Work

- A. Supply and install new qty. 14 structural posts, concrete footings, all fasteners, siding and concrete for pavilion pad to replace the existing deteriorated posts at the recreational pavilion located at Newtown Park, 2001 Groton Road, Pocomoke, MD 21851. All fasteners and fastening methods shall be in accordance of all guidelines for this type of repair.
- B. Work Included:
1. Contractor shall provide all permits, post & footing details, supervision, labor, materials, standard manufacturer's warranty, tools and equipment to supply and install new structural posts to include but not limited to posts, concrete for footings & pad, replacement fasteners and siding where required per the Bid Documents to the satisfaction of the County, governing inspection agencies and manufacturers.
 2. Contractor shall notify the County in writing of any potential conflicts observed with performance of the work.
 3. Contractor shall provide daily clean-up and removal off-site of all trash and debris generated by the work.

4. Contractor shall be required to locate stored materials in an area(s) designated by the County. Contractor further acknowledges the need to store some of the product off site. This may be at the Contractor's facilities or at the manufacturer's factory warehouse and if the Contractor is invoicing for stored materials then the Contractor shall provide insurance for the stored materials.
5. Contractor shall provide all vertical hoisting and horizontal transportation required by this scope.
6. Contractor to provide protective barriers, barricades and traffic control as required protecting the staff and patrons near the facility from any harm arising from performance of the work.
7. Contractor shall provide all electrical power, compressed air, water, sanitary facilities for crew, safety equipment, dumpster(s), removal of all debris generated by the work, tipping fees, temporary heat, temporary enclosures, lighting and all other equipment and services as may be required to perform the Work.
8. Contractor shall secure, block, shore and tie down the existing structure through the duration of the repair so as to prevent loss of the structure from inclement weather and to protect patrons of the park. Loss will be determined on a case by case basis and is solely dependent on the type of weather event that may occur.
9. Contractor shall repair at its own expense any and all damage associated with the performance of this work.
10. Contractor to coordinate all required inspections with the Owner and all governing agencies to include the Worcester County Department of Development Review and Permitting and the Town of Snow Hill.

5. Specifications

The following specific items shall be included as a part of the repair being provided:

- i. General
 - All work is to be in full compliance with Worcester County Building Code's latest revision. Design shall meet hurricane exposure "C" requirements. All unsuitable soils and the mitigation methods and materials to correct said conditions shall be considered extra work to be negotiated as a Change Order with the Owner.

ii. Permits

- Contractor shall provide all building repair details including but not limited to floor plan, post layout, cross section detail, and elevations to be used for obtaining the required building permit from the Worcester County Department of Development Review and Permitting, the Town of Pocomoke and all other agencies that govern this work.
- A site plan will be provided by the Worcester County Department of Public Works to the Contractor to accompany the building drawings for obtaining the building permit.

iii. Repair/Construction:

- Supply and install complete qty. 14 - 6" x 6" x 12' min. pressure treated structural posts, ACQ ground contact, to be held 6" from the bottom of the excavated hole drilled and pinned two opposing directions with #4 deformed bar. Post protectors to be supplied and installed. See this link for material information <http://www.postprotector.com/grade-guard/>
- Installation of the new posts will require cutting of the existing pad and removal of the existing footings. Footings for the vertical posts shall be constructed with 18" diameter x 36" deep bored holes filled with 3,500 PSI concrete. All subgrade soils will be treated for termites prior to the installation of the concrete. The Owner will procure the services of a certified contractor to treat the soils as is required. The post repair contractor shall coordinate the construction schedule to allow the required treatment. Reconstruction/casting/placement of the pad at excavation sites will require installation of isolation felt to separate the new concrete from adjacent structural posts. Newly installed concrete at pad excavation areas shall be drilled and pinned/doweled to the existing concrete pad. Pins/dowels shall be deformed bar and installed at drilled holes using two part epoxy.
- All work shall meet the following guideline as a minimum. See informational internet link...<http://www.awc.org/publications/DCA/DCA6/DCA6-12.pdf>
- Fasteners for securing posts to headers will require use of hot-dipped galvanized or stainless steel bolts, nuts and washers. Bidder shall specify type of material being used listing shall accompany the Bid Form.

iv. Submittals

- Contractor to provide submittals for all building components including the following:
 - Posts – ACQ ground contact rated
 - Post Protectors – Grade Guard or equivalent
 - Fasteners – Hot Dipped Galvanized or Stainless Steel

BID FORM

Newtown Park Pavilion Repair Project

I/We have reviewed the specifications and provisions for replacing the structural posts at the Newtown Park Pavilion located at 2001 Groton Road, Pocomoke, MD 21851. I/We hereby propose to furnish and install the "Work" as specified in the Bid Documents.

Total Bid Price \$ _____, _____

BID MUST BE SIGNED TO BE VALID.

Date: _____

Signature: _____

Typed Name: _____

Title: _____

Firm: _____

Address: _____

Phone: _____

✓ WGS
8/31/16

BIDDERS LIST

J & G Maint. & Repair, Inc.
10446 Dinges Road
Berlin, MD 21811

Park Row Builders
310 Park Row
Snow Hill, MD 21863

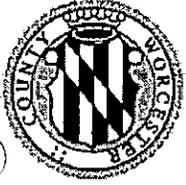
Shoreman Construction
606 East Pine Street
Delmar, MD 21875

Beauchamp Construction
900 Clarke Avenue, P.O. Box 389
Pocomoke City, MD 21851-1438

KB Coldiron Inc.
36546 Dupont Blvd.
Selbyville, DE 19975-3006

J & L Services, Inc.
5670 Galestown Reliance Road
Seaford, Delaware 19973

Holland Construction
1201 Cedar Hall Road
Pocomoke City, MD 21851
410-957-3570



MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Paige A. Hurley, Director *PAH*
DATE: January 19, 2016
SUBJECT: Newtown Park Pavilion Repair Project
Bid Documents

Attached for your review and approval are bid documents for replacement of the structural posts on the pavilion at Newtown Park so located in Pocomoke, MD. Included in this packet is the Notice to Bidders, Conflict of Interest Disclosure Form, Specifications, Bid Form and Bidders List. Once the Commissioners have had the opportunity to review the packet, it is requested that authorization is provided to solicit bids for the repairs.

Program Open Space approved \$17,000 for this project. The project number is POS#6443-23-242

Should you have any questions, please do not hesitate to call me.

Attachments

cc: William Rodriguez
Ken Whited

APPROVED
Worcester County Commissioners
Date 44 2/2/16



DEPARTMENT OF LIQUOR CONTROL

Worcester County

5363 SNOW HILL ROAD

SNOW HILL, MARYLAND

21863-3601

ROBERT L. COWGER, JR.
DIRECTOR
443-859-4186

410-632-1250
TELEPHONE

410-632-3010
FAX

www.co.worcester.md.us/dlc
WEBSITE

9

February 22, 2016

Harold L. Higgins
Chief Administrative Officer
Worcester County Government
One West Market Street - Room 1103
Snow Hill, MD 21863

Re: Liquidation of Non-Moving Licensee Inventory

Dear Harold,

Attached is the list of products which was discussed at our Board Meeting on February 18, 2016. I am requesting approval to discount the products listed to the Licensees for the upcoming summer season.

The lower pricing will enable the department to deplete the excess inventory at a minimal loss to the County. These products will become more difficult to move after closing wholesale operations on September 30, 2016.

If you have any questions, please feel free to contact me.

Respectfully,

Robert L. Cowger
Director

Cc: Kelly Shannahan, Asst. Chief Administrative Officer

Attachment

RLC/lbr

Bottle Cost Discounts and Losses for Inventory Liquidation - March 1, 2016

Item #	Product	On Hand	DLC Cost	Proposed Licensee Price	Proposed Markup	Beverage Journal Price	Difference to Bev. Journal	DLC Cost of Inventory	DLC Sales with Discount	Net Gain/(LOSS)
Whiskey										
18001	Black Velvet	187	\$8.23	\$7.99	-3%	\$8.69	(\$0.70)	\$1,539.01	\$1,494.13	(\$44.88)
Cordials										
21361	Boston Crème De Café	1,260	\$3.63	\$3.63	0%	\$3.89	(\$0.26)	\$4,573.80	\$4,573.80	\$0.00
21421	Boston Sloe Gin	321	\$5.86	\$6.45	10%	\$6.99	(\$0.54)	\$1,881.06	\$2,070.45	\$189.39
4460	Southern Comfort Lime	78	\$14.99	\$13.50	-10%	\$14.99	(\$1.49)	\$1,169.22	\$1,053.00	(\$116.22)
Gin										
25131	Gordons	345	\$9.89	\$8.41	-15%	\$9.89	(\$1.48)	\$3,412.05	\$2,901.45	(\$510.60)
Rums										
6156	Rum Chata	3,557	\$15.84	\$16.64	5%	\$17.49	(\$0.85)	\$56,342.88	\$59,188.48	\$2,845.60
26391	Capt. Morgan Flavors	2,577	\$14.18	\$12.99	-8%	\$14.99	(\$2.00)	\$36,541.86	\$33,475.23	(\$3,066.63)
4212	Rum Jumbie Flavors	2,402	\$9.13	\$8.99	-2%	\$10.99	(\$2.00)	\$21,930.26	\$21,593.98	(\$336.28)
26481	Cruzan Flavors	2,565	\$10.50	\$8.99	-14%	\$10.99	(\$2.00)	\$26,932.50	\$23,059.35	(\$3,873.15)
2254	Calico Jack COCO	1,051	\$9.00	\$8.10	-10%	\$8.99	(\$0.89)	\$9,459.00	\$8,513.10	(\$945.90)
1604	Conch Republic Light	339	\$6.18	\$5.49	-11%	\$5.99	(\$0.50)	\$2,095.02	\$1,861.11	(\$233.91)
4874	Ron Roberto COCO	206	\$5.45	\$4.65	-15%	\$5.59	(\$0.94)	\$1,122.70	\$957.90	(\$164.80)
6182	Malibu Flavors	457	\$11.07	\$10.99	-1%	\$13.99	(\$3.00)	\$5,058.99	\$5,022.43	(\$36.56)
7702	Bayou Rums	246	\$19.00	\$19.00	0%	\$20.49	(\$1.49)	\$4,674.00	\$4,674.00	\$0.00
1190	Don Q Gold/Silver	206	\$8.23	\$9.06	10%	\$11.49	(\$2.43)	\$1,695.38	\$1,866.36	\$170.98
Tequillas										
821	Sauza Gold	1,149	\$10.99	\$11.99	9%	\$13.99	(\$2.00)	\$12,627.51	\$13,776.51	\$1,149.00
1690	White Marlin Gold	720	\$5.99	\$5.99	0%	\$6.99	(\$1.00)	\$4,312.80	\$4,312.80	\$0.00
5730	White Marlin Silver	112	\$5.99	\$5.99	0%	\$6.99	(\$1.00)	\$670.88	\$670.88	\$0.00
Vodkas										
30671	Smirnoff 80	7,000	\$9.99	\$8.99	-10%	\$10.99	(\$2.00)	\$69,930.00	\$62,930.00	(\$7,000.00)
4983	Georgi Flavors	2,553	\$5.56	\$5.99	8%	\$6.99	(\$1.00)	\$14,194.68	\$15,292.47	\$1,097.79
1105	Ciroc Flavors	2,899	\$30.50	\$28.99	-5%	\$31.29	(\$2.30)	\$88,419.50	\$84,042.01	(\$4,377.49)
5351	Three Olives Flavors	3,002	\$15.82	\$11.99	-24%	\$12.99	(\$1.00)	\$47,491.64	\$35,993.98	(\$11,497.66)
2010	Absolut 80/Flavors	6,321	\$15.98	\$16.99	6%	\$18.99	(\$2.00)	\$101,009.58	\$107,393.79	\$6,384.21
6160	Smirnoff Flavors	6,884	\$10.29	\$9.49	-8%	\$10.99	(\$1.50)	\$70,836.36	\$65,329.16	(\$5,507.20)
1953	Paramount Cherry	600	\$5.35	\$5.99	12%	\$6.99	(\$1.00)	\$3,210.00	\$3,594.00	\$384.00
5028	Pinnacle Reg./Flavors	3,199	\$9.34	\$7.99	-14%	\$8.99	(\$1.00)	\$29,878.66	\$25,560.01	(\$4,318.65)
3263	Van Gogh DbI Espresso	454	\$18.57	\$18.99	2%	\$21.99	(\$3.00)	\$8,430.78	\$8,621.46	\$190.68
4310	Svedka Flavors	1,275	\$8.99	\$9.49	6%	\$9.99	(\$0.50)	\$11,462.25	\$12,099.75	\$637.50
3890	Jeremiah Weed S/T	308	\$17.52	\$15.00	-14%	\$17.99	(\$2.99)	\$5,396.16	\$4,620.00	(\$776.16)
218	Kettle One Flavors	337	\$22.75	\$25.03	10%	\$26.59	(\$1.56)	\$7,666.75	\$8,435.11	\$768.36
4929	Sobieski Flavors	310	\$8.94	\$9.49	6%	\$9.99	(\$0.50)	\$2,771.40	\$2,941.90	\$170.50
		52,920				Totals		\$656,736.68	\$627,918.60	(\$28,818.08)
										-4.39%

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



10

COMMISSIONERS
MADISON J. BUNTING, JR., PRESIDENT
MERRILL W. LOCKFAW, JR., VICE PRESIDENT
ANTHONY W. BERTINO, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 23, 2016

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
SUBJECT: Current Board Appointments - Terms Beginning January 1, 2016

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (8) which have members who have resigned or whose terms have expired and either need to be reappointed or replaced (9 total). They are as follows: Commission on Aging Board (1), Drug & Alcohol Abuse Council (1), Housing Review Board (1), Local Management Board/Initiative to Preserve Families (1), Local Development Council for Ocean Downs Video Lottery Facility (2), Lower Shore Workforce Investment Board (1), Water and Sewer Advisory Council - Ocean Pines (1), and Commission for Women (1). I have circled the members whose terms have expired on each of these boards.

Most of these Boards and Commissions specify that current members' terms expired on December 31st. Current members will continue to serve beyond their term until they are either reappointed or a replacement is named. Please consider these reappointments or new appointments at your next meeting so I can notify the board members and staff contacts as soon as possible to restore full appointed membership on each of these boards.

If you have any questions or concerns, please don't hesitate to contact me. Thank You!

Pending Board Appointments - By Commissioner

- District 1 - Lockfaw** p. 9 - Local Development Council for Ocean Downs Casino (Ron Taylor) - 4-year
p. 14 - Commission for Women (Laura McDermott - **resigned-replace** - for remainder of term through 2016) - 3-year
- District 2 - Purnell** All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"
- District 3 - Church** All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"
- District 4 - Elder** All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"
- District 5 - Bertino** All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"
- District 6 - Bunting** All District Appointments received. Thank You!
Please consider nominations for At-Large positions listed below - "All Commissioners"
- District 7 - Mitreic** p. 7 - Housing Review Board (Ruth Waters) - 3-year
p. 9 - Local Development Council for Ocean Downs Casino (Todd Ferrante) - 4-year

All Commissioners

- p. 8 - (1) Local Management Board - Initiative to Preserve Families (Mark Frostrom) - 3-year
p. 10 - (1) Lower Shore Workforce Investment Board (Replace Craig Davis -remainder of term through 2017 - Business Representatives) - 4-year
p. 11 - LSWA requests appointment of representatives from the following industries: Logistics (Sysco), Trades (small independent contractors), Hospitality (hotel, motel, restaurant), Health Care (AGH, Assisted Living, Coastal Hospice), or Manufacturing (wineries, breweries, Dunkin Donuts).
p. 13 - (1) Water and Sewer Advisory Council - Ocean Pines (Gail Blazer) - 4-year

All Commissioners - (Awaiting Nominations)

- p. 3 - (1) Commission on Aging Board (Replace Gloria Blake - resigned - for remainder of terms through 2016)
- Commission on Aging is searching for another new member from Northern Worcester to serve for a full 3-year term through 2018.
- Any suggestions or recommendations?
- p. 5 - (1) Drug and Alcohol Abuse Council (Marty Pusey - Substance Abuse Prevention Provider)
- Awaiting nomination of Marty Pusey's replacement by Health Officer Debbie Goeller

COMMISSION ON AGING BOARD

Reference: By Laws of Worcester County Commission on Aging
- As amended March 2008

Appointed by: Self-Appointing/Confirmed by County Commissioners

Function: Supervisory/Policy Making

Number/Term: Not less than 12; 3 year terms, may be reappointed
Terms Expire September 30

Compensation: None

Meetings: Monthly except July, August, December

Special Provisions: At least 50% of members to be consumers or volunteers of services provided by Commission on Aging, with a representative of minorities and from each of the senior centers; one County Commissioner; and Representatives of Health Department, Social Services and Board of Education as Ex-Officio members

Staff Contact: Worcester County Commission on Aging, Inc. - Snow Hill
Rob Hart, Executive Director (410-632-1277)

Current Members:

<u>Member's Name</u>	<u>Resides/Represents</u>	<u>Years of Term(s)</u>
<u>(Commission on Aging searching for another member to replace Gloria Blake)</u>		
Fred Grant	Snow Hill	*15-16
Joyce Cottman	Berlin	*16
Cynthia Malament	Berlin	07-10-13, 13-16
George "Tad" Pruitt	Snow Hill	05-08-11-14, 14-17
Lloyd Parks	Girdletree	08-11-14, 14-17
Larry Walton	Ocean Pines	*13-14, 14-17
Bonnie C. Caudell	Snow Hill	*09-11-14, 14-17
Clifford Gannett	Pocomoke	*12-14, 14-17
Tommy Tucker	Snow Hill	09-12-15, 15-18
Tommy Mason	Pocomoke	15-18
Rebecca Cathell	Agency - Maryland Job Service	
Dr. Jerry Wilson	Agency - Worcester County Board of Education	
Peter Buesgens	Agency - Worcester County Department of Social Services	
Deborah Goeller	Agency - Worcester County Health Department	
Madison J. Bunting, Jr.	Worcester County Commissioners' Representative	

* = Appointed to fill an unexpired term

Prior Members:

Since 1972

Virginia Harmon
 Maude Love
 Dr. Donald Harting
 John C. Quillen
 Violet Chesser
 William Briddell
 Harrison Matthews
 John McDowell
 Mildred Brittingham
 Maurice Peacock
 Father S. Connell
 Rev. Dr. T. McKelvey
 Samuel Henry
 Rev. Richard Hughs
 Dorothy Hall
 Charlotte Pilchard
 Edgar Davis
 Margaret Quillen
 Lenore Robbins
 Mary L. Krabill
 Leon Robbins
 Claire Waters
 Thelma Linz
 Oliver Williams
 Michael Delano
 Father Gardiner
 Iva Baker
 Minnie Blank
 Thomas Groton III
 Jere Hilbourne
 Sandy Facinoli
 Leon McClafin
 Mabel Scott
 Wilford Showell
 Rev. T. Wall
 Jeaninne Aydelotte
 Richard Kasabian
 Dr. Fred Bruner
 Edward Phillips
 Dorothy Elliott
 John Sauer
 Margaret Kerbin
 Carolyn Dorman
 Marion Marshall
 Dr. Francis Ruffo
 Dr. Douglas Moore
 Hibernia Carey
 Charlotte Gladding
 Josephine Anderson
 Rev. R. Howe
 Rev. John Zellman
 Jessee Fassett
 Delores Waters
 Dr. Terrance A. Greenwood
 Baine Yates
 Wallace T. Garrett
 William Kuhn (86-93)
 Mary Ellen Elwell (90-93)
 Faye Thornes

Mary Leister (89-95)
 William Talton (89-95)
 Sunder Henry (89-95)
 Josephine Anderson
 Saunders Marshall (90-96)
 Louise Jackson (93-96)
 Carolyn Dorman (93-98)
 Constance Sturgis (95-98)
 Connie Morris (95-99)
 Jerry Wells (93-99)
 Robert Robertson (93-99)
 Margaret Davis (93-99)
 Dr. Robert Jackson (93-99)
 Patricia Dennis (95-00)
 Rev. C. Richard Edmund (96-00)
 Viola Rodgers (99-00)
 Baine Yates (97-00)
 James Shreeve (99-00)
 Tad Pruitt (95-01)
 Rev. Walter Reuschling (01-02)
 Armond Merrill, Sr. (96-03)
 Gene Theroux
 Blake Fohl (98-05)
 Constance Harmon (98-05)
 Catherine Whaley (98-05)
 Wayne Moulder (01-05)
 Barbara Henderson (99-05)
 Gus Payne (99-05)
 James Moeller (01-05)
 Rev Stephen Laffey (03-05)
 Anne Taylor (01-07)
 Jane Carmean (01-07)
 Alex Bell (05-07)
 Inez Somers (03-08)
 Joanne Williams (05-08)
 Ann Horth (05-08)
 Helen Richards (05-08)
 Peter Karras (00-09)
 Vivian Pruitt (06-09)
 Doris Hart (08-11)
 Helen Heneghan (08-10)
 Jack Uram (07-10)
 Robert Hawkins (05-11)
 Dr. Jon Andes
 Lloyd Pullen (11-13)
 John T. Payne (08-15)
 Sylvia Sturgis (07-15)
 Gloria Blake (05-15)

* = Appointed to fill an unexpired term

DRUG AND ALCOHOL ABUSE COUNCIL

Reference: PGL Health-General, Section 8-1001

Appointed by: County Commissioners

Functions: Advisory
Develop and implement a plan for meeting the needs of the general public and the criminal justice system for alcohol and drug abuse evaluation, prevention and treatment services.

Number/Term: At least 18 - At least 7 At-Large, and 11 ex-officio (also several non-voting members)
At-Large members serve 4-year terms; Terms expire December 31

Compensation: None

Meetings: As Necessary

Special Provisions: Former Alcohol and Other Drugs Task Force was converted to Drug and Alcohol Abuse Council on October 5, 2004.

Staff Contact: David Baker, Council Secretary, Health Department (410-632-1100, ext. 1106)
Doug Dods, Council Chair, Sheriff's Office (410-632-1111)

Current Members:

<u>Name</u>	<u>Representing At-Large Members</u>	<u>Years of Term(s)</u>
Marty Pusey	Substance Abuse Prevention Provider	04-11, 11-15
Kim Moses	Knowledgeable on Substance Abuse Issues	08-12, 12-16
Karen Johnson	Knowledgeable on Substance Abuse Issues	*14-16
Colleen Wareing	Knowledge of Substance Abuse Treatment	*06-09-13, 13-17
Rev. Bill Sterling	Knowledge of Substance Abuse Issues	13-17
Eric Gray (Christina Purcell)	Substance Abuse Treatment Provider	*15-18
Sue Abell-Rodden	Recipient of Addictions Treatment Services	10-14, 14-18
Colonel Doug Dods	Knowledgeable on Substance Abuse Issues	04-10 (advisory), 10-14, 14-18
Jim Freeman, Jr.	Knowledgeable on Substance Abuse Issues	04-11-15, 15-19
Jennifer LaMade	Knowledgeable on Substance Abuse Issues	*12-15, 15-19

*Retired - replace
Debbie Goeller do
propose*

Ex-Officio Members

Debbie Goeller	Health Officer	Ex-Officio, Indefinite
Peter Buesgens (Roberta Baldwin)	Social Services Director	Ex-Officio, Indefinite
Spencer Lee Tracy, Jr.	Juvenile Services, Regional Director	Ex-Officio, Indefinite
Trudy Brown	Parole & Probation, Regional Director	Ex-Officio, Indefinite
Beau Oglesby	State's Attorney	Ex-Officio, Indefinite
Burton Anderson	District Public Defender	Ex-Officio, Indefinite
Sheriff Reggie Mason (Doug Dods)	County Sheriff	Ex-Officio, Indefinite
Bob Rothermel (Aaron Dale)	Board of Education President	Ex-Officio, Indefinite
Diana Purnell	County Commissioners	Ex-Officio, Indefinite
Judge Thomas Groton (Jen Bauman)	Circuit Court Administrative Judge	Ex-Officio, Indefinite
Judge Gerald Purnell (Tracy Simpson)	District Court Administrative Judge	Ex-Officio, Indefinite
Garry Mumford	Warden, Worcester County Jail	Ex-Officio, Indefinite

* Appointed to a partial term for proper staggering

Advisory Members

Sharon Smith	Stephen Decatur H.S. - SADD Advisor	Since 2004
Lt. Earl W. Starner	Maryland State Police	Since 2004
Jennifer Standish	Recreation & Parks Department	
Charles "Buddy" Jenkins	Business Community - Jolly Roger Amusements	
Chief Ross Buzzuro (Lt. Rick Moreck)	Ocean City Police Dept.	
Leslie Brown	Hudson Health Services, Inc.	
(Vacant)	Student Rep - Stephen Decatur HS - appointed by Principal	
(Vacant)	Student Rep - Snow Hill HS - appointed by Principal	
(Vacant)	Student Rep - Pocomoke HS - appointed by Principal	
(Vacant)	Student Rep - Worcester Preparatory - appointed by Principal	

Prior Members:

Vince Gisriel
Michael McDermott
Marion Butler, Jr.
Judge Richard Bloxom
Paula Erdie
Tom Cetola
Gary James (04-08)
Vickie Wrenn
Deborah Winder
Garry Mumford
Judge Theodore Eschenburg
Andrea Hamilton
Fannie Birckhead
Sharon DeMar Reilly
Lisa Gebhardt
Jenna Miller
Dick Stegmaier
Paul Ford
Megan Griffiths
Ed Barber
Eloise Henry-Gordy
Lt. Lee Brumley
Ptl. Noal Waters
Ptl. Vicki Fisher
Chief John Groncki
Chief Arnold Downing
Frank Pappas
Captain William Harden
Linda Busick (06-10)
Sheriff Chuck Martin
Joel Todd
Diane Anderson (07-10)
Joyce Baum (04-10)
James Yost (08-10)
Ira "Buck" Shockley (04-13)
Teresa Fields (08-13)
Frederick Grant (04-13)
Doris Moxley (04-14)
Commissioner Merrill Lockfaw
Kelly Green (08-14)
Sheila Warner - Juvenile Services

Since 2004

Chief Bernadette DiPino - OCPD
Chief Kirk Daugherty - SHPD
Mike Shamburek - Hudson Health
Shirleen Church - BOE
Tracy Tilghman (14-15)

HOUSING REVIEW BOARD

Reference: Public Local Law §BR 3-104

Appointed by: County Commissioners

Function: Regulatory/Advisory
To decide on appeals of code official's actions regarding the Rental Housing Code. Decide on variances to the Rental Housing Code.
Review Housing Assistance Programs.

Number/Term: 7/3 year terms
Terms expire December 31st

Compensation: \$50 per meeting (policy)

Meetings: As Needed

Special Provisions: Immediate removal by Commissioners for failure to attend meetings.

Staff Support: Development Review & Permitting Department
Jo Ellen Bynum, Housing Program Administrator - 410-632-1200, x 1171

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Terms(s)</u>
Ruth Waters	D-7, Gulyas	Berlin	12-15
C. D. Hall	D-1, Lockfaw	Pocomoke	10-13, 13-16
Debbie Hileman	D-6, Bunting	Ocean Pines	10-13, 13-16
John Glorioso	D-3, Church	Ocean Pines	*06-11-14, 14-17
Scott Tingle	D-4, Elder	Snow Hill	14-17
Donna Dillon	D-5, Bertino	Ocean Pines	08-11-14, 14-17
Sharon Teagle	D-2, Purnell	Ocean Pines	00-12-15, 15-18

Prior Members:

Phyllis Mitchell	Albert Bogdon (02-06)
William Lynch	Jamie Rice (03-07)
Art Rutter	Howard Martin (08)
William Buchanan	Marlene Ott (02-08)
Christina Alphonsi	Mark Frostrom, Jr. (01-10)
Elsie Purnell	Joseph McDonald (08-10)
William Freeman	Sherwood Brooks (03-12)
Jack Dill	Otho Mariner (95-13)
Elbert Davis	Becky Flater (13-14)
J. D. Quillin, III (90-96)	
Ted Ward (94-00)	
Larry Duffy (90-00)	
Patricia McMullen (00-02)	
William Merrill (90-01)	
Debbie Rogers (92-02)	
Wardie Jarvis, Jr. (96-03)	

* = Appointed to fill an unexpired term

WORCESTER COUNTY'S INITIATIVE TO PRESERVE FAMILIES BOARD

Previously - Local Management Board; and Children, Youth and Family Services Planning Board

Reference: Commissioners' Resolution No. 09-3, adopted on January 6, 2009

Appointed by: County Commissioners

Functions: Advisory/Policy Implementation/Assessment and Planning
 - Implementation of a local, interagency service delivery system for children, youth and families;
 - Goal of returning children to care and establishment of family preservation within Worcester County;
 - Authority to contract with and employ a service agency to administer the State Service Reform Initiative Program

Compensation: \$50 Per Meeting for Private Sector Members

Number/Term: 9 members/5 Public Sector, 4 Private Sector with 3-year terms
 51% of members must be public sector
 Terms expire December 31st

Meetings: Monthly

Staff Contact: Jessica Sexauer, Acting Director, Local Management Board - (410) 632-3648
 Jennifer LaMade - Local Management Board - (410) 632-3648
 Pete Buesgens, Chair - (410) 677-6807; Eloise Henry-Gordy, Vice-Chair

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides/Representing</u>	<u>Years of Term(s)</u>
Mark Frostrom	At-Large - Lockfaw	Pocomoke City	*99-09, 09-12, 12-15
Ira "Buck" Shockley	At-Large - D. Purnell	Snow Hill	03-09-12, 13-16
Eloise Henry Gordy	At-Large - J. Purnell	Snow Hill	*07-08-11-14, 14-17
Andrea Watkins	At-Large - Bertino	Ocean Pines	*13-14, 14-17
Jennifer LaMade	<i>Ex officio</i>	Core Service Agency	Indefinite
Deborah Goeller	<i>Ex officio</i>	Health Department	Indefinite
Sheila Warner	<i>Ex officio</i>	Juvenile Justice	Indefinite
Dr. Jerry Wilson	<i>Ex officio</i>	Board of Education	Indefinite
Peter Buesgens	<i>Ex officio</i>	Department of Social Services	Indefinite

Prior Members (since 1994):

Tim King (97)	Jeannette Tresler (02-05)	Judy Baumgartner (07-10)
Sandra Oliver (94-97)	Lou Taylor (02-05)	Claudia Nagle (09-10)
Velmar Collins (94-97)	Paula Erdie	Megan O'Donnell (10)
Catherine Barbierri (95-97)	Rev. Pearl Johnson (05-07)	Kiana Smith (10)
Ruth Geddie (95-98)	Peter Fox (05-07)	Christopher Bunting (10)
Rev. Arthur George (94-99)	Lou Etta McClafin (04-07)	Simi Chawla (10)
Kathey Danna (94-99)	Bruce Spangler (04-07)	Jerry Redden
Sharon Teagle (97-99)	Sharon DeMar Reilly	Jennifer Standish
Jeanne Lynch (98-00)	Kathy Simon	Anne C. Turner
Jamie Albright (99-01)	Vickie Stoner Wrenn	Marty Pusey
Patricia Selig (97-01)	Robin Travers	Virgil L. Shockley
Rev. Lehman Tomlin (99-02)	Jordan Taylor (09)	Dr. Jon Andes (96-12)
Sharon Doss	Aaron Marshall (09)	Dr. Ethel M. Hines (07-13)
Rick Lambertson	Allen Bunting (09)	
Cyndy B. Howell	LaTrele Crawford (09)	
Sandra Lanier (94-04)	Sheriff Charles T. Martin	
Dr. James Roberts (98-04)	Joel Todd, State's Attorney	
Dawn Townsend (01-04)	Ed Montgomery (05-10)	
Pat Boykin (01-05)	Edward S. Lee (07-10)	
	Toni Keiser (07-10)	

* = Appointed to fill an unexpired term

**LOCAL DEVELOPMENT COUNCIL
FOR THE OCEAN DOWNS CASINO**

Reference: Subsection 9-1A-31(c) - State Government Article, Annotated Code of Maryland

Appointed by: County Commissioners

Function: Advisory
Review and comment on the multi-year plan for the expenditure of the local impact grant funds from video lottery facility proceeds for specified public services and improvements; Advise the County on the impact of the video lottery facility on the communities and the needs and priorities of the communities in the immediate proximity to the facility.

Number/Term: 15/4 year terms; Terms Expire December 31

Compensation: None

Meetings: At least semi-annually

Special Provisions: Membership to include State Delegation (or their designee); one representative of the Ocean Downs Video Lottery Facility, seven residents of communities in immediate proximity to Ocean Downs, and four business or institution representatives located in immediate proximity to Ocean Downs.

Staff Contacts: Kim Moses, Public Information Officer, 410-632-1194
Maureen Howarth, County Attorney, 410-632-1194

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Represents/Resides</u>	<u>Years of Term(s)</u>
Ron Taylor °	Dist. 1 - Lockfaw	Resident - Pocomoke	*09-10, 10-14
Todd Ferrante °	Dist. 7 - Gulyas	Resident - Ocean City	*09-11, 11-15
Mayor Charlie Dorman	Dist. 4 - Shockley	Resident - Snow Hill	12-16
Rod Murray °	Dist. 6 - Bunting	Resident - Ocean Pines	*09-12, 12-16
Mayor Rick Meehan °	At-Large	Business - Ocean City	*09-12, 12-16
Mayor Gee Williams °	Dist. 3 - Church	Resident - Berlin	09-13, 13-17
Jim Rosenberg °	Dist. 5 - Boggs	Resident - Ocean Pines	09-13, 13-17
David Massey °	At-Large	Business - Ocean Pines	09-13, 13-17
Cam Bunting °	At-Large	Business - Berlin	*09-10-14, 14-18
James N. Mathias, Jr. °		Maryland Senator	09-10-14, 14-18
Mary Beth Carozza		Maryland Delegate	14-18
Charles Otto		Maryland Delegate	14-18
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15, 15-19
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
Joe Cavilla	Ocean Downs Casino	Ocean Downs Casino	12-indefinite

Prior Members: Since 2009

J. Lowell Stoltzfus ° (09-10)
 Mark Wittmyer ° (09-11)
 John Salm ° (09-12)
 Mike Pruitt ° (09-12)
 Norman H. Conway ° (09-14)
 Michael McDermott (10-14)
 Diana Purnell ° (09-14)
 Linda Dearing (11-15)

* = Appointed to fill an unexpired term/initial terms staggered
 ° = Charter Member

LOWER SHORE WORKFORCE INVESTMENT BOARD
(Previously Private Industry Council Board - PIC)

Reference: Workforce Investment Act of 1998, Section 117

Appointed by: County Commissioners

Functions: Advisory/Regulatory
Provide education and job training opportunities to eligible adults, youth and dislocated workers who are residents of Somerset, Wicomico and Worcester counties.

Number/Term: 24 - 5 Worcester County, 7 At-Large (by Tri-County Council), 12 Other
2, 3 or 4-year terms; Terms expire September 30

Compensation: None

Meetings: Quarterly (January, April, July, October) on the 2nd Wednesday

Special Provisions: Board must be at least 51% business membership.
Chair must be a businessperson

Staff Contact: Lower Shore Workforce Alliance
Milton Morris, Workforce Director (410-341-3835, ext 6)
One-Stop Job Market, 31901 Tri-County Way, Suite 215, Salisbury, MD 21804

Current Members (Worcester County - also members from Wicomico, Somerset and Tri-County Council):

<u>Name</u>	<u>Resides/Agency</u>	<u>Term</u>	<u>Representing</u>
Craig Davis (resigned)	Berlin	13-17	Business Rep.
Walter Maizel	Bishopville	*12, 12-16	Private Business Rep.
Donna Weaver	Berlin	*08-09-13, 13-17	Business Rep.
Geoffrey Failla	Whaleyville	*15-18	Business Rep.
Jason Cunha	Pocomoke	*16-18	Business Rep.

*Resigned -
Replace*

Prior Members: Since

Baine Yates	Heidi Kelley (07-08)
Charles Nicholson (98-00)	Bruce Morrison (05-08)
Gene Theroux (97-00)	Margaret Dennis (08-12)
Jackie Gordon (98-00)	Ted Doukas (03-13)
Caren French (97-01)	Diana Nolte (06-14)
Jack Smith (97-01)	John Ostrander (07-15)
Linda Busick (98-02)	
Edward Lee (97-03)	
Joe Mangini (97-03)	
Linda Wright (99-04)	
Kaye Holloway (95-04)	
Joanne Lusby (00-05)	
William Greenwood (97-06)	
Gabriel Purnell (04-07)	
Walter Kissel (03-07)	

** See attached →*

Request Rep. from

- Health Care
- Hospitality
- Manufacturing
- Trades, or
- Logistics

Kelly Shannahan

From: Dione Shaw <dshaw@tcclesmd.org>
ent: Wednesday, January 20, 2016 3:55 PM
o: Kelly Shannahan
Cc: Maria Waller; Walter Maizel
Subject: Lower Shore Workforce Alliance - Workforce Development Board Members
Attachments: WDB Resignations.pdf

Hello Kelly,

It was great talking with you today. Copies of the resignation letters for Craig Davis and John Ostrander are attached.

We currently have two Worcester County vacancies and are seeking individuals from these industries:

- Logistics - Sysco
- Trades – Small Independent Contractors
- Hospitality – Hotel/Motels and Restaurant
- Healthcare – AGH, Assistant Living, Coastal Hospice
- Manufacturing -- Wineries/Breweries, Dunkin Donuts

X

We look forward to hearing from you in the near future.

Thank you for all you do to help us keep our Workforce Development Board in compliance.

Di

DIONE SHAW
OPERATIONS COORDINATOR
LOWER SHORE WORKFORCE ALLIANCE
31901 TRI-COUNTY WAY
SALISBURY, MARYLAND 21804
PHONE: 410-341-3835
FAX: 410-341-3735
EMAIL: DSHAW@LSWA.ORG
WEB: WWW.LOWERSHORE.ORG

 Please consider the environment before printing this email
LEGAL DISCLAIMER: [ELECTRONICCOMMUNICATIONS](#)

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Received
3/4/15

TAYLOR'S NEIGHBORHOOD RESTAURANT

11021 Nicholas Lane, Suite 1, Ocean Pines, MD 21811

(410) 208-4260

March 4, 2015

To: Mr. Jim Bunting

Cc: Milton Morris

I am writing this letter to inform you that I must resign from my position on the Lower Shore Workforce Investment Board. Thank you for your understanding with this matter.

Sincerely,

Craig Davis

Craig Davis

Owner

Taylor's Neighborhood Restaurant

443-235-4601 cell

**WATER AND SEWER ADVISORY COUNCIL
OCEAN PINES SERVICE AREA**

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

Function: Advisory
Advise Commissioners on water and sewer needs of the Service Area; review amendments to Water and Sewer Plan; make recommendations on policies and procedures; review and recommend charges and fees; review annual budget for the service area.

Number/Term: 5/4-year terms
Terms Expire December 31

Compensation: Expense allowance for meeting attendance as authorized in the budget.

Meetings: Monthly

Special Provisions: Must be residents of Ocean Pines Service Area

Staff Support: Department of Public Works - Water and Wastewater Division
John Ross - (410-641-5251)

Current Members:

<u>Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Gail Blazer	Ocean Pines	07-11, 11-15
Frederick Stiehl	Ocean Pines	*06-08-12, 12-16
Mike Hegarty	Ocean Pines	*08-09-13, 13-17
Michael Reilly	Ocean Pines	*14-17
James Spicknall	Ocean Pines	07-10-14, 14-18

Prior Members: (Since 1993)

Andrew Bosco (93-95)
Richard Brady (96-96, 03-04)
Michael Robbins (93-99)
Alfred Lotz (93-03)
Ernest Armstrong (93-04)
Jack Reed (93-06)
Fred Henderson (04-06)
E. A. "Bud" Rogner (96-07)
David Walter (06-07)
Darwin "Dart" Way, Jr. (99-08)
Aris Spengos (04-14)

* = Appointed to fill an unexpired term

COMMISSION FOR WOMEN

Reference: Public Local Law CG 6-101

Appointed by: County Commissioners

Function: Advisory

Number/Term: 11/3-year terms; Terms Expire December 31

Compensation: None

Meetings: At least monthly (3rd Tuesday at 5:30 PM - alternating between Berlin and Snow Hill)

Special Provisions: 7 district members, one from each Commissioner District
 4 At-large members, nominations from women's organizations & citizens
 4 Ex-Officio members, one each from the following departments: Social Services, Health & Mental Hygiene, Board of Education, Public Safety
 No member shall serve more than six consecutive years

Contact: Eloise Henry-Gordy, Chair
 Worcester County Commission for Women - P.O. Box 1712, Berlin, MD 21811

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Laura McDermott	D-1, Lockfaw	Pocomoke City	*11-13, 13-16
Hope Carmean	D-4, Elder	Snow Hill	*15-16
Dawn Cordrey Hodge	At-Large	Ocean City	13-16
Mary Beth Quillen	Dept of Social Services		13-16
Julie Phillips	Board of Education		13-16
Charlotte Cathell	D-5, Bertino	Ocean Pines	*09-11-14, 14-17
Alice Jean Ennis	At-Large	Pocomoke	14-17
Eloise Henry-Gordy	At-Large	Snow Hill	08-11-14, 14-17
Corporal Lisa Maurer	Public Safety - Sheriff's Office		*13-14, 14-17
Debbie Farlow	Health Department		*13-14, 14-17
Teola Brittingham	D-2, Purnell	Berlin	*16-18
Michelle Bankert	D-3, Church	West Ocean City	*14-15, 15-18
Bess Cropper	D-6, Bunting	Berlin	15-18
Nancy Fortney	D-7, Mitrecic	Ocean City	12-15, 15-18
Carol Rose	At-Large	Berlin	*14-15, 15-18

*Resigned-
Replace*

Prior Members: Since 1995

- | | | |
|---|-------------------------------------|------------------------------|
| Ellen Pilchard ^c (95-97) | Carole P. Voss (98-00) | Gloria Bassich (98-03) |
| Helen Henson ^c (95-97) | Martha Bennett (97-00) | Carolyn Porter (01-04) |
| Barbara Beaubien ^c (95-97) | Patricia Ilczuk-Lavanceau (98-99) | Martha Pusey (97-03) |
| Sandy Wilkinson ^c (95-97) | Lil Wilkinson (00-01) | Teole Brittingham (97-04) |
| Helen Fisher ^c (95-98) | Diana Purnell ^c (95-01) | Catherine W. Stevens (02-04) |
| Bernard Bond ^c (95-98) | Colleen McGuire (99-01) | Hattie Beckwith (00-04) |
| Jo Campbell ^c (95-98) | Wendy Boggs McGill (00-02) | Mary Ann Bennett (98-04) |
| Karen Holck ^c (95-98) | Lynne Boyd (98-01) | Rita Vaeth (03-04) |
| Judy Boggs ^c (95-98) | Barbara Trader ^c (95-02) | Sharyn O'Hare (97-04) |
| Mary Elizabeth Fears ^c (95-98) | Heather Cook (01-02) | Patricia Layman (04-05) |
| Pamela McCabe ^c (95-98) | Vyoletus Ayres (98-03) | Mary M. Walker (03-05) |
| Teresa Hammerbacher ^c (95-98) | Terri Taylor (01-03) | Norma Polk Miles (03-05) |
| Bonnie Platter (98-00) | Christine Selzer (03) | Roseann Bridgman (03-06) |
| Marie Velong ^c (95-99) | Linda C. Busick (00-03) | Sharon Landis (03-06) |

* = Appointed to fill an unexpired term
 c = Charter member

Prior Members: Since 1995 (continued)

Dr. Mary Dale Craig (02-06)
Dee Shorts (04-07)
Ellen Payne (01-07)
Mary Beth Quillen (05-08)
Marge SeBour (06-08)
Meg Gerety (04-07)
Linda Dearing (02-08)
Angela Hayes (08)
Susan Schwarten (04-08)
Marilyn James (06-08)
Merilee Horvat (06-09)
Jody Falter (06-09)
Kathy Muncy (08-09)
Germaine Smith Garner (03-09)
Nancy Howard (09-10)
Barbara Witherow (07-10)
Doris Moxley (04-10)
Evelyne Tyndall (07-10)
Sharone Grant (03-10)
Lorraine Fasciocco (07-10)
Kay Cardinale (08-10)
Rita Lawson (05-11)
Cindi McQuay (10-11)
Linda Skidmore (05-11)
Kutresa Lankford-Purnell (10-11)
Monna Van Ess (08-11)
Barbara Passwater (09-12)
Cassandra Rox (11-12)
Diane McGraw (08-12)
Dawn Jones (09-12)
Cheryl K. Jacobs (11)
Doris Moxley (10-13)
Kutresa Lankford-Purnell (10-12)
Terry Edwards (10-13)
Dr. Donna Main (10-13)
Beverly Thomas (10-13)
Caroline Bloxom (14)
Tracy Tilghman (11-14)
Joan Gentile (12-14)
Carolyn Dorman (13-16)
Arlene Page (12-15)
Shirley Dale (12-16)

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



11

COMMISSIONERS
MADISON J. BUNTING, JR., PRESIDENT
MERRILL W. LOCKFAW, JR., VICE PRESIDENT
ANTHONY W. BERTINO, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

To: Harold Higgins, Chief Administrative Officer
From: Maureen Howarth, County Attorney *MH*
Re: Senate Bill 729
Date: February 25, 2016

At the request of President Bunting, I have reviewed Senate Bill 729 related to the Maryland Income Tax Refund Warrant Intercept Program. The bill adds the Eastern Shore counties to the list of counties with the ability to request that the State Comptroller withhold any tax refund to which an individual is entitled if said individual has an outstanding warrant. A letter of support can be prepared if the Commissioners wish to support this opportunity.

Cross-Filed with HB 1097
- See draft letter of support
on page 11

SENATE BILL 729

Q3
SB 855/15 – B&T

6lr2058

By: **Senators Hershey, Eckardt, Mathias, and Norman**
Introduced and read first time: February 5, 2016
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Income Tax Refunds – Eastern Shore Counties – Warrant Intercept**
3 **Program**

4 FOR the purpose of altering the requirement for the Comptroller to withhold Maryland
5 income tax refunds of certain individuals with outstanding warrants to include
6 residents of the Eastern Shore counties or individuals who have outstanding
7 warrants from an Eastern Shore county; making nonsubstantive changes to certain
8 termination provisions; making conforming changes; providing for a delayed
9 effective date for certain provisions of this Act; and generally relating to withholding
10 income tax refunds of individuals with outstanding warrants.

11 BY repealing and reenacting, without amendments,
12 Article – Tax – General
13 Section 13–935 and 13–937 through 13–940
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Tax – General
18 Section 13–936
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,
22 Chapter 451 of the Acts of the General Assembly of 2012, as amended by Chapter
23 213 of the Acts of the General Assembly of 2013
24 Section 3

25 BY repealing and reenacting, with amendments,
26 Chapter 213 of the Acts of the General Assembly of 2013
27 Section 3

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – Tax – General
 3 Section 13–936(a)
 4 Annotated Code of Maryland
 5 (2010 Replacement Volume and 2015 Supplement)
 6 (As enacted by Section 1 of this Act)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 8 That the Laws of Maryland read as follows:

9 **Article – Tax – General**

10 13–935.

11 (a) In this part the following words have the meanings indicated.

12 (b) “Refund” means an individual’s Maryland income tax refund.

13 (c) (1) “Warrant” means a criminal arrest warrant.

14 (2) “Warrant” includes a warrant issued for or that results from:

15 (i) a failure to appear before a court of the State;

16 (ii) a violation of the Maryland Vehicle Law that is punishable by a
 17 term of confinement; or

18 (iii) a violation of probation.

19 (3) “Warrant” does not include a body attachment.

20 (d) “Warrant official” means an official of the federal, State, or local government
 21 charged with serving a warrant.

22 13–936.

23 (a) This part applies only to individuals who:

24 (1) are residents of:

25 (I) Anne Arundel County[,];

26 (II) Baltimore City[, or];

27 (III) CAROLINE COUNTY;

- 1 (IV) CECIL COUNTY;
- 2 (V) DORCHESTER COUNTY;
- 3 (VI) KENT COUNTY;
- 4 (VII) QUEEN ANNE'S COUNTY;
- 5 (VIII) SOMERSET COUNTY;
- 6 (IX) TALBOT COUNTY;
- 7 (X) Washington County; [or]
- 8 (XI) WICOMICO COUNTY; OR
- 9 (XII) WORCESTER COUNTY; OR

10 (2) have an outstanding warrant from [Anne Arundel County, Baltimore
11 City, or Washington County] ANY COUNTY SPECIFIED IN PARAGRAPH (1) OF THIS
12 SUBSECTION.

13 (b) This part does not apply to an individual:

- 14 (1) who is an active duty member of the armed forces of the United States;
15 or
- 16 (2) who files a joint Maryland income tax return.

17 13-937.

18 A warrant official may:

- 19 (1) certify to the Comptroller the existence of an outstanding warrant for
20 an individual who is a resident of Maryland or who receives income from Maryland; and
- 21 (2) request the Comptroller to withhold any refund to which the individual
22 is entitled.

23 13-938.

24 (a) A certification by a warrant official to the Comptroller shall include:

- 25 (1) the full name and address of the individual and any other names known
26 to be used by the individual;

1 (2) the Social Security number or federal tax identification number; and

2 (3) a statement that the warrant is outstanding.

3 (b) The Comptroller shall determine if an individual for whom a certification is
4 received is due a refund.

5 (c) As to any individual due a refund for whom a certification is received, the
6 Comptroller shall:

7 (1) withhold the individual's refund; and

8 (2) notify the individual of a certification by the warrant official of the
9 existence of an outstanding warrant.

10 (d) The Comptroller may not pay a refund until the warrant official notifies the
11 Comptroller that the warrant is no longer outstanding.

12 13-939.

13 The Comptroller shall withhold and pay any amount as provided in § 13-918 of this
14 subtitle before withholding any part of an income tax refund under § 13-938 of this part.

15 13-940.

16 On or before December 1 of each year, the Office of the Comptroller shall report to
17 the House Ways and Means Committee and the Senate Budget and Taxation Committee,
18 in accordance with § 2-1246 of the State Government Article, on the implementation of §§
19 13-935 through 13-939 of this part.

20 **Chapter 451 of the Acts of 2012, as amended by Chapter 213 of the Acts of 2013**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2012. [Section 1 of this Act shall remain effective for a period of 6 years and, at
23 the end of September 30, 2018, with no further action required by the General Assembly,
24 Section 1 of this Act shall be abrogated and of no further force and effect.]

25 **Chapter 213 of the Acts of 2013**

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2013. [Section 1 of this Act shall remain effective until the taking effect of the
28 termination provision specified in Section 3 of Chapter 451 of the Acts of 2012. If that
29 termination provision takes effect, Section 1 of this Act shall be abrogated and of no further
30 force and effect.]

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
32 as follows:

Article – Tax – General

1
2 13-936.

3 (a) This part applies only to individuals who:

4 (1) are residents of:

5 (i) [Anne Arundel County;

6 (ii)] Baltimore City;

7 [(iii)] (II) Caroline County;

8 [(iv)] (III) Cecil County;

9 [(v)] (IV) Dorchester County;

10 [(vi)] (V) Kent County;

11 [(vii)] (VI) Queen Anne's County;

12 [(viii)] (VII) Somerset County;

13 [(ix)] (VIII) Talbot County;

14 [(x)] (IX) Washington County;

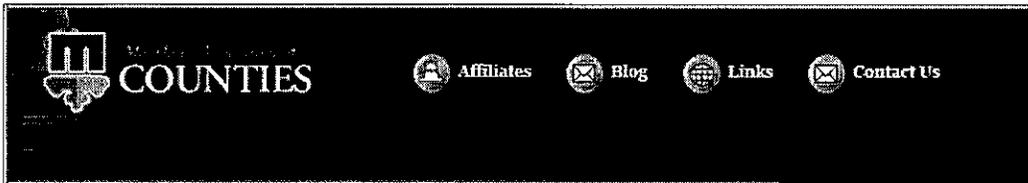
15 [(xi)] (X) Wicomico County; or

16 [(xii)] (XI) Worcester County; or

17 (2) have an outstanding warrant from any county specified in paragraph
18 (1) of this subsection.

19 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
20 effect October 1, 2018.

21 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
22 3 of this Act, this Act shall take effect October 1, 2016.



Select a different bill

SB 0729 - Maryland Income Tax Refunds - Eastern Shore Counties - Warrant Intercept Program
Crossed Filed with: HB 1097

[Login to post your comments](#)

Tracking Level:	<u>No Position</u>
Sponsor:	<u>Stephen Hershey (R)</u>
Last Action:	3/11/2016 - Senate - Hearing 3/11 at 1:00 p.m.
Senate Committee:	<u>BT</u>
Assigned To:	<u>Natasha</u>
	Next Bill

Staff Analysis of the Legislation

Bill Summary from the State Site - Click for the State Summary Page / Click for Current Full Text	
SB0729	2016 Regular Session
Entitled:	Maryland Income Tax Refunds - Eastern Shore Counties - Warrant Intercept Program
Sponsored by:	<u>Senator Hershey</u>
Status:	<u>In the Senate - Hearing 3/11 at 1:00 p.m.</u> HB 1097 Hearing = 3/11 at 1:00 pm
Synopsis:	Altering the requirement for the Comptroller to withhold Maryland income tax refunds of specified individuals with outstanding warrants to include residents of the Eastern Shore counties or individuals who have outstanding warrants from an Eastern Shore county; making nonsubstantive changes to specified termination provisions; making conforming changes; etc.
Analysis:	Not available at this time
All Sponsors:	Senators Hershey, Eckardt, Mathias, and Norman
Additional Facts:	Cross-filed with: HB1097 Introduced in a prior session as: SB0855 Session: 2015 Regular Session Bill File Type: Regular Effective Date(s): October 1, 2016, October 1, 2018
Committee(s):	Budget and Taxation
Broad Subject(s):	Taxes - Income
Narrow Subject(s):	Arrests Caroline County Cecil County Comptroller Dorchester County Income Tax Kent County Queen Anne's County Reports Somerset County Sunset Talbot County Wicomico County Worcester County
Statutes:	Article - Tax - General (13-935, 13-936, 13-937 through 13-940) Article - Chapter of the Acts (2012, 2013)
February 19, 2016 12:40 P.M.	

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1097
 Ways and Means

(Eastern Shore Delegation)

Maryland Income Tax Refunds - Eastern Shore Counties - Warrant Intercept Program

This bill expands the warrant intercept program to the Eastern Shore counties. The bill authorizes an official of the federal, State, or local government charged with serving a criminal arrest warrant to certify to the Comptroller that an individual has an outstanding warrant and to request that the Comptroller withhold the individual's income tax refund. The bill applies only to individuals who are Eastern Shore residents or have an outstanding warrant from an Eastern Shore law enforcement agency.

Fiscal Summary

State Effect: State revenues increase by \$61,100 in FY 2017 due to the Comptroller intercepting the income tax refunds of specified individuals with outstanding warrants. General fund expenditures increase by \$51,400 in FY 2017 due to implementation costs at the Comptroller's Office. Future year estimates reflect annualization and the estimated number of warrant intercepts.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
GF Revenue	\$61,100	\$47,400	\$23,100	\$10,300	\$4,100
GF Expenditure	\$51,400	\$63,300	\$65,900	\$68,600	\$71,400
Net Effect	\$9,700	(\$15,900)	(\$42,800)	(\$58,300)	(\$67,300)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local income tax revenues increase minimally beginning in FY 2017. Local expenditures are not affected.

Small Business Effect: None.

Analysis

Current Law: The warrant intercept program authorizes an official of the federal, State, or local government charged with serving a criminal arrest warrant to certify to the Comptroller that an individual who is either a Maryland resident or who receives income from Maryland has an outstanding warrant and to request that the Comptroller withhold the individual's income tax refund. For any individual for which a certification of an outstanding warrant is received, the Comptroller is required to withhold the individual's income tax refund and notify the individual of the certification of an outstanding warrant. The Comptroller may not withhold a refund if the individual is an active duty member of the U.S. Armed Forces or files a joint income tax return.

The program applies only to individuals who are residents of or have an outstanding warrant from Anne Arundel County, Washington County, or Baltimore City. The Anne Arundel County warrant intercept program terminates September 30, 2018, and the Washington County and Baltimore City programs terminate September 30, 2019.

Background: Chapter 451 of 2012 established the warrant intercept program for Anne Arundel County. Chapter 213 of 2013 extended the termination date of the Anne Arundel County warrant intercept program by five years to September 30, 2018. Chapter 590 of 2014 extended the program to Washington County and Chapter 594 of 2014 extended the program to Baltimore City.

The Comptroller's Office is required to annually report specified information about the program. In the first three years of the Anne Arundel County program the Comptroller's Office reported that it had intercepted in each year an average of \$318,700 in State and local refunds from 460 individuals. Of the amount held, about 71% of the refunds were released within the same year as the individuals satisfied the outstanding warrants. An additional 12% of the refunds were released in the next year and 6% in the following year. In the 2015 annual report the Comptroller notes that the extension of the program to Washington County is complete but that the program's implementation in Baltimore City is not fully operational. In 2015 the Comptroller intercepted a minimal number of refunds from Baltimore City and intercepted \$41,800 in refunds from 70 individuals from Washington County. The Comptroller's Office notes that a significant portion of the outstanding warrants cannot be linked to the tax system because of missing identifying information (principally Social Security numbers).

State Fiscal Effect: The bill extends the warrant intercept program to the nine Eastern Shore counties – Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester. The Comptroller's Office estimates that there were about 200,000 outstanding warrants statewide, of which 20,800 were from the Eastern Shore counties. Based on the requirements of the bill, the estimated number of individuals who file income tax returns and are owed refunds, the number of warrants that will be matched to an income tax refund, and the amount of refunds held in the Anne Arundel County and

Washington County programs, general fund revenues will increase by \$61,100 in fiscal 2017. Revenue increases are less in future years as individuals satisfy warrants and the Comptroller's Office releases income tax refunds.

General fund expenditures increase by \$51,400 in fiscal 2017, which accounts for the bill's October 1, 2016 effective date. This estimate reflects the cost of hiring one revenue specialist at the Comptroller's Office to implement the bill. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1
Salary and Fringe Benefits	\$46,602
Operating Expenses	<u>4,815</u>
Total FY 2017 Expenditures	\$51,417

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Local Fiscal Effect: Based on program implementation in Anne Arundel County, it is assumed that any additional costs to implement the program can be absorbed within existing budgeted resources. Local income tax revenues increase by \$38,300 in fiscal 2017, \$29,700 in fiscal 2018, \$14,400 in fiscal 2019, \$6,500 in fiscal 2020, and \$2,600 in fiscal 2021. Most of these revenues are for the Eastern Shore counties.

Additional Information

Prior Introductions: SB 855 of 2015 received a favorable with amendments report from the Senate Budget and Taxation Committee, passed the Senate, and received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, HB 841, received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None listed, although SB 729 (Senator Hershey, *et al.* – Budget and Taxation) is identical.

Information Source(s): Comptroller's Office, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2016
mel/jrb

Analysis by: Robert J. Rehrmann

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

DRAFT

March 1, 2016

The Honorable Edward J. Kasemeyer, Chair
Senate Budget and Taxation Committee
3 West - Miller Senate Office Building
Annapolis, Maryland 21401

The Honorable Sheila E. Hixson, Chair
House Ways and Means Committee
Room 131 - House Office Building
Annapolis, Maryland 21401

RE: Support for Senate Bill 729 and House Bill 1097 - Maryland Income Tax Refunds
- Eastern Shore Counties - Warrant Intercept Program

Dear Senator Kasemeyer, Delegate Hixson and Committee Members:

At our meeting of March 1, 2016, the Worcester County Commissioners reviewed and supported the passage of Senate Bill 729 and House Bill 1097 - Maryland Income Tax Refunds - Eastern Shore Counties - Warrant Intercept Program. We understand that these cross-filed bills expands the warrant intercept program currently in place in Anne Arundel County, Baltimore City and Washington County to also include all counties on the Eastern Shore of Maryland, including Worcester County. The Warrant Intercept Program will improve law enforcement in Worcester County by enabling us to apprehend individuals with outstanding warrants through withholding of their Maryland tax refund. We therefore request your support and favorable action towards passage of this important legislation.

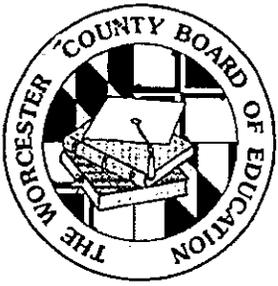
Thank you for your consideration. If you have any questions, please feel free to contact either me or Chief Administrative Officer, Harold Higgins, at this office.

Sincerely,

Madison J. Bunting, Jr.
President

cf: Senator Stephen S. Hershey, Jr.
Senator James N. Mathias, Jr.
Delegate Mary Beth Carozza
Delegate Charles J. Otto
Sheriff Reggie Mason

H:\1-wpdocs\MISC\Support for SB729-HB1097 - WarrantIntercept Program.wpd



12

**THE BOARD
OF EDUCATION
OF WORCESTER
COUNTY**

6270 WORCESTER HIGHWAY
NEWARK, MD 21841-9746
TELEPHONE: (410) 632-5000
FAX: (410) 632-0364
www.worcesterk12.com

February 24, 2016

Mr. Harold Higgins
Chief Administrative Officer
Office of the County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, MD 21863-1195

FYI

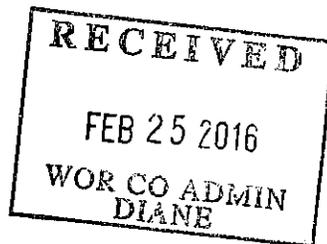
Dear Mr. Higgins:

Attached is the Maintenance of Effort calculation for fiscal year 2017. As outlined in the attachment, maintenance of effort funding would require an increase of \$761,792 in county funding for FY2017. As we have discussed, funding at this level would not allow the school system to maintain current programs, provide employee salary increases, or increase resources for technology. *

Please contact me with any questions regarding this information.

Sincerely,

Jerry Wilson, Ph.D.
Superintendent of Schools



ADMINISTRATION

JERRY WILSON, Ph.D.
Superintendent of Schools

JOHN R. QUINN, Ed.D.
Chief Academic Officer

LOUIS H. TAYLOR
Chief Operating Officer

VINCENT E. TOLBERT, C.P.A.
Chief Financial Officer

BOARD MEMBERS

JONATHAN C. COOK
President

J. DOUGLAS DRYDEN
Vice-President

BARRY Q. BRITTINGHAM, SR.

ERIC W. CROPPER, SR.

WILLIAM L. GORDY

ROBERT A. ROTHERMEL, JR.

SARA D. THOMPSON



Maintenance of Effort

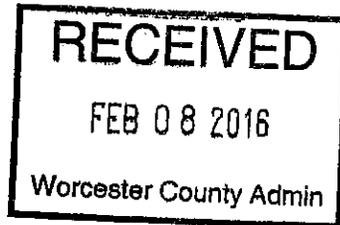
Definition: To receive the FY17 amount in State foundation and compensatory aid, a local government must appropriate at least as much funding per pupil to the local board of education as it appropriated in the previous year.

Worcester County - Maintenance of Effort Level Estimated - FY2017

<u>Line #</u>		
1	FY 2016 Highest Appropriation	\$78,718,960
2	FTE Enrollment - FY2016:	6,261.00
3	Appropriation per Student - FY 2016:	\$12,572.9053
	PLUS	
	Increase to Per Pupil Amount if Applicable	
	Increase in Local Wealth Per Pupil %	1% *
4	Additional Per Pupil Amount	\$125.7291
5	Adjusted per Pupil Amount	\$12,698.6343
6	FTE Enrollment - FY2017	6,259.00 ** (-2)
	(Actual student enrollment = 6,660)	
7	FY 2017 Maintenance of Effort Funding Level (Est.):	\$79,480,752
	(6,259 FTE X \$12,572.9053 FY16 per pupil funding + 1%)	
8	County FY16 Maintenance of Effort Funding Level	\$78,718,960
9	Change in FY17 Maintenance of Effort Level (Est.):	\$761,792

* (In the 2012 legislative session, the State amended the MOE requirements to include an Educational Effort component. Based on information received from the State, the 1% increase in local wealth per pupil results in a 1% increase in required Maintenance of Effort funding in FY17.)

** (State funding formula excludes pre-kindergarten, part-time, and non-resident students from total FTE counts.)



Jack R. Smith, Ph.D.
Interim State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

TO: Local Superintendents of Schools
County Administrators
School Finance Officials

From: Kristy Michel *KM*
Deputy Superintendent for Finance and Administration, MSDE

Date: February 5, 2016

Subject: New developments in Maintenance of Effort for Fiscal 2017

In developing the budget for a new fiscal year, counties are required to meet or exceed the highest local appropriation for school systems from the prior year. The Fiscal 2017 Maintenance of Effort (MOE) level will be affected by two changes.

First, the MOE amount calculated under Section 5-202(d) of the Education Article must be based on the total per pupil appropriation for Fiscal 2016 including the amount added into Fiscal 2016 for the Local Share of Teacher Retirement. A teacher pension amount will no longer be deducted to represent the State share of normal pension costs. This requirement was enacted as Section 18 of the Budget Reconciliation and Financing Act (BRFA) of 2012, special session #1.

Second, an MOE escalator provision will take effect. This provision was enacted as part of Senate Bill 848 of 2012 and is codified under Section 5-202(d)(ii)2 of the Education Article. Counties that are below the statewide five-year moving average education effort level must increase their annual per pupil MOE amounts by the lesser of:

- A. A county's increase in the local wealth per pupil;
- B. The statewide average increase in local wealth per pupil; or
- C. 2.5%.

The escalator provision was set to take effect in Fiscal 2015; however, the escalator did not take effect in Fiscal 2015 or 2016 because the statewide average change in local wealth per pupil was negative. Therefore, no adjustment to the per pupil amount was necessary.

A Fiscal 2017 Certification Statement for the State Share of the Foundation Program for each county is being mailed to local school system superintendents, county administrators, and school finance officials. The Certification Statement for each county reflects the two changes explained above.

On January 22, 2016, correspondence was sent to Local superintendents with draft documents related to the calculation of State Aid and MOE. The last page of the document reflected a preliminary calculation of Education Effort for use in the State's MOE calculations. This may be used as a guide to complete the MOE Certification Statement.

Please complete the MOE Certification Statement, along with the Annual Budget Certification Statement, and return them to Diane Naparstek at: MSDE, 200 W. Baltimore St., Baltimore, MD 21201. The statement forms should be sent no later than seven days after approval of the budget or June 30, 2016, whichever is earlier. If any figure should change subsequent to submission of the form, please prepare and submit a revised form, complete with certifying signatures.

Finally, if your school system believes that the county government has not met its required MOE level, please explain in detail how the county did not meet MOE and send the letter to me at the address above. Should you have any questions, please feel free to contact Diane Naparstek at Diane.Naparstek@maryland.gov or 410-767-0905.

Thank you.

KM:dn

Enclosure (in hardcopy via mail)

C: County Budget/Finance Directors



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • msde.maryland.gov

January 22, 2016

To Local Superintendents of Schools:

Attached for your information are the **Preliminary DRAFT Calculations** for the Major State Aid Programs for Fiscal Year 2017. The **DRAFT** attachment pages are as follows. Page numbers including an “a” refer to the calculations based on the November 1, 2015 Net Taxable Income (NTI) data:

Page 1	January 22, 2016 Preliminary Calculations for Major State Aid Programs-Summary
Page 2	Enrollment for Calculating the Foundation Program
Page 3	Wealth for Calculating the Foundation Program
Page 4	Per Pupil Amounts
Page 5, 5a	Foundation Program
Page 6	Transportation Aid
Page 7, 7a	State Compensatory Education
Page 8, 8a	Limited English Proficiency
Page 9, 9a	Special Education
Page 10, 10a ..	Guaranteed Tax Base Program
Page 11	Supplemental Grants Program
Page 12, 12a ..	Summary of Major State Aid Programs Based on NTI
Page 13	Net Taxable Income Adjustment
Page 14	Special Grants for Small and Declining Systems (Educ. Article 5-202(i))
Page 15	Difference from Fiscal Year 2016 Final Calculations (June 12, 2015)
Page 16	Education Effort

The calculations include a 0.15% inflation adjustment in the Target Per Pupil Foundation Figure and the related per pupil amounts. Additionally, the Transportation Grant has been increased by the 1% minimum increase. The Geographic Cost of Education Index (GCEI) is fully funded.

As was done last year, the final page of the calculations reflects Education Effort as defined in the Maintenance of Effort (MOE) provisions of Education Article 5-202. This calculation also provides the estimated local increase in wealth per pupil and the statewide average increase in local wealth per pupil. Note that at for FY 2017, the statewide average increase is projected to be positive. Therefore, unlike prior years, this would require additional MOE per pupil funding for most counties that fall below the statewide five-year moving average education effort.

Local Superintendents of Schools

January 22, 2016

Page 2

If you have any questions regarding these calculations, please feel free to contact Steve Brooks at 410-767-0793 or by email at steve.brooks@maryland.gov.

Sincerely,



Kristy L. Michel
Chief Operating Officer

KLM:sab
Attachment

c: LEA School Business Officials
MSDE Executive Team

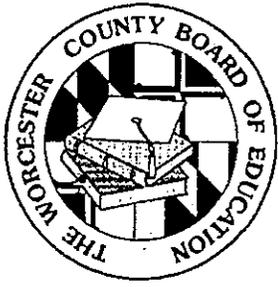
Education Effort
Calculations for Fiscal Year 2017 Maintenance of Effort

Local Unit	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Counties Below 5-Year Average	Change in Local WPP*	Required Increase
Allegany	1.14%	1.19%	1.21%	1.20%	1.21%	*	1.7%	1.7%
Anne Arundel	1.20%	1.31%	1.36%	1.35%	1.36%		2.3%	
Baltimore City	1.06%	1.13%	1.19%	1.18%	1.15%	*	7.7%	2.3%
Baltimore	1.30%	1.38%	1.45%	1.49%	1.51%		2.1%	
Calvert	1.42%	1.49%	1.58%	1.61%	1.60%		2.0%	
Caroline	0.73%	0.83%	0.87%	0.90%	0.93%	*	0.2%	0.2%
Carroll	1.38%	1.47%	1.48%	1.49%	1.53%		3.7%	
Cecil	1.11%	1.19%	1.28%	1.34%	1.41%		1.0%	
Charles	1.41%	1.55%	1.64%	1.67%	1.71%		2.0%	
Dorchester	0.91%	1.06%	1.11%	1.15%	1.20%	*	1.5%	1.5%
Frederick	1.32%	1.42%	1.48%	1.46%	1.48%		4.9%	
Garrett	1.04%	1.09%	1.11%	1.13%	1.19%	*	2.6%	2.3%
Harford	1.31%	1.36%	1.37%	1.37%	1.38%		2.4%	
Howard	1.71%	1.80%	1.86%	1.91%	1.93%		2.9%	
Kent	1.01%	1.11%	1.12%	1.10%	1.14%	*	3.8%	2.3%
Montgomery	1.40%	1.49%	1.53%	1.52%	1.53%		3.2%	
Prince George's	1.18%	1.33%	1.37%	1.41%	1.48%		2.6%	
Queen Anne's	0.98%	1.02%	1.14%	1.22%	1.27%		1.9%	
St. Mary's	1.05%	1.19%	1.26%	1.30%	1.35%		1.8%	
Somerset	0.96%	1.04%	1.20%	1.22%	1.21%	*	2.6%	2.3%
Talbot	0.68%	0.75%	0.77%	0.80%	0.85%	*	-0.1%	0.0%
Washington	1.15%	1.24%	1.28%	1.29%	1.29%		1.8%	
Wicomico	0.84%	0.96%	1.03%	1.04%	1.08%	*	0.2%	0.2%
Worcester	0.89%	0.94%	1.05%	1.14%	1.14%	*	1.0%	1.0%
State Average	1.13%	1.22%	1.28%	1.30%	1.33%	1.25%	2.3%	
State Five-Year Moving Average @110%						1.38%		
State Five-Year Moving Average @120%						1.50%		

Education effort is calculated by dividing local education appropriation by local wealth.

* Percentage change in Local Wealth Per Pupil. The required increase for counties below the 5 year statewide moving average is the lesser of
A. A county's increase in the local wealth per pupil; B. The statewide average increase in local wealth per pupil; or C. 2.5%

[STAIID 17 A.xlsx]Educ Effort P16



**THE BOARD
OF EDUCATION
OF WORCESTER
COUNTY**

6270 WORCESTER HIGHWAY
NEWARK, MD 21841-9746
TELEPHONE: (410) 632-5000
FAX: (410) 632-0364
www.worcesterk12.com

ADMINISTRATION

JERRY WILSON, Ph.D.
Superintendent of Schools

JOHN R. QUINN, Ed.D.
Chief Academic Officer

LOUIS H. TAYLOR
Chief Operating Officer

VINCENT E. TOLBERT, C.P.A.
Chief Financial Officer

BOARD MEMBERS

JONATHAN C. COOK
President

J. DOUGLAS DRYDEN
Vice-President

BARRY Q. BRITTINGHAM, SR.

ERIC W. CROPPER, SR.

WILLIAM L. GORDY

ROBERT A. ROTHERMEL, JR.

SARA D. THOMPSON

February 24, 2016

Mr. Harold Higgins
Chief Administrative Officer
Office of the County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, MD 21863-1195

Dear Mr. Higgins:

The Board of Education's proposed FY17 Operating Budget adopted on February 16, 2017 does not include any items identified as non-recurring.

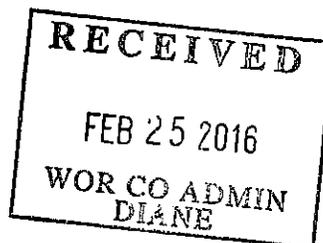
Please contact me with any questions regarding this information.

Sincerely,

Jerry Wilson, Ph.D.
Superintendent of Schools

13

FYI





14

COMMISSIONERS
MADISON J. BUNTING, JR., PRESIDENT
MERRILL W. LOCKFAW, JR., VICE PRESIDENT
ANTHONY W. BERTINO, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 24, 2016

TO: County Commissioners
Harold L. Higgins, Chief Administrative Officer
FROM: Kathy Whited, Budget Officer *Kathy*
RE: FY2017 Budget Requests- Municipalities and Ocean Pines

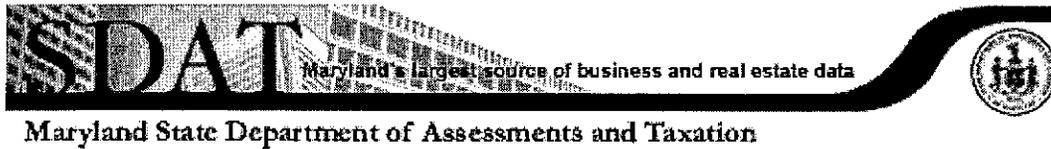
Attached please find the Fiscal Year 2017 letters from the Towns: Pocomoke City, Snow Hill, Berlin and Ocean Pines Association. We have scheduled to meet with the Towns and Ocean Pines Association at 10:30 a.m. on Tuesday, March 1, 2016 to discuss their grant requests.

Also included is the following:

- Attachment A -FY16 tax rates for the municipalities *(page 2)*
 - Attachment B: -FY17 constant yield tax rates for municipalities as provided by Maryland Department of Assessments & Taxation *(page 3)*
 - Attachment C: -Behind each Town letter is a worksheet which summarizes:
 - FY16 total paid County grants and pass thru monies
 - FY17 total requested County grants and pass thru monies
- Page*
- 4 — Pocomoke City
 - 6 — Town of Snow Hill
 - 8 — Town of Berlin
 - 11 — Ocean Pines Association

:kw
Attachments

Attachment A



Below is a list of counties in Maryland, and their property tax rates in effect on July 1, 2015.

*All rates are shown per \$100 of assessment.

Municipal Tax Rates

	FY2015-2016		
JURISDICTION	REAL	PERSONAL	UTILITY
Berlin	.68	1.70	1.70
Ocean City	.478	1.29	1.29
Pocomoke City			
Owner	.9375	0	0
Non-Owner	1.1311	2.0	2.0
Snow Hill	.86	1.82	1.82
STATE	.112	0	.28

CONSTANT YIELD TAX RATE 2016

This is a summary of the constant yield tax rate certification (CYTR) sheets that were emailed to local governments on Thursday, February 12, 2016. The constant yield tax rate is the tax rate that a jurisdiction would have to impose in order to obtain the same amount of property tax revenue in fiscal year 2017 as it received in fiscal year 2016. If a jurisdiction plans to set a tax rate higher than the constant yield rate, the jurisdiction must advertise the tax increase and hold a public hearing before setting the tax rate for fiscal 2017. Municipalities are exempt from these requirements if maintaining the same tax rate would raise less than \$25,000 more revenue in fiscal 2017 than in fiscal 2016. In some parts of some counties, there may be additional taxes levied for special purposes. These tax levies are not included in these tax rates.

Jurisdiction	7/1/2015 Net Assessable Real Property Base		7/1/2015 Tax Rate	=	7/1/2015 Potential Revenue	/	7/1/2016 Net Assessable Real Property Base	=	7/1/2016 Constant Yield Tax Rate
Berlin	373,906,914	X	0.6800	=	2,542,567	/	373,113,463	=	0.6814
Ocean City	8,436,105,037	X	0.0478	=	40,324,582	/	8,530,404,499	=	0.4727
Pocomoke City -Owner Occupied	94,683,647	X	0.9375	=	887,659	/	94,142,993	=	0.9429
Pocomoke City -NonOwner Occupied	142,106,419	X	1.1311	=	1,607,366	/	141,326,640	=	1.1373
Snow Hill	101,440,836	X	0.8600	=	872,391	/	101,904,095	=	0.8561

POCOMOKE CITY, MARYLAND

MAYOR

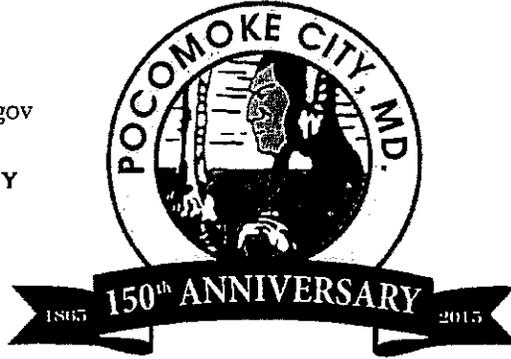
BRUCE A. MORRISON

mayormorrison@cityofpocomokemd.gov

CITY MANAGER / ATTORNEY

ERNEST A. CROFOOT

emie@cityofpocomokemd.gov



CITY COUNCIL

DIANE DOWNING

BRIAN HIRSHMAN

GEORGE TASKER

ESTHER TROAST

DALE TROTTER

February 23, 2016

Ms. Kathy Whited
Budget Officer
Worcester County Government Center
One West Market Street
Snow Hill, MD 21863

Dear Ms. Whited:

On behalf of the Mayor and Council of Pocomoke City, we are requesting that the County continue at its current levels of funding assistance in all categories for FY 2016/2017.

We thank you very much for your previous support and assistance to the City as we work together to improve the quality of life for residents of the Pocomoke City area and Worcester County. We look forward to meeting with the County Commissioners on March 1.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest A. Crofoot".

Ernest A. Crofoot
City Manager

EC/ps

"Friendliest Town on the Eastern Shore"

**GRANTS TO TOWNS - FY2017
REQUESTED**

2/24/2016

	<u>Pocomoke City FY15 Approved</u>	<u>Pocomoke City FY16 Approved</u>	<u>Pocomoke City FY17 Request</u>
COUNTY GRANTS TO TOWNS			
	450,000	450,000	450,000
(2) Unrestricted Grant	378,205	403,584	449,980
Ambulance Grant- Vol Fire Co ***Included in 1105 Budget	43,000	47,000	67,000
Restricted Fire Grant	871,205	900,584	966,980
	195,703	192,829	195,953
* Cnty Grant Vol. Fire Dept	29,297	32,171	29,047
(1) One-Time Supplemental Cnty Grant Vol. Fire Dept	1,096,205	1,125,584	1,191,980
Sub-Total County Grants & Debt	4,500	4,500	4,500
Tourism Marketing On-Behalf	SHARED REVENUES		
	188,000	188,000	188,000
* Income Tax	114,109	114,109	114,109
* Room Tax at 4.5%	11,719	7,031	7,031
* Liquor Lic Distrib	313,828	309,140	309,140
	STATE AID PASS THRU		
* Fire Co. Aid-State Pass Thru Vol Fire-est	28,317	31,990	28,049
* Fire Co. Aid-State Pass Thru Towns-est	362	186	520
TOTAL	\$ 1,443,212	\$ 1,471,400	\$ 1,534,189

* Mandated by State or County Code

- (1) One Time Supplement approved from General Fund FY14-FY16 and FY17 Request
 (2) FY2016 Ambulance Grant included increased rates



MAYOR AND COUNCIL OF SNOW HILL

February 23, 2016

Mr. Madison J. Bunting, Jr., President
Worcester County Government Building
One W. Market Street
Snow Hill, Maryland 21863

Dear Commissioner Bunting:

The Town of Snow Hill would like to respectfully request grant funding from Worcester County for Fiscal Year 2016-2017.

As elected officials for Snow Hill, the Town Council and I are actively working toward revitalization, working on ways to repair or renovate vacant properties and provide space for interested businesses. In addition to these projects we are in need of repairing and replacing our current failing infrastructure. We have several roadways in need of repair, as well as many water and sewer lines that need replacing.

Unfortunately, the economic state for small towns such as ours has remained restrictive. It remains our priority to continue to provide the same level of service to our citizens, but we need financial assistance to bring many of these ventures to fruition. The towns of Berlin, Ocean Pines and Ocean City are fortunate enough to benefit from the video lottery funding that is used toward their infrastructure needs. Snow Hill and Pocomoke have to rely solely on county grants or state loan programs.

The Town of Snow Hill currently has ninety-two (92) tax-exempt properties, 23 of which are owned by Worcester County. We greatly appreciate the \$100,000 that you provide us in lieu of taxes each year; however, the actual total of taxes that we would receive from the county-owned properties would be \$320,209.82. This is a deficit that would greatly assist the town with the infrastructure projects that we need to proceed with.

The Town of Snow Hill is very mindful of the economic strain on all granting agencies and we truly appreciate the funding that you provide each year. This year, we would like to respectfully and formally request the a total of \$750,000 from the County grant funding, which includes the \$450,000 that we were allotted last year and an additional \$300,000 to be used for infrastructure.

We appreciate any and all consideration you give to our request.

Sincerely,

John C. Dorman
Mayor

**GRANTS TO TOWNS - FY2017
REQUESTED**

2/24/2016

	<u>Snow Hill FY15 Approved</u>	<u>Snow Hill FY16 Approved</u>	<u>Snow Hill FY17 Request</u>
COUNTY GRANTS TO TOWNS			
Unrestricted Grant	450,000	450,000	450,000
Other Grants - in lieu	100,000	100,000	300,000
Opera House Electrical & continued Roof	100,000	-	-
Restricted Fire Grant	79,000	62,000	48,000
	729,000	612,000	798,000
* Cnty Grant Vol. Fire Dept	195,703	192,829	195,953
(2) Ambulance Grant- Vol Fire Co ***Included in 1105 Budge	417,861	472,013	455,267
(1) One-Time Supplemental Cnty Grant Vol. Fire Dept	29,297	32,171	29,047
	642,861	697,013	680,267
Sub-Total County Grants & Debt	1,371,861	1,309,013	1,478,267
Tourism Marketing On-Behalf	4,500	4,500	4,500
SHARED REVENUES			
* Income Tax	100,000	100,000	100,000
* Room Tax at 4.5%	4,347	4,347	4,347
* Liquor Lic Distrib	7,031	4,688	4,688
	111,378	109,035	109,035
STATE AID PASS THRU			
* Fire Co. Aid-State Pass Thru Vol Fire-est	28,317	31,990	28,049
* Fire Co. Aid-State Pass Thru Towns-est	0	161	594
TOTAL	\$ 1,516,056	\$ 1,454,699	\$ 1,620,445

* Mandated by State or County Code

(1) One Time Supplement approved from General Fund FY14-FY16 and FY17 Request

(2) FY2016 Ambulance Grant included increased rates



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



February 5, 2016



Hon. Madison J. Bunting Jr., President
Worcester County Commissioners
One West Market St., Room 1103
Snow Hill, MD 21863

Mayor
Wm. Gee Williams, III

Dear Commission President Bunting:

Vice President
Elroy Brittingham, Sr.

I am writing to summarize the Town of Berlin's annual request for grant funding from the Worcester County Commissioners for Fiscal Year 2017.

Council Members
Dean Burrell, Sr.
Lisa Hall
Troy Purnell
Thomas L. Gulyas

Our overall approach to using the annual grant will remain similar to the uses we have followed during the past five years. Generally speaking the funds have and will continue to be used primarily for upgrading and adding to our town's infrastructure.

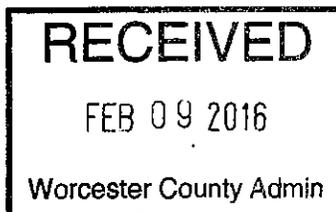
Town Attorney
David Gaskill

The feedback from our Strategic Planning sessions last year has been tremendously helpful in planning our next steps. The community is supportive of the work we've been doing, in part with the support from the County to address our infrastructure needs. While sidewalks continue to be an important component, the bulk of our grant will be focused on a much needed new facility for our Police Department.

Town Administrator
Laura Allen

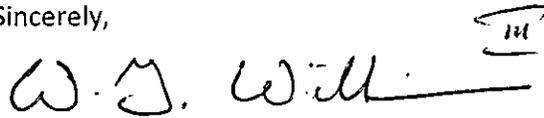
This new facility will enable us to better meet the needs of our community. Safety is a high priority, especially in light of the recent challenges we've faced with the numerous bomb threats issued to our schools and the measurably increasing number of visitors to our town the past two to three years.

Based on the approval last week of the site plan and all other related matters for the new Berlin Police Department Headquarters, the town expects to break ground on the construction of this important public safety improvement this summer. We are very aware of the perpetual fiscal challenge we all face in meeting the obligations of the public. We respectfully request the County continue its annual grant to Berlin of the past year of \$450,000. We believe this grant level has been both reasonable and responsible.



As always, we wish to continue to work with the County and State in creating economic opportunities for our citizens, while protecting and maintaining a quality of life which we believe is our greatest asset.

Sincerely,

A handwritten signature in black ink that reads "W. G. Williams, III". The signature is written in a cursive style with a horizontal line extending from the end of the name. Above the final part of the signature, there is a small, stylized flourish that resembles the Roman numeral "III".

Wm. Gee Williams, III
Mayor

Cc: Town Council Members
Laura Allen, Town Administrator
Natalie Saleh, Finance Director
Ivy Wells, Economic and Community Development Director

**GRANTS TO TOWNS - FY2017
REQUESTED**

2/25/2016

	<u>Berlin FY15 Approved</u>	<u>Berlin FY16 Approved</u>	<u>Berlin FY17 Request</u>
<u>COUNTY GRANTS TO TOWNS</u>			
Unrestricted Grant	450,000	450,000	450,000
Restricted Fire Grant	252,000	175,000	151,000
	702,000	625,000	601,000
* Cnty Grant Vol. Fire Dept	195,703	192,829	195,953
(1) One-Time Supplemental Cnty Grant Vol. Fire Dept	29,297	32,171	29,047
(2) Ambulance Grant- Vol Fire Co ***Included in 1105 Budget	553,690	602,509	591,578
	778,690	827,509	816,578
Sub-Total County Grants & Debt	1,480,690	1,452,509	1,417,578
Tourism Marketing On-Behalf	4,500	4,500	4,500
<u>SHARED REVENUES</u>			
* Income Tax	244,000	244,000	300,000
* Room Tax at 4.5%	14,127	14,127	14,127
* Liquor Lic Distrib	4,688	14,063	20,438
	262,815	272,190	334,565
<u>STATE AID PASS THRU</u>			
* Fire Co. Aid-State Pass Thru Vol Fire-est	28,317	31,990	28,049
* Fire Co. Aid-State Pass Thru Towns-est	0	1,381	9,641
TOTAL	\$ 1,776,322	\$ 1,762,570	\$ 1,794,333

* Mandated by State or County Code

(1) One Time Supplement approved from General Fund FY14-FY16 and FY17 Request

(2) FY2016 Ambulance Grant included increased rates



OCEAN PINES ASSOCIATION, INC.

239 Ocean Parkway • Ocean Pines, Maryland 21811
Telephone: 410-641-7717 • Fax: 410-641-5581

February 24, 2016

Ms. Kathy Whited, Budget Officer
Worcester County Government Center
One West Market Street
Snow Hill, MD 21863

Dear Ms. Whited:

This request is being submitted to you in accordance with the January 20th letter we received from Commissioner Madison J. Bunting, Jr.. President Bunting asked that the Association provide information on funding requests as a beginning step to developing the Worcester County Budget for the coming fiscal year.

As you know, Ocean Pines contains more than 7,700 homes and according to the 2010 census data, a year-round population of 11,700 residents or 23% of the County's residents.

Our funding request involves four distinct needs: public safety, roads & bridges, tourism and recreation. To gain some perspective on the financial relationship between Ocean Pines and the rest of the County, we have captured several of the critical elements, directly from the County budget, as they pertain to the Ocean Pines Community.

Despite having the largest year-round population in Worcester County, we continue to receive the minimum level of funding compared to the amount of funding received by the other communities in the County. The minimum amount we receive is surprising when you compare the per capita dollars allocated. With this information in mind, we request financial support in the following areas.

PUBLIC SAFETY

Over the years, the County Commissioners have been awarding the Ocean Pines Association a grant which has been dedicated for use by the Association for police services within Ocean Pines and surrounding communities. We appreciate the financial support given to us by the Commissioners and trust that you will be able to continue this extremely valuable and much-needed support for our police services during the coming fiscal year.

Last year our Police Department handled over 10,507 calls for service, directly assisted the Worcester County Sheriff's Department, Maryland State Police and other allied police agencies with over 205 calls for service in the areas surrounding Ocean Pines. Continued growth on the Route 589 corridor places has increased demands on our 15 sworn member police agency. We have seen a dramatic increase in calls for service in the past 5 years and anticipate future growth in public safety demands to keep pace with development.

Visit Us Online at www.oceanpines.org

Some examples of our cooperative efforts to reduce demands on the County and the State Police, include our agreement to assume all public safety calls for service on Manklin Creek Road. In addition, we recently have been asked and plan to jointly participate in the Worcester County Criminal Enforcement Task Force to help combat the distribution of drugs here in Worcester County.

While we do not object to being called upon to support the residents outside of Ocean Pines, it does put additional strain on our already stretched resources. The total budgeted cost to Ocean Pines to operate our Police Department during our 2015-2016 fiscal year exceeds \$1.7 million dollars. To assist us in meeting our current and increasing demands for police service we are requesting a grant in the amount of at least \$625,000.

ROADS & BRIDGES

We acknowledge the County's loss of liquid fuel funding that has restricted your ability to provide Ocean Pines needed road maintenance dollars for paving, drainage, bridges and similar projects. In previous years the County provided funding in the average amount of \$500,000 annually. To ensure our bridges and roadways remain safe for those living, working and visiting one of the largest communities in Worcester County we have budgeted to spend over \$425,000 on bridge repairs alone in the next fiscal year. These repairs have been budgeted to address the areas identified in the County's inspection of the bridges in the Ocean Pines community. This does not include the \$550,000 we have budgeted to keep our roads in good repair. We are requesting funding support in the amount of \$295,000 to assist us in bridge and road repairs. Our roads and bridges are an important part of our infrastructure. Safe passage of emergency vehicles, school buses and county waste water vehicles are just a small part of daily activities on our roadways and bridges. Funding for roadways and bridges are vitally important to the wellbeing of our community.

TOURISM

We understand tourism is of vital importance here in Worcester County. Our continued efforts to provide amenities such as our boat ramps, marinas, pools, parks, recreation activities including summer camps, bus trips, Yacht Club, Robert Trent Jones Golf Course, Worcester County Veterans Memorial and Beach Club in Ocean City all contribute and add value to the tourism industry in Worcester County. We would appreciate your consideration of a small portion of the County's tourism funding to help us in our efforts to provide amenities and programs that highlight the benefits of visiting Worcester County.

We respectfully request that the County assist us with the costs associated with our July 4th Celebration. With over \$15,000 budgeted for this year's event, we ask you to consider sharing in the costs. This event is one of the biggest holidays of the year and our community swells beyond 25,000 people. We request \$10,000 from tourism dollars to partially offset the costs of the fireworks display as our event not only serves the Ocean Pines residents, but is attended by residents, guests and visitors from all over the northern end of the County. Many of the attendees prefer not to travel into Ocean City in order to avoid the traffic congestion.

RECREATION AND PARKS

Finally, our community supports various activities with participants of all ages who reside in and out of Ocean Pines. The residents of Ocean Pines are citizens of the county and those OPA members who do not live here have invested in the county. Our Recreation and Parks department is open 7 days a week to meet the needs of all residents, visitors and tourists here in Worcester County. We offer many free amenities and activities including concerts in the park, tennis facilities, fireworks display, marinas, boat ramps, basketball courts, soccer fields, playgrounds, walking trails and so much more that are open to the public.

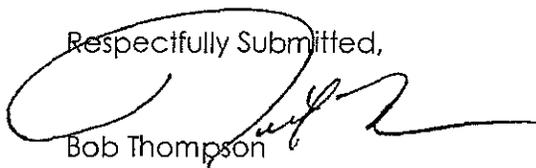
Our annual budget for Recreation and Parks is in excess of \$875,000 this year alone. If you include our Aquatics Department's budget of \$820,000 our annual budget for recreational activities exceeds \$1.6 million dollars for activities and programs that meet the recreational needs of so many Worcester County residents within Ocean Pines and surrounding communities. The programs of the OPA are not something we simply choose to pay for as an Association. They are in fact, in some ways, our commitment to Worcester County. All efforts are made to eliminate duplication of efforts with the County. Our programs provide an essential service to many Worcester County residents and yet the vast majority of those expenses are paid by our OPA membership, despite the fact that over 35% of our Recreation and Parks program participants are Non-Ocean Pines Residents. Given the impact our programs have on the County as a whole, we respectfully request \$200,000 in support of our Recreation and Parks Department. This amount represents only a portion of our budgeted expenditures for the recreational activities despite the fact over a third of our program participants are Non-Ocean Pines Residents.

We understand the very difficult task of selecting where and how to allocate financial resources with so many competing elements. If you were to approve our request of funding, our per capita rate of funding is still the lowest of all the major communities in the County and remains less than half of what the next closest comparable community receives. After years of discussion and effort, it is time to recognize the largest population center in the County and normalize the levels of county support. Our OPA Worcester County citizens deserve the same level of respect as those who live in other parts of the county.

We clearly understand the importance of working collaboratively with the County on several fronts. Many of our residents participate on County Boards, in addition several of our staff members work on County Committees. Working together in partnership improves the quality of life for all of us here in Worcester County.

We appreciate the opportunity and look forward to presenting our request at the next County Commissioners meeting. As the largest year-round community in the County, we believe our request is modest and reasonable. We remain confident you will agree and do your very best to support our request.

Respectfully Submitted,



Bob Thompson
General Manager

**GRANTS TO TOWNS - FY2017
REQUESTED**

2/24/2016

	Ocean Pines FY15 Approved	Ocean Pines FY16 Approved	Ocean Pines FY17 Request
<u>COUNTY GRANTS TO TOWNS</u>			
County Street Grants By Agreement	53,799	54,386	56,767
Recreation Grant	10,000	10,000	200,000
Roads & Bridge Repairs	-	-	295,000
Tourism - July 4 celebration	6,000	6,000	10,000
Police Aid	459,500	459,500	625,000
Restricted Fire Grant	65,000	33,000	50,000
	594,299	562,886	1,236,767
* Cnty Grant Vol. Fire Dept	195,703	192,829	195,953
(2) Ambulance Grant- Vol Fire Co ***Included in 1105 Budge	311,368	331,345	355,155
(1) One-Time Supplemental Cnty Grant Vol. Fire Dept	29,297	32,171	29,047
	536,368	556,345	580,155
Sub-Total County Grants & Debt	1,130,667	1,119,231	1,816,922
Tourism Marketing On-Behalf	0	0	0
<u>STATE AID PASS THRU</u>			
* Fire Co. Aid-State Pass Thru Vol Fire-est	28,317	31,990	28,049
TOTAL	\$ 1,158,984	\$ 1,151,221	\$ 1,844,971

* Mandated by State or County Code

(1) One Time Supplement approved from General Fund FY14-FY16 and FY17 Request

(2) FY2016 Ambulance Grant included increased rates

TEL: 410-632-1194
FAX: 410-632-3131
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

December 15, 2015

COMMISSIONERS
MADISON J. BUNTING, JR., PRESIDENT
MERRILL W. LOCKFAW, JR., VICE PRESIDENT
ANTHONY W. BERTINO, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
JOHN E. "SONNY" BLOXOM
COUNTY ATTORNEY

15

Staff to Meet
Wednesday, March 2, 2016
to discuss Tax
Differential Request

Mr. Richard W. Meehan, Mayor
Ocean City Mayor & Council
P. O. Box 158
Ocean City, Maryland 21843-0158

RE: Town of Ocean City FY2017 Property Tax Differential Request

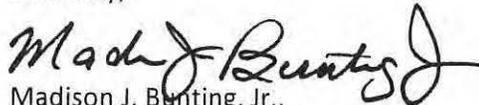
Dear Mayor Meehan:

The County Commissioners received your request on December 3, 2015 for a property tax setoff in the form of a tax differential for Ocean City taxpayers for the fiscal year beginning July 1, 2016. Included in your request was a Tax Differential Study of February 2013, the City's adopted Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2015 and the Town's Fiscal Year 2016 Operating Budget.

The County promptly submits to the Town of Ocean City the County Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2015 and the County Fiscal Year 2016 Operating Budget.

The County Chief Administrative Officer will contact you in the near future to schedule a meeting with Town of Ocean City representatives to discuss the nature of the Ocean City tax setoff request. The County Commissioners cordially invite you and the Council to our meeting on Tuesday, March 1, 2016 at 10:30 a.m. in the Commissioners meeting room of the County Government Center to discuss your request for a property tax setoff.

Sincerely,


Madison J. Bunting, Jr.,
President

Attachments

Kjw:h\FY17 Budget\Tax Differential OC\OC Tax Diff memo with attachments.docx

Cc: County Commissioners

Harold Higgins
Kathy Whited
Phil Thompson

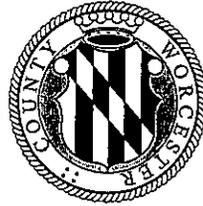
**GRANTS TO TOWNS - FY2016
APPROVED**

	Ocean City FY15 Approved	Ocean City FY2016 Approved
COUNTY GRANTS TO TOWNS		
Convention Bureau	50,000	50,000
Recreation Grant	100,000	100,000
Unrestricted Grant	450,000	450,000
Ocean City Unrestricted Grant	1,961,956	1,961,956
Tourism Marketing	300,000	300,000
Other Grants - Park & Ride	-	-
Other Grants - Boardwalk	-	-
Downtown Redevelopment	100,000	100,000
Restricted Fire Grant	113,000	123,000
	3,074,956	3,084,956
Ocean City MOU Additional Request		-
Sub-Total		3,084,956
Ambulance Grant ***Included in 1105 budget	1,172,924	1,246,707
* Cnty Grant Vol. Fire Dept-General Fund Bgt	195,703	192,829
(2) Ambulance Grant- Vol Fire Co	n/a	n/a
(1) One-Time Supplemental Cnty Grant Vol. Fire Dept	29,297	32,171
DEBT SERVICE FOR BENEFIT OF OCEAN CITY		
Beach Maintenance-DNR Fund	250,000	250,000
	1,647,924	1,721,707
Sub-Total County Grants & Debt	4,722,880	4,806,663
Tourism Marketing On-Behalf	270,000	270,000
SHARED REVENUES		
* Income Tax	623,000	623,000
* Food Tax at 1/2%	997,500	997,500
* Room Tax at 4.5%	12,375,000	12,375,000
* Bingo Lic Receipts	2,000	2,800
* Liquor Lic Distrib	294,281	307,688
	14,291,781	14,305,988
STATE AID PASS THRU		
* Fire Co. Aid-State Pass Thru Vol Fire-est	28,317	31,990
* Fire Co. Aid-State Pass Thru Towns-est	17,573	21,670
TOTAL	\$ 19,330,551	\$ 19,436,311

* Mandated by State or County Code

(1) One Time Supplement approved from General Fund FY14-FY16 and FY17 Request

(2) FY2016 Ambulance Grant included increased rates



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
JOHN E. "SONNY" BLOXOM
COUNTY ATTORNEY

COMMISSIONERS
MADISON J. BUNTING, JR., PRESIDENT
MERRILL W. LOCKFAW, JR., VICE PRESIDENT
ANTHONY W. BERTINO, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSEPH M. MITRECIC
DIANA PURNELL

December 8, 2015

TO: Worcester County Commissioners
Harold L. Higgins, Chief Administrative Officer

FROM: Kathy Whited, Budget Officer
Phillip Thompson, Finance Officer

SUBJECT: FY2017 Ocean City Property Tax Differential Request

On December 3, 2015, the County received the FY2017 property tax differential request from the Town of Ocean City referencing Tax Property Article Section 6-306 of the Annotated Code of Maryland. This code section outlines requirements to be met by the Town of Ocean City and Worcester County and the receipt of the Towns request with supporting documents is within the appropriate time line.

As required by the following sections of the code:

- Sections 6-306(f)(3), the County shall promptly submit to the municipal corporation financial records and other documentation regarding county revenues and expenditures.
- Sections 6-306(g)(1), At least 90 days before the date that the annual county budget is required to be approved, the county and any municipal corporation submitting a tax setoff request under subsection (f) of this section shall designate appropriate policy and fiscal officers or representatives to meet and discuss the nature of the tax setoff request, relevant financial information of the county and municipal corporation, and the scope and nature of services provided by both entities.

Attached is a draft memo acknowledging receipt of their request, provides the County's plan for a meeting and includes the required documentation which will be forwarded to the Town of Ocean City.

The FY2016 County budget includes funds for a tax differential study and County staff is currently working on finding a consultant for this study. We are available for any questions you may have.

Attachments:

Kjw:h/FY2017 Budget/DC Tax Diff/December 7 memo to Commissioner.docx



TOWN OF
OCEAN CITY

The White Marlin Capital of the World

Town of Ocean City
Finance Department
301 Baltimore Avenue
Ocean City, Maryland 21842
Telephone (410) 289-8858

December 2, 2015

Honorable Madison J. Bunting, President
Worcester County Commissioners
Government Center
One West Market Street
Snow Hill, MD 21863

RE: Property Tax Differential

Dear President Bunting:

Section 6-306 of the Annotated Code of Maryland, County Tax Rate in Certain Other Municipal Corporations, provides for a tax setoff, i.e., tax differential, from the County property tax *"if a municipal corporation performs services of programs instead of similar county services of programs, the governing body of the count may grant a tax setoff to the municipal corporation."* As permitted by Section 6-306, please be advised that the Town of Ocean City respectfully requests that Worcester County authorize a property tax setoff, in the form of a tax differential, for Ocean City taxpayers for the fiscal year beginning July 1, 2016.

As required by Sections 6-306(f), the Town of Ocean City contracted with Municipal and Financial Services Group in February 2013 to update the initial study and evaluation which quantifies the services provided by Worcester County that are duplicated by the Town of Ocean City. A copy of the report is included for reference. A copy of the Town of Ocean City's adopted Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2015, is also attached for review. In addition, a copy of the Town's Fiscal Year 2016 Operating Budget also accompanies the Town's request.

The City Council, our consultant and I are available to meet with the County Commissioners to further discuss a tax differential for Ocean City for the fiscal year

Copy: Phil Thompson ✓
Kathy Whiskel - www.oceancitymd.gov

for review and
recommendation

- *Maurice Howard*

MAYOR & CITY COUNCIL
P.O. BOX 158
OCEAN CITY,
MARYLAND 21843-0158

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL MEMBERS

LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

DOUGLAS S. CYMEK
DENNIS W. DARE
ANTHONY J. DELUCA
WAYNE A. HARTMAN
MATTHEW M. JAMES

RECEIVED

DEC 03 2015

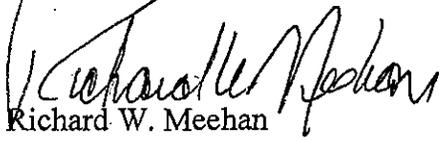
WOR CO ADMIN

Ocean City, MD



beginning July 1, 2016. The Town of Ocean City is also open to further discussion regarding a Memorandum of Understanding with establishes a multi-year formula/methodology resulting in predictable incremental annual increases in the Town of Ocean City's "unrestricted" grant award as an alternative to tax differential. The Town of Ocean City welcomes the opportunity to meet with the Worcester County Commissioners for further discussion in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard W. Meehan". The signature is written in a cursive style with a large, looping initial "R".

Richard W. Meehan
Mayor



TOWN OF OCEAN CITY
Tax Differential Study
February 2013





**Municipal & Financial
Services Group**

February 2013

Martha Bennett
Finance Administrator
Finance Department
Town of Ocean City
301 Baltimore Avenue
Ocean City, MD 21842

Dear Ms. Bennett,

The Municipal & Financial Service Group is pleased to submit to the Town of Ocean City this Tax Differential Study. The document presents the results of our analysis and our recommendations for a tax differential. The study quantifies those services provided by Worcester County that are duplicated by the Town of Ocean City and should not be funded by the Town.

It has been our distinct pleasure to work with the Town. The dedication you and other City staff provided during the study process should be acknowledged and was vital to the success of the study. Thank you for the opportunity to work with the Town of Ocean City on this important study.

Very truly yours,

Michael Maker

Michael Maker
Manager
The Municipal & Financial Services Group

TABLE OF CONTENTS

EXECUTIVE SUMMARY

I. BASIS FOR THE STUDY	1
1. Tax Differential Background	1
2. Tax Differentials in Maryland	2
3. Worcester County / Ocean City Assessable Base Comparisons.....	3
II. COUNTY SERVICES	7
1. County Services Categorized.....	7
2. Indirect Expense Departments / County Overhead.....	11
III. CALCULATION OF TAX DIFFERENTIAL	12
1. Budget Allocation	12
2. Tax Differential.....	12
3. Implementation	13

EXECUTIVE SUMMARY

On an annual basis the Town of Ocean City meets with the Worcester County Commissioners for the purpose of requesting a tax differential of County real estate taxes. Ocean City has based its requests for a tax differential on the rationale that certain County services and programs were neither available nor provided to Ocean City residents by the County because Ocean City provided those same or comparable services and programs to its residents. Ocean City's requests are supported by several studies prepared by the Institute for Governmental Services (IGS) that found duplicated services in the areas mentioned above. Worcester County has been reluctant to grant the City's requested tax differential and has instead responded with a variety of grants. However, these grants, while appreciated, only offset a small fraction of what the tax differential should be, based on the fact that Ocean City constitutes almost 60% of the assessable real property tax base in Worcester County yet receives a disproportionately small share of County services and programs.

The Municipal & Financial Services Group (MFSG) was engaged by the Town of Ocean City to undertake a study to identify and quantify County expenditures that qualify for inclusion in a real property tax differential for Ocean City and to develop alternative methods to phase in the calculated tax differential. This report discusses the methodology of the tax differential study and documents MFSG's findings and recommendations.

Using Worcester County's adopted Fiscal Year (FY) 2013 budget as a starting point, MFSG categorized County services into two classes: (1) those programs and services that are available and provided to Ocean City residents and (2) those services and programs that are not available or provided to Ocean City residents. MFSG identified the costs related to each program and service. For County programs and services that rely on funding sources other than (or in addition to) property tax revenues, MFSG also documented those offsetting revenues. Additionally, MFSG documented any programs or services that were partially available or provided to Ocean City residents and documented the basis for allocating the budgeted expenses related. MFSG analyzed those County services or programs that primarily provide support to identified County services and programs that are/may be available to Ocean City residents and allocated those "overhead costs" appropriately.

MFSG identified several County services or programs that *are not* offered to, provided to and/or utilized by the Town of Ocean City and its residents. These included services and programs offered by the Worcester County Tourism Department, Department of Public Works, Department of Recreation, Department of Parks, Department of Emergency Services, Fire Marshal's Office, Department of Development Review and Permitting, the Sheriff's Office and the Department of Environmental Programs.

Based on the assessed valuation of real property tax in Ocean City and in the remainder of Worcester County, MFSG calculated the "real" property tax rate for the entire County and a supplemental tax rate for those portions of Worcester County exclusive of Ocean City.

MFSG's analysis indicates that for FY 2013, Worcester County will need to collect \$119,678,288 in property tax revenue. Our analysis indicates that \$102,531,947 of the property

tax collected should be paid by all County residents including those in Ocean City, but that \$17,146,341 in property taxes should not be paid by Ocean City tax payers. This \$17,146,341 is therefore the expense amount that calculates the tax differential of \$0.269, which adjusts the \$0.770 Countywide property tax rate to \$0.687 for Ocean City and \$0.956 for the remainder of Worcester County.

I. BASIS FOR THE STUDY

For a number of years, the Town of Ocean City has met with the Worcester County Commissioners for the purpose of requesting a tax differential of County real property taxes. These requests were supported by various studies prepared by the Institute for Governmental Services (IGS) that found duplicated services in planning and zoning, police, fire and rescue, animal control, emergency communications, highways and streets, parks and recreation and economic development. Worcester County has been reluctant to grant the City's requested tax differential and has instead responded with a variety of grants. However these grants, while appreciated by Ocean City, equate to only a small fraction of the amount the tax differential should be, because Ocean City constitutes almost 60% of the assessable real property tax base for all of Worcester County yet receives a disproportionately small share of County services and programs.

The Town of Ocean City has entered into a contract with the Municipal & Financial Services Group with the objectives to:

1. Identify and quantify County expenditures that qualify for inclusion in a real property tax differential for Ocean City;
2. Develop alternative methods to phase in the calculated tax differential, including an assessment of the annual impact on Worcester County's budget; and
3. Present the results of the analysis to the Ocean City Council and other bodies or agencies as directed by the Town of Ocean City.

1. Tax Differential Background

Property tax set-offs are intended to compensate for double taxation of municipal taxpayers occurring when both municipal and county property taxes are levied to fund similar or identical services. As a result, a number of Maryland counties compensate municipal tax payers with property tax set-offs through a tax rate differential or a tax rebate. A tax rate differential results in a lower county property tax rate within the boundaries of a municipality, whereas a tax rate rebate is a direct payment to a municipality for providing the services or programs. The major governmental services performed by municipalities that may result in tax set-offs include police protection, highways and street maintenance, sanitation and waste collection, planning and zoning services and recreation and parks services.

Section 6-305 of the Tax-Property Article of the Annotated Code of Maryland mandates that **Allegany, Anne Arundel, Baltimore, Frederick, Garrett, Harford, Howard, Montgomery and Prince George's Counties** meet annually with the governing bodies of municipal corporations to discuss the property tax rate to be set for assessments of property in the municipal corporations. If it is demonstrated that a municipal corporation performs services or programs in lieu of similar county services or programs, the governing body of the county shall **impose** the county property tax on assessments of property in the municipal corporation at a rate that is **less than the general county property tax rate**.

Section 6-306 of the State statute governs the procedure for the setting of a tax differential in the **other Maryland counties**. The governing bodies of the counties are required to meet annually with the governing bodies of the municipal corporations to discuss the property tax rate to be set for assessments of property in the municipal corporation. If it is demonstrated that the municipal corporation performs services or programs in lieu of similar county services, the county may **establish** a county property tax rate for property in the municipal corporation that is **lower than the general county property tax rate**.

Alternatively, both of the sections identified above provide the counties with the option of making a payment to the municipal corporation to aid the municipal corporation in funding municipal services and programs that are similar to county services or programs. This is generally referred to as a tax rebate.

Subsections (d) and (e) of Sections 6-305 and 6-306 of the Tax-Property Article define the procedures for determining the county property tax rate within a municipal corporation. The provisions are as follows:

(d) Setting county rate for municipal corporation. -- Except as provided [for Frederick County] ... in determining the county property tax rate to be set for assessments of property in a municipal corporation, the governing body of the county shall consider:

- (1) the services and programs that are performed by the municipal corporation instead of similar county services and programs; and
- (2) the extent that the similar services and programs are funded by property tax revenues.

(e) Rate need not be uniform. -- The county property tax rate for assessments of property located in a municipal corporation is not required to be:

- (1) the same as the rate for property located in other municipal corporations in the county; or
- (2) the same as the rate set in a prior year.

A county and one or more municipal corporations may enter into an agreement setting different terms for negotiations, calculations or approval of a tax setoff than are set out under Sections 6-305 and 6-306.

2. Tax Differentials in Maryland

According to the Maryland Department of Legislative Services Office of Policy Analysis' *Property Tax Set-offs: The Use of Local Property Tax Differential And Tax Rebates in Maryland* report for Fiscal Year 2012, eighteen of the 23 counties in Maryland had property tax set-offs for municipalities within their respective jurisdictions in FY 2012. Of the five remaining counties, Baltimore and Howard Counties have no municipalities, **while Queen Anne's, Wicomico and Worcester counties choose not to establish tax set-offs**. Seven counties (Allegany, Anne Arundel, Calvert, Caroline, Charles, Talbot and Washington) provided tax rate differentials

totaling \$41.5 million for the municipalities in their jurisdictions. Seven counties (Carroll, Cecil, Frederick, Kent, Montgomery, St. Mary's and Somerset) returned to the municipalities (in the form of rebates) \$17.5 million. Four counties (Dorchester, Garrett, Harford and Prince George's) provided both tax differentials and rebates to either all or some of its municipalities. Prince George's County and Harford County provided both tax rate differentials and tax rebates to their municipalities, totaling \$33.1 million and \$9.7 million, respectively. Dorchester County provided tax rate differentials to Cambridge and Hurlock totaling \$355,679 and tax rebates to its other municipalities totaling \$6,050, while Garrett County provided a tax rate differential totaling \$56,224 to Mountain Lake Park and tax rebates to six other municipalities totaling \$222,000.

There are 156 municipalities in Maryland. Based on July 2011 census data, approximately 15.4% of the State's residents live within municipalities. However on the Eastern Shore and in Western Maryland, there are nine Counties that have over 30% of their residents living within municipalities. Worcester County has 34.7% of its population residing within the municipalities of Ocean City, Pocomoke City, Berlin and Snow Hill. Municipalities generally provide a more limited array of public services than counties. Public works and public safety are the two largest functions and expenditures of municipal governments, comprising 65.5% of total municipal expenditures in FY 2011. As shown in the exhibit below, municipalities accounted for approximately 4.5% of total local government expenditures. In five Counties, municipal governments accounted for over 15% of local government expenditures.

Exhibit 1. Local Government Expenditures FY 2011

	<u>Expenditures (in millions)</u>	<u>Percent of Total</u>
County Level	\$26,954.6	95.5%
Municipal Level	\$1,266.7	4.5%
Total	\$28,221.3	100.0%
Municipal Level		
Public Works	\$536.0	42.3%
Public Safety	\$293.8	23.2%
General Government	\$165.3	13.0%
Parks, Recreation & Culture	\$101.0	8.0%
Community/Economic Development	\$43.8	3.5%
Miscellaneous	\$42.4	3.3%
Debt Service	\$84.4	6.7%
Total	\$1,266.7	100.0%

Source: Department of Legislative Services

3. Worcester County / Ocean City Assessable Base Comparisons

The level of property tax revenue that Ocean City contributes to Worcester County as a result of the City's very large assessable base is unique in Maryland. For FY 2013, Worcester County's adopted operating budget reflects \$165,904,256 in revenues and expenditures. Worcester County applies a property tax rate of \$0.770 (3rd lowest of any County in Maryland) on the unincorporated and incorporated areas of the County. The exhibit below compares current property and income tax rates for counties (and Baltimore City) in Maryland.

Exhibit 2. Current Property and Income Tax Rates

County	Property Tax (non-municipal)	Rank (ascending)	Income Tax	Rank (ascending)
Allegany	0.9810	15	3.05%	15
Anne Arundel	0.9410	11	2.56%	3
Baltimore City	2.2680	24	3.20%	20
Baltimore County	1.1000	22	2.83%	10
Calvert	0.8920	9	2.80%	7
Caroline	0.8900	8	2.63%	5
Carroll	1.0180	19	3.05%	15
Cecil	0.9907	17	2.80%	7
Charles	1.1210	23	2.90%	12
Dorchester	0.9760	14	2.62%	4
Frederick	0.9360	10	2.96%	13
Garrett	0.9900	16	2.65%	6
Harford	1.0420	21	3.06%	17
Howard	1.0140	18	3.20%	20
Kent	1.0220	20	2.85%	11
Montgomery	0.7240	2	3.20%	20
Prince George's	0.9600	13	3.20%	20
Queen Anne's	0.8470	5	3.20%	20
St. Mary's	0.8570	6	3.00%	14
Somerset	0.8837	7	3.15%	19
Talbot	0.4910	1	2.40%	2
Washington	0.9480	12	2.80%	7
Wicomico	0.8404	4	3.10%	18
Worcester	0.7700	3	1.25%	1

Sources: Maryland State Department of Assessments & Taxation; Maryland Department of Business and Economic Development

In its adopted FY 2013 budget, the County identified \$119,678,288 in property tax revenue, accounting for 72.1% of total estimated revenue to be collected. For this report and the purposes of this study, \$119,678,288 was used as the amount of revenue required to be collected from real property taxes within the County.

According to the Maryland State Department of Assessments & Taxation (SDAT) Constant Yield Tax Rate Summary for July 1, 2012 (FY 2013), Worcester County had a total net assessable real property base of \$14,931,329,019 allocated amongst its municipalities. SDAT calculates the net assessable base by subtracting new property or construction added to the rolls for the first time and deducting allowances for abatements and other deletions. The base is allocated amongst the municipalities as follows:

Exhibit 3. Worcester County Net Assessable Real Property Base

Municipality	Net Assessable Real Property Base	Percent of Total
Ocean City	\$8,562,750,622	57.3%
Berlin	\$397,480,473	2.7%
Snow Hill	\$114,045,810	0.8%
Pocomoke	\$263,874,484	1.8%
Unincorporated areas	\$5,593,177,630	37.5%
Worcester County	\$14,931,329,019	100.0%

Sources: Maryland State Department of Assessments & Taxation

According to the SDAT data, Ocean City had an estimated assessable base of over \$8.5 billion, which is 57.3% of the assessable base for Worcester County. The assessable bases for the other incorporated municipalities within Worcester County combined for 5.2% of the assessable base while unincorporated areas composed 37.5% of the County's assessable base. For July 1, 2012, Worcester County's assessable base was larger than the combined assessable base of \$14,148,167,643 for the following Eastern Shore counties:

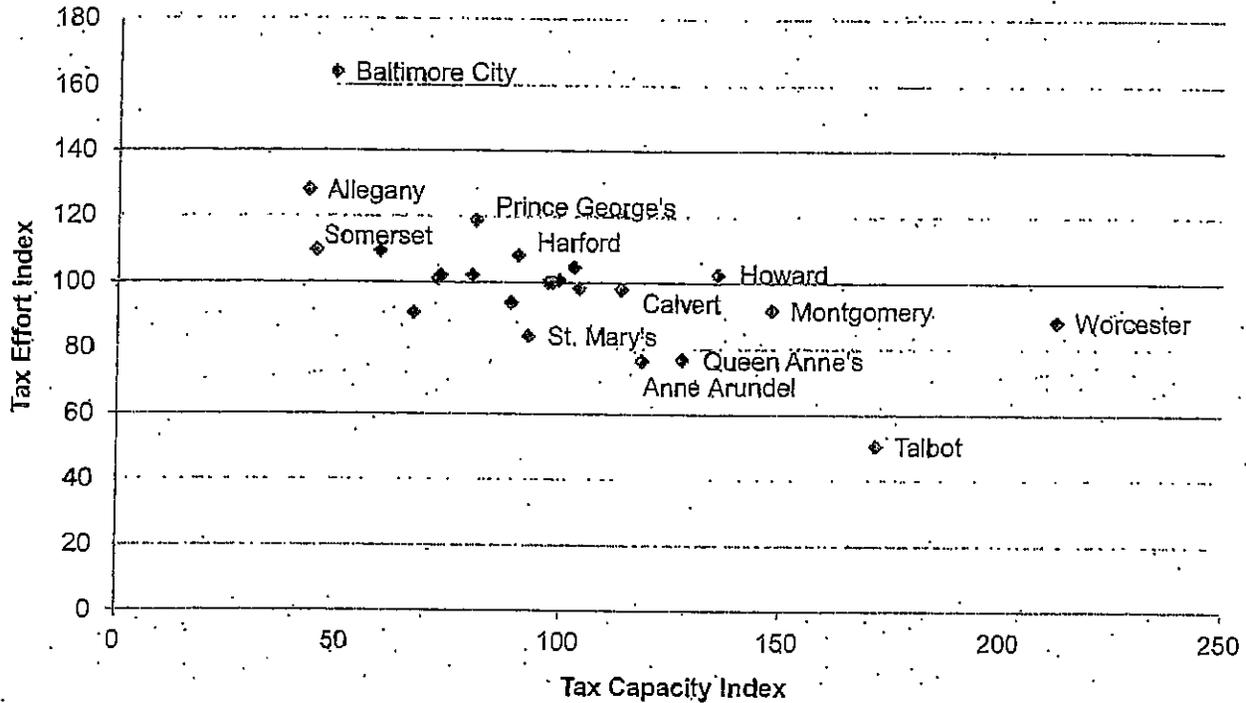
- Wicomico (\$6,139,441,628)
- Kent (\$2,820,715,878)
- Dorchester (\$1,985,969,168)
- Caroline (\$1,763,067,562)
- Somerset (\$1,438,973,407)

Worcester County's assessable base was also most similar in size to Charles County's (\$14,369,944,568) and Carroll County's (\$18,067,151,776) assessable bases.

Additionally, Worcester County's population of 51,514 (MD Department of Planning July 1, 2011 estimate) was significantly smaller than the combined populations of Wicomico, Kent, Dorchester, Caroline and Somerset Counties (211,358), Charles County (149,130) and Caroline County (167,288). Based on the sources listed above, the Town of Ocean City's assessable base of \$8,562,750,622 is significantly larger than the combined base of the other municipalities and unincorporated portions of Worcester County (\$5,368,578,397) and comparable in size to Washington County (\$8,673,597,780) and Queen Anne's County (\$7,552,953,784).

Worcester County's relatively large assessable base has had a tremendous impact on the County's ability and willingness to tax itself for the services it provides for its citizens and its reluctance to consider a tax differential for the Town of Ocean City. To illustrate this point, the Department of Legislative Services calculates two key indices: (1) tax capacity, which reflects the potential tax base of a local government; and (2) tax effort, which measures the extent to which the local tax base is actually taxed. The exhibit on the following page shows the relationship between tax capacity and tax effort for counties (and Baltimore City) in Maryland, as published by the Department of Legislative Services in March 2012 for FY 2010 data.

Exhibit 4. Correlation of Tax Capacity and Tax Effort (FY 2010)



Source: Department of Legislative Services

As can be seen in the exhibit above, Worcester County has the highest tax capacity but only the fifth lowest tax effort. This means Worcester County has the highest potential tax base (per capita) but does not levy taxes on this tax base to a great extent. The tax capacity index is highly influenced by the property tax and income tax, which are the two largest sources of revenue available to local governments. Those jurisdictions with high property valuations and income wealth, therefore, tend to be among those with the highest capacity. Worcester County has been able to achieve its number one ranking despite the fact that its property tax rate (0.770) is the 3rd lowest and its income tax rate (1.25%) is the lowest in the State of Maryland.

II. COUNTY SERVICES

1. County Services Categorized

MFSG utilized a number of source materials to assist in our evaluation of the potential for a tax differential within Worcester County. Several of the key sources included the Worcester County FY 2012/2013 Adopted Operating Budget; Town of Ocean City's FY 2012/2013 Adopted Budget; Maryland Department of Legislative Services Office of Policy Analysis' *Property Tax Set-offs: The Use of Local Property Tax Differential And Tax Rebates in Maryland* report for Fiscal Year 2012; Maryland State Department of Assessments & Taxation (SDAT) Constant Yield Tax Rate Summary for July 1, 2012 (FY 2013); and Worcester County's and Ocean City's comprehensive annual financial reports for FY 2012, comprehensive plans, working documents and official government websites.

MFSG identified the budgeted costs related to each program and service. For County programs and services that rely on funding sources other than (or in addition to) property tax revenues, MFSG also documented those offsetting revenues. Additionally, MFSG documented any programs or services that were partially available or provided to Ocean City residents and documented the basis for allocating the related budgeted expenses. MFSG also identified and evaluated those County services or programs that primarily provide support to specifically identified County services and programs that are/may be available to Ocean City residents and then allocated those "overhead costs" proportionally. Based on the assessed valuation of real property tax in the Town of Ocean City and the remainder of Worcester County, MFSG calculated an alternative "adjusted" property tax rate applicable to the entire County as well as a supplemental "reduced" tax rate (referred to as a "tax differential") for those portions of Worcester County exclusive of Ocean City.

MFSG identified several County services or programs that *are* offered to, provided to and/or utilized by the Town of Ocean City and its residents. These included services and programs offered by Worcester County and categorized in the County's FY 2013 operating budget as follows:

Circuit Court	Grants to Municipalities
Orphan's Court	Commission on Aging
State's Attorney	Other Health & Social Services
Elections Office	Board of Education
County Jail	Wor - Wic Community College
Volunteer Fire & Ambulance Companies	Library
Health Department	Other Recreation & Culture
Mosquito Control	Extension Service
Economic Development Department	Other Natural Resources
Taxes Shared with Municipalities	

As these services/programs are offered to, provided to and/or utilized by Ocean City, individual written analyses have not been provided for them.

Several services provided by Worcester County and categorized in the County's FY 2013 operating budget have overhead functions. These indirect expenses were allocated to the direct expense departments/services according to personnel expenses within those departments. Indirect expenses are discussed further in the report.

MFSG identified several County services or programs that *are not* offered to, provided to and/or utilized by the Town of Ocean City and its residents. These included services and programs offered by the Worcester County Tourism Department, Department of Public Works, Department of Recreation, Department of Parks, Department of Emergency Services, Fire Marshal's Office, Department of Development Review and Permitting, the Sheriff's Office and the Department of Environmental Programs. These services and programs are further defined below:

- **Tourism** – The Worcester County Tourism Department has an FY 2013 operating budget of \$1,094,108. The Department provides residents of Worcester County and visitors with a variety of services and programs including the promotion of Worcester County businesses and tourism opportunities such as restaurants, spas, golf, camping, the Delmarva Discovery Center in Pocomoke City, Assateague Island and a variety of others.

While the Department mentions Ocean City in its ads and displays brochures at the US 13 South Visitor Center, tourism services and programs offered by Worcester County are not available or provided in Ocean City. Ocean City's Department of Tourism provides complimentary tourism and economic development services for the residents and businesses in Ocean City. Between Ocean City Tourism Promotions, the Convention Center and the Museum, there are 36 employees. Tourism Promotions has an FY 2013 operating budget of \$5,682,657 and provides a number of services and programs to residents and businesses within Ocean City and to visitors including the promotion of the visitor center, convention center, the beach, boardwalk, shopping, historic sites and museums, water sports, fishing, sightseeing, golf and many more. Ocean City also allows Worcester County to advertise on City produced marketing materials.

- **Public Works** – The Worcester County Department of Public Works is made up of the Public Works Administrative Office and includes the Maintenance, Roads and Boat Landings Divisions with an FY 2013 operating budget of \$4,078,399. Public Works Administration is responsible for the overall management of the other Public Works Divisions and for fleet maintenance. The Maintenance Division is responsible for the maintenance of 32 County Office Buildings, nine boat ramps, assorted parking lots and radio tower sites. The Roads Division is responsible for the day-to-day operation of County roads including road repairs, paving, drainage, limbing, cutting grass and plowing snow.

The Solid Waste Division is responsible for operating the County landfill and recycling programs. The Water/Wastewater Division is responsible for providing water and wastewater services to the north end of the County. Both of these divisions function as enterprise funds and are self-sufficient.

Public Works services and programs offered by Worcester County are not provided to Ocean City. The Town of Ocean City maintains a Department of Public Works

consisting of four main divisions: Engineering/Beach Replenishment, Public Works Administration and Construction, Public Works Maintenance and Solid Waste. The Department consists of 90 employees and has an FY 2013 operating budget of \$15,251,914. Engineering/Beach Replenishment is responsible for design, construction management and long-term planning associated with the Town's infrastructure, as well as the Beach Replenishment program. Public Works Administration shares responsibility for the design, construction, management and long-term planning associated with the Town's infrastructure, as well as oversees the Transportation, Airport and Water and Wastewater enterprise funds. Construction is responsible for maintaining Ocean City's streets, alleyways and storm drains in addition to the majority of the city's buildings, street lights and beach crossovers. The Maintenance Division is responsible for the daily upkeep of Ocean City's 10 miles of beach and 2.5 miles of boardwalk, the seawall, street cleaning, the Calé parking system, signage of special events and janitorial services. The Solid Waste Division is responsible for the collection, processing, recycling and disposal of residential and commercial refuse.

Ocean City also provides Water, Wastewater, Transportation, Airport, Golf Course and Convention Center services and programs as enterprise funds.

- **Recreation / Parks** – The Worcester County Recreation Department has an FY 2013 operating budget of \$839,328 while the Parks Department has an FY 2013 operating budget of \$511,703. The Recreation Department provides a variety of adult and youth services, sports and programs to residents of Worcester County. The Parks Department maintains the parks and facilities located throughout the County.

Recreation and Parks services and programs are available to all County residents including those within the municipalities; however, Ocean City is able to provide its residents with a full range of comparable recreation and parks services and programs. The Ocean City Department of Recreation and Parks consists of four main divisions: Recreation, Parks, Beach Patrol and Special Events. The Department consists of 34 employees and has a FY 2013 operating budget of \$8,177,378. The Recreation Division concentrates on providing year-round leisure opportunities for Ocean City residents, manages satellite facilities such as the Ocean City Tennis Center, Ocean Bowl Skate Park, and two Concession stands and offers over 200 programs and 10,000 program hours. The Parks Division is responsible for the maintenance and improvement of 24 parks and recreation facilities, public lands at 30 locations and many medians, rights of way and streetscapes. Beach Patrol provides for the safety and well-being of the beach patrons of the Town who participate in beach and ocean related activities. The Special Events Division has responsibility to plan, coordinate, and execute festivals and special events for the Town, including Springfest, Art's Alive, Sundaes in the Park, Fourth of July Fireworks on the Beach, Jamboree in the Park, Concerts on the Beach, Sunfest, OC Fly-In, Seaside 10 and the Winterfest of Lights

- **Emergency Services** - The Worcester County Department of Emergency Services has a FY 2013 operating budget of \$2,177,021. The Department provides a variety of emergency services to residents of Worcester County including 9-1-1 services along with management of the countywide 800 MHz radio system provided by the Emergency Communications Division. Disaster preparedness, response, mitigation and recovery

along with house numbering within the unincorporated portions of Worcester County are handled through the Emergency Management Division. The Department works with all County and State law enforcement agencies, Worcester County Volunteer Fire and EMS Departments, as well as all local, state and federal government departments and agencies. The agency is also responsible for preparing and implementing the County's Basic Emergency Operations Plan, the comprehensive, all hazards plan that coordinates the emergency management activities within the County.

Emergency services and programs provided by the Worcester County Department of Emergency Services are not provided in Ocean City. Ocean City provides emergency medical and communication services consisting of 37 employees and a FY 2013 operating budget of \$9,701,476. The City provides a full range of emergency services to the residents of Ocean City the operation of the Emergency Communications Center, maintenance of the citywide radio system and operation of an emergency management program. The City provides pre-hospital emergency medical services and full time paramedic/firefighting services to the residents of Ocean City and responds to about 5,900 calls each year.

- **Fire Marshal** – The Worcester County Fire Marshal's Office has a FY 2013 operating budget of \$374,362. The Office is responsible for conducting fire investigations of all fires in the County where arson is suspected, the fire is undetermined by the Fire Department and/or an injury or death has occurred. The Fire Marshal's Office also has the authority to enforce and perform the duties required under Maryland State Fire Prevention Code and the Worcester County Fire Prevention Code.

The Worcester County Fire Marshal's Office does not provide any direct services to Ocean City. The Ocean City Office of the Fire Marshal consists of seven employees and has a FY 2013 operating budget of \$1,188,351. The Office provides the citizens of Ocean City with a wide range of services including fire investigations, bomb and incendiary device incidents, hazardous materials events, plan review/inspections, QAP/liquor inspections, call outs and the authority to enforce and perform the duties required under the Maryland State Fire Prevention Code in addition to the Ocean City Fire Prevention Code.

- **Development Review and Permitting** – The Worcester County Department of Development Review and Permitting has a FY 2013 operating budget of \$1,782,243. The department offers a wide variety of services and programs to Worcester County residents including The Planning Commission, Zoning Board of Appeals, Technical Review Committee, Building and Zoning Codes Administration, Electrical and Plumbing Permit Review and Permitting, Building, Construction and Zoning Inspections, Critical Areas Ordinance, Forest Conservation Ordinance, Stormwater Management, Subdivision Administration, Comprehensive Planning Recreation and Parks Planning, a variety of Land Preservation programs and GIS and Data services.

The services and programs offered and provided by the Worcester County Departments of Development Review and Permitting and Comprehensive Planning are not available or provided to Ocean City residents. Ocean City provides its residents with a full range of comparable services and programs. The Town of Ocean City's Department of Planning

and Community Development consists of three main divisions: Planning, Zoning and Code Enforcement. The Department has a full time staff of 12 and an operating budget in FY 2013 of \$ 1,548,030. The agency provides a wide variety of services and programs to Ocean City residents including a Planning and Zoning Commission, Board of Zoning Appeals, Board of Port Wardens and Board of Adjustments and Appeals.

- **Sheriff** – The Worcester County Sheriff's Office has a FY 2013 operating budget of \$5,324,455. The office offers a full range of services and programs to the residents of Worcester County. These include a Civil Division that provides security for two circuit courts, a master's court and grand jury sessions, Community Policing, Public School Liaison, S.T.A.R Team, Patrol Division and Bureau of Investigation.

With the exception of the Civil Division, which provides security for the courts and serves papers within Ocean City, the Worcester County Sheriff's Department does not provide any services or programs to residents of Ocean City. The Town of Ocean City provides its residents with comparable urban level police protection services through the Ocean City Police Department. The agency consists of 132 employees and has a FY 2013 operating budget of \$19,960,118. The Police Department is comprised of four divisions: Administration, Services, Criminal Investigation and Patrol. The Department provides a number of services and programs including narcotics enforcement, training, records, detention, K-9; traffic, equestrian unit, animal control and a quick response team.

- **Environmental Programs** - The County Department of Environmental Programs has a FY 2013 operating budget of \$827,171. The Department provides several services including Septic System, Well, Plumbing Permits and Inspections, Building Permit Review, Beach Water Quality Sampling, Geological Services and Public Education.

The Worcester County Department of Environmental Programs does not provide Septic System and Plumbing Permitting and Inspections for Ocean City. Ocean City has no private septic systems, and plumbing permitting and inspection services are provided by the Ocean City Department of Planning and Zoning and Waste Water Division.

2. Indirect Expense Departments / County Overhead

MFSG identified the following Worcester County general funded budget categories as indirect expenses:

County Commissioners	Debt Service
Treasurer	Insurance and Benefits
Human Resources	Interfund
Other General Government	

These costs were allocated as overhead to each of the County departments based on the percentage of total personnel expenses outlined in each of the County's budget categories.

III. CALCULATION OF TAX DIFFERENTIAL

1. Budget Allocation

Worcester County's FY 2013 adopted budget was split between operating expenditures and revenues. The expenses of most individual departmental budgets were designated as "direct expenses" while the expenses of those departments defined as supporting other departments (i.e., overhead) were designated as "indirect expenses" and were proportionately allocated to each of the "direct expense" departments based on the percentage of total personnel expenses outlined in each of the County's "direct expense" budget categories.

The "indirect expenses" identified in the previous section were added to the "direct expenses" resulting in total expenses. This amount equals \$165,904,256 which is Worcester County's total FY 2013 expenses.

With the exception of *Full Year Real Property Taxes*, all revenues within the County's adopted budget were identified as offsetting revenues since they offset the expenditure amount due to be collected from property taxes. As with expenses, offsetting revenues were categorized as "direct offsetting revenues" or "indirect offsetting revenues" (offsetting revenues of those supporting the "direct" departments). "Indirect offsetting revenues" were allocated proportionately based on the percentage of total personnel expenses for each department and added to "direct offsetting revenue" departments, resulting in total offsetting revenues. This amount equals \$46,225,968 which is Worcester County's total FY 2013 revenues less real property tax revenue of \$119,678,288.

Total expenses less total offsetting revenues gives the revenue required to be collected from property taxes (\$119,678,288). Using the information gathered pertaining to County services provided, a determination was made as to whether or not each department's services were provided to the Town of Ocean City. Those services not provided within the Town (see previous section) were excluded from the \$119,678,288 to be recovered through property taxes for the Town. This amount was determined to be \$17,146,341.

2. Tax Differential

The exhibit on the following page shows the real property assessable base for Worcester County. As the table shows, 57.3% of Worcester County's assessable tax base pertains to Ocean City.

Exhibit 5. Worcester County Net Assessable Real Property Base

Municipality	Net Assessable Real Property Base	Percent of Total
Ocean City	\$8,562,750,622	57.3%
Berlin	\$397,480,473	2.7%
Snow Hill	\$114,045,810	0.8%
Pocomoke	\$263,874,484	1.8%
Unincorporated areas	\$5,593,177,630	37.5%
Worcester County	\$14,931,329,019	100.0%

Sources: Maryland State Department of Assessments & Taxation.

Dividing the Countywide revenue required from property taxes by total Worcester County real property assessments equals the tax rate for Countywide residents. Dividing the Non-Ocean City revenue required from property taxes by total Worcester County real property assessments less Ocean City real property assessments equals the tax rate for Non-Ocean City residents. The \$0.687 (per \$100 of assessable property) tax rate in the exhibit below is to be paid by all County residents *including* those in Ocean City. The \$0.269 (per \$100 of assessable property) tax rate in the exhibit below is to be paid by all County residents *excluding* those in Ocean City. This \$0.269 is the tax differential between Ocean City and Worcester County. To adjust the current tax rate of \$0.770 to be fair and equitable for Ocean City and Worcester County residents, it should be corrected to \$0.687 (a decrease of \$0.083) for Ocean City residents and \$0.956 (an increase of \$0.186) for Non-Ocean City residents.

The Worcester County/Ocean City tax differential is depicted in the exhibit below.

Exhibit 6. Tax Differential

	Revenue Required from Property Taxes	Tax Rate*
Countywide	\$102,531,947	\$ 0.687
Non-Ocean City	\$17,146,341	\$ 0.269
Total	\$119,678,288	\$ 0.956

**per \$100 of assessable real property*

3. Implementation

MFSG's analysis indicates that for FY 2013, Worcester County will need to collect \$119,678,288 in property tax revenue. Our analysis indicates that \$102,531,947 of the property tax collected should be paid by all County residents including those in Ocean City but that \$17,146,341 in property taxes should not be paid by Ocean City tax payers. This \$17,146,341 is therefore the amount that the tax differential is calculated from and would result in a \$0.269 adjustment of the \$0.770 County-wide property tax rate. This \$0.269 adjustment would cause the Ocean City tax rate to decrease \$0.083 to \$0.687 and require the remainder of Worcester County's tax rate to increase \$0.186 to \$0.956.

TAX - PROPERTY
TITLE 6. TAXABLE PROPERTY; IMPOSITION OF TAX; SETTING TAX RATES
SUBTITLE 3. SETTING PROPERTY TAX RATES

Md. TAX-PROPERTY Code Ann. § 6-306 (2015)

§ 6-306. County tax rate in certain other municipal corporations

(a) Tax setoff. -- In this section, "tax setoff" means:

(1) the difference between the general county property tax rate and the property tax rate that is set for assessments of property in a municipal corporation; or

(2) a payment to a municipal corporation to aid the municipal corporation in funding services or programs that are similar to county services or programs.

(b) Applicability of section. -- This section applies to any county not listed in § 6-305 of this subtitle.

(c) Discussion and adjustment. -- The governing body of the county shall meet and discuss with the governing body of any municipal corporation in the county the county property tax rate to be set for assessments of property in the municipal corporation as provided in this section. After the meeting if a municipal corporation performs services or programs instead of similar county services or programs, the governing body of the county may grant a tax setoff to the municipal corporation.

(d) Setting county rate for municipal corporation. -- In determining the county property tax rate to be set for assessments of property in a municipal corporation, the governing body of the county may consider:

(1) the services and programs that are performed by the municipal corporation instead of similar county services and programs; and

(2) the extent that the similar services and programs are funded by property tax revenues.

(e) Rate need not be uniform. -- The county property tax rate for assessments of property located in a municipal corporation is not required to be:

(1) the same as the rate for property located in other municipal corporations in the county; or

(2) the same as the rate set in a prior year.

(f) Request for property tax setoff. --

(1) At least 180 days before the date that the annual county budget is required to be approved, any municipal corporation in the county that desires that a tax setoff be provided shall submit to the county a proposal that states the desired level of property tax setoff for the next fiscal year.

(2) (i) A request submitted under paragraph (1) of this subsection shall be accompanied by:

1. a description of the scope and nature of the services or programs provided by the municipal corporation instead of similar services or programs provided by the county; and

2. financial records and other documentation regarding municipal revenues and expenditures.

(ii) The materials submitted under subparagraph (i) of this paragraph shall provide sufficient detail for an assessment of the similar services or programs.

(3) After receiving a proposal from a municipal corporation requesting a tax setoff under this subsection, the governing body of the county shall promptly submit to the municipal corporation financial records and other documentation regarding county revenues and expenditures.

(g) Officers, information and services. --

(1) At least 90 days before the date that the annual county budget is required to be approved, the county and any municipal corporation submitting a tax setoff request under subsection (f) of this section shall designate appropriate policy and fiscal officers or representatives to meet and discuss the nature of the tax setoff request, relevant financial information of the county and municipal corporation, and the scope and nature of services provided by both entities.

(2) A meeting held under paragraph (i) of this subsection may be held by the county representatives jointly with representatives from more than one municipal corporation.

(3) (i) The county officers or representatives may request from the municipal corporation officers or representatives additional information that may reasonably be needed to assess the tax setoff.

(ii) The municipal corporation officers or representatives shall provide the additional information expeditiously.

(h) Statement of intent. --

(1) At or before the time the proposed county budget is released to the public, the county commissioners, the county executive of a charter county, or the county council of a charter county without a county executive shall submit a statement of intent to each municipal corporation that has requested a tax setoff.

(2) The statement of intent shall contain:

(i) an explanation of the level of the proposed tax setoff;

(ii) a description of the information or process used to determine the level of the proposed tax setoff; and

(iii) an indication that, before the budget is enacted, appropriate officials or representatives of the municipal corporation are entitled to appear before the county governing body to discuss or contest the level of the proposed tax setoff.

(i) Municipal representatives at county proposed budget hearings. -- Representatives of each municipal corporation in the county requesting a tax setoff shall be afforded an opportunity to testify before the county governing body during normally scheduled hearings on the county's proposed budget.

(j) Agreements regarding tax setoffs. -- Notwithstanding the provisions of subsections (d), (f), and (g) of this section:

(1) a county and one or more municipal corporations may enter into an agreement setting different terms or timing for negotiations, calculations, or approval of a tax setoff; and

(2) a county may grant a tax setoff to a municipal corporation that does not make a request in the fashion described in this section.

HISTORY: An. Code 1957, art. 81, § 32A; 1985, ch. 8, § 2; 1986, ch. 171; 1998, ch. 680.

RECEIVED

MAR 03 2015

Worcester County Admin

MEMORANDUM OF UNDERSTANDING

DRAFT

BETWEEN

THE MAYOR AND CITY COUNCIL OF OCEAN CITY ("the Town of Ocean City")

AND

THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND ("the County")

This Agreement, made the 3rd day of March, 2015, between the Mayor and City Council of Ocean City, Maryland, a municipal corporation organized and existing under the laws of the State of Maryland, and the County Commissioners of Worcester County, Maryland, a body corporate and politic of the State of Maryland, hereinafter referred to collectively as the "Parties," establishes a funding formula and predictable methodology for determining Annual County Grant Funding paid to the Town of Ocean City in lieu of further discussion regarding Tax Differential and/or Property Tax Set-Offs during the term of this Agreement.

RECITALS

WHEREAS, the level of Property Tax Revenue that the Town of Ocean City contributes to Worcester County as a result of the Town's very large Assessable Real Property Tax Base is unique in the State of Maryland; and

WHEREAS, since at least 2007, the Town of Ocean City has requested to meet with Worcester County for the purpose of requesting a Tax Differential to County real estate property taxes based on the rationale that certain County services and programs were neither available nor provided to Ocean City residents by the County because the Town of Ocean City provided those same or comparable services and programs to its residents; and

WHEREAS, the Town's requests for Tax Differential consideration have been supported by several comprehensive financial studies and detailed analysis prepared by The Municipal & Financial Services Group (MFSG), based in Annapolis, Maryland, which, in February 2013, identified and confirmed a number of County services or programs that are not offered to, provided to and/or utilized by the Town of Ocean City and its residents, totaling more than \$17.1 million dollars at the time, including but not limited to the Worcester County Tourism Department, Department of Public Works, Department of Recreation, Department of Parks, Department of Emergency Services, Fire Marshal's Office, Department of Development Review and Permitting, the Sheriff's Office and the Department of Environmental Programs; and

WHEREAS, Worcester County has been resistant to engage in discussion and/or grant the Town's requested Tax Differential and has instead responded by providing the Town with a variety of

1 annual Restricted and Unrestricted Grants including Economic Development (Tourism), the Ocean City
2 Development Corporation (OCDC), Recreation, Visitor's Bureau and Undesignated Funding; and

3 WHEREAS, these Restricted and Unrestricted Grants, while very much appreciated by the Town
4 of Ocean City, equate to only a small fraction of the amount an actual Tax Differential should equate to
5 because the Town of Ocean City constitutes nearly 60% of the Assessable Real Property Tax Base for all
6 of Worcester County yet the Town of Ocean City receives a disproportionately small share of County
7 services and programs.

8 NOW, THEREFORE, THE PARTIES DO HEREBY MUTUALLY AGREE AS FOLLOWS:

9 AGREEMENT

10 A. Introduction.

11

12 1) Property Tax Set-Offs are intended to compensate for double taxation of municipal taxpayers
13 occurring when both municipal and county property taxes are levied to fund similar or identical
14 services. As a result, a number of Maryland counties compensate municipal taxpayers with
15 Property Tax Set-Offs through a Tax Rate Differential or a Tax Rebate. A Tax Rate Differential
16 results in a lower county property tax rate within the boundaries of a municipality, whereas a
17 Tax Rebate is a direct payment to a municipality for providing the applicable services and/or
18 programs.

19

20 2) Section 6-305 of the Tax-Property Article of the Annotated Code of Maryland mandates that
21 *Allegany, Anne Arundel, Baltimore, Frederick, Garrett, Hartford, Howard, Montgomery and*
22 *Prince George's Counties* meet annually with the governing bodies of municipal corporations to
23 discuss the property tax rate to be set for assessments of property in the municipal
24 corporations. If it is demonstrated that a municipal corporation performs services or programs
25 in lieu of similar county services or programs, *the governing body of the county shall impose the*
26 *county property tax assessment on assessments of property in the municipal corporation at a*
27 *rate that is less than the general county property tax rate.*

28

29 3) Section 6-306 of the State statute governs the procedure for the setting of a Tax Differential in
30 *all other Maryland Counties.* The governing bodies of these affected counties are also required
31 to meet annually with the governing bodies of the municipal corporations, upon request, to
32 discuss the property tax rate to be set for assessments of property in the municipal
33 corporations. If it is demonstrated that the municipal corporation performs services or
34 programs in lieu of similar county services or programs, *the governing body of the county may*
35 *establish a county tax rate for property in the municipal corporation that is lower than the*
36 *general county property tax rate.*

37

- 1 4) Alternatively, both of the statutory sections referenced above provide Maryland counties with
 2 the option of making a payment to municipal corporations to aid the municipal corporation in
 3 funding municipal services and programs that are similar to county services or programs.
 4 Subsections (d) and (e) of Sections 6-305 and 6-306 of the Tax-Property Article define the
 5 procedures for determining the county tax rate within a municipal corporation.
 6
 7 5) In addition, a county and one or more municipal corporations may enter into an Agreement
 8 setting different terms for negotiations, calculations or approval of a Tax Set-Off than are set
 9 out under Sections 6-305 and 6-306.

10
 11 **B. Purpose of Agreement.**

- 12
 13 1) As previously noted, the level of Property Tax Revenue that the Town of Ocean City contributes
 14 to Worcester County as a result of the Town's very large Assessable Real Property Tax Base is
 15 unique in the State of Maryland.
 16
 17 2) In lieu of Tax Differential and/or discussion of a Property Tax Set-Off, the County has historically
 18 provided the Town of Ocean City with a variety of Restricted and Unrestricted Grants including
 19 Economic Development (Tourism), the Ocean City Development Corporation (OCDC),
 20 Recreation, Visitor's Bureau and Undesignated Funding.
 21
 22 3) For the period beginning July 1, 2014 to June 30, 2015 (Fiscal Year 2015) the Percentage of
 23 County Grants (Restricted and Unrestricted) to Ocean City Taxes (Property Taxes and Estimated
 24 Income Taxes) Paid to Worcester County equals approximately 4.56% (Reference Table 1).
 25

26 **Table 1.**

27

Municipality	Real Property FY15 Assessments	Property Taxes Paid to County	Estimated Income Taxes Paid to County ¹	Total Property and Income Taxes Paid to County	FY15 County Grants to Municipalities	% Grants to Total Taxes Paid by Municipality
Ocean City	\$8,526,059,041 ²	\$65,650,655	\$1,721,250	\$67,371,905	\$3,074,956	4.56%
Berlin ³	\$372,898,668	\$2,871,320	\$326,042	\$3,197,361	\$702,000	21.96%
Snow Hill ⁴	\$103,174,802	\$794,446	\$90,210	\$884,656	\$629,000	71.10%
Pocomoke ⁵	\$239,305,305	\$1,842,656	\$209,236	\$2,051,892	\$493,000	24.03%

¹ Estimate based on Worcester County 0.250% "piggy-back" of State of Maryland Income Tax of which the County retains 17% (per Section 2-607 of the Annotated Code of Maryland, Tax-General, To Municipal Corporation and Special Taxing District.
² July 1, 2014, Net Assessable Real Property Base per State of Maryland, Department of Taxation and Assessments (SDAT).
³ Includes Real Property less Exempt Property per SDAT tape as of July 1, 2014.
⁴ Includes Real Property less Exempt Property per SDAT tape as of July 1, 2014.
⁵ Includes Real Property less Exempt Property per SDAT tape as of July 1, 2014.

1 4) In addition to the annual Restricted and Unrestricted Grants paid to the Town of Ocean City by
 2 Worcester County, the County also provides annual funding to the Town of Ocean City for
 3 Ambulance (EMS) and Fire Services (OCFD) established by specific criteria and calculation
 4 methodology. While the aforementioned Restricted and Unrestricted Grants paid to the Town
 5 of Ocean City have historically been based on the Fiscal Year, annual funding provided by the
 6 County for Ambulance (EMS) and Fire Services (OCFD) is based on the Calendar Year and
 7 payment is generally made by March 30 based on previous Calendar Year performance metrics.
 8

9 **C. Terms of Agreement.**

- 10
- 11 1) As demonstrated by the figures presented in Table 1, the Percentage of Grants Paid by
 12 Worcester County to Total Taxes Paid by Municipality is extremely disproportionate among
 13 municipal corporations within Worcester County particularly for the Town of Ocean City which
 14 comprised nearly 60% of the total Assessable Real Property Tax Base in Worcester County for
 15 Fiscal Year 2015.
- 16
- 17 2) Therefore, in lieu of further debate and discussion regarding Tax Differential and/or Property
 18 Tax Set-Offs, and to address the disparity in County Grant Funding distribution reflected in
 19 Table 1, the Town of Ocean City and Worcester County do hereby agree to establish a funding
 20 formula and predictable methodology for determining Annual County Grant Funding provided
 21 by Worcester County to the Town of Ocean City.
 22
- 23 3) Beginning in Fiscal Year 2016, July 1, 2015 to June 30, 2016, Worcester County shall increase
 24 the percentage of Annual County Grant Funding to Total Taxes Paid by the Town of Ocean City
 25 from 4.56% to 7.56%. The actual amount of Annual County Grant Funding (x) paid to the Town
 26 of Ocean City for the Fiscal Year shall be determined by multiplying the sum of (a) Ocean City
 27 Property Taxes Paid to Worcester County⁶ plus (b) Estimated Income Taxes Paid to Worcester
 28 County multiplied by 7.56%, i.e., $x = (a + b) * .0756$. This Annual County Grant Funding shall be
 29 considered Unrestricted and the Town of Ocean City will determine allocation and
 30 appropriation of such funding. Based on past practice, Annual County Grant Funding for Fiscal
 31 Year 2016 shall be payable to the Town of Ocean City no later than August 30, 2015.
 32
- 33 4) In Fiscal Year 2017, July 1, 2016 to June 30, 2017, Worcester County shall increase Annual
 34 County Grant Funding paid to the Town of Ocean City from 7.56% to 10.56% utilizing the
 35 formula established in Section C (3) of this agreement, i.e., $x = (a + b) * .1056$. This Annual
 36 County Grant Funding shall be considered Unrestricted and the Town of Ocean City will
 37 determine allocation and appropriation of such funding. Annual County Grant Funding for
 38 Fiscal Year 2017 shall be payable to the Town of Ocean City no later than August 30, 2016.
 39

⁶ Amount based on, and subject to, SDAT adjustment of the Town of Ocean City's Assessable Real Property Tax Base, plus or minus.

5) In Fiscal Year 2018, July 1, 2017 to June 30, 2018, Worcester County shall increase Annual County Grant Funding paid to the Town of Ocean City from 10.56% to 13.56% utilizing the formula established in Section C (3) of this agreement, i.e., $x = (a + b) * .1356$. This Annual County Grant Funding shall be considered Unrestricted and the Town of Ocean City will determine allocation and appropriation of such funding. Annual County Grant Funding for Fiscal Year 2018 shall be payable to the Town of Ocean City no later than August 30, 2017.

6) In Fiscal Year 2019, July 1, 2018 to June 30, 2019, Worcester County shall increase Annual County Grant Funding paid to the Town of Ocean City from 13.56% to 16.56% utilizing the formula established in Section C (3) of this agreement, i.e., $x = (a + b) * .1656$. This Annual County Grant Funding shall be considered Unrestricted and the Town of Ocean City will determine allocation and appropriation of such funding. Annual County Grant Funding for Fiscal Year 2019 shall be payable to the Town of Ocean City no later than August 30, 2018.

7) In Fiscal Year 2020, July 1, 2019 to June 30, 2020, Worcester County shall increase Annual County Grant Funding paid to the Town of Ocean City from 16.56% to 19.56% utilizing the formula established in Section C (3) of this agreement, i.e., $x = (a + b) * .1956$. This Annual County Grant Funding shall be considered Unrestricted and the Town of Ocean City will determine allocation and appropriation of such funding. Annual County Grant Funding for Fiscal Year 2020 shall be payable to the Town of Ocean City no later than August 30, 2019.

8) In addition, Worcester County shall continue to provide annual funding to the Town of Ocean City for Ambulance (EMS) and Fire Services (OCFD) established by specific criteria and calculation methodology based on actual performance metrics from the previous Calendar Year for the duration of this agreement. Payment to the Town of Ocean City shall occur no later than March 30 based on previous Calendar Year performance metrics.

D. Duration of Agreement.

1) The stipulated terms of this Agreement shall be effective and valid for an initial five (5) year period beginning Fiscal Year 2016 (July 1, 2015 to June 30, 2016) through Fiscal Year 2020 (July 1, 2019 to June 30, 2020).

2) The Town of Ocean City and Worcester County shall commence and conclude renegotiation of a new five (5) year Agreement during Fiscal Year 2020.

E. Entire Agreement.

1) This Agreement contains all of the understandings and stipulations between the Parties with respect to Tax Differential and/or Property Tax Set-Offs and any other subject matter covered or mentioned herein and no prior Agreement shall be effective to the contrary.

1 F. Disputes.

2
3
4
5
6
7
8
9
10
11

1) Disputes among the Parties regarding this Agreement shall be referred to mediation using a professional mediator mutually agreeable to the Parties. If the dispute is not resolved by mediation, the Parties shall be free to pursue any remedies to which they are entitled. Venue of any dispute arising from this Agreement shall be located in Worcester County, Maryland.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in the County of Worcester, State of Maryland, according to the specific terms herein and on the dates set forth above.

APPROVED AS TO FORM:

Guy R. Ayres III, City Solicitor

ATTEST:

MAYOR AND CITY COUNCIL OF OCEAN CITY,
MARYLAND

Kelly L. Allmond, City Clerk

David L. Recor, ICMA-CM, City Manager

APPROVED AS TO FORM:

John E. Bloxom, County Attorney

ATTEST:

COUNTY COMMISSIONERS OF WORCESTER
COUNTY, MARYLAND

W. Kelly Shannahan, Assistant Chief
Administrative Officer

Harold W. Higgins, Chief Administrative Officer

12

Annual County Grant Funding per MOU

	Real Property FY15 Assessments	Property Taxes Paid to County	Estimated Income Taxes Paid to County	Total Property and Income Taxes Paid to County	FY15 County Grants to Ocean City	% Grants to Total Taxes Paid by Ocean City
Town of Ocean City	\$8,526,059,041	\$65,650,655	\$1,721,250	\$67,371,905	\$3,074,956	4.56%
Fiscal Year 2016					\$5,093,316	7.56%
Fiscal Year 2017					\$7,114,473	10.56%
Fiscal Year 2018					\$9,135,630	13.56%
Fiscal Year 2019					\$11,156,787	16.56%
Fiscal Year 2020					\$13,177,945	19.56%

**NOTICE
OF
PROPOSED CHANGE
IN ZONING**

16

EAST SIDE OF MD RT. 589
NORTH OF GUM POINT ROAD

THIRD TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, **Rezoning Case No. 396** * has been filed by Hugh Cropper, IV, attorney, on behalf of The Estate of Mildred L. Parsons, Margaret P. Bunting, Personal Representative, property owners, for an amendment to the Official Zoning Maps to change approximately 11.5 acres of land located to the east side of MD Rt. 589 (Racetrack Road), north of Gum Point Road, in the Third Tax District of Worcester County, Maryland, from A-1 Agricultural District to C-2 General Commercial District. The Planning Commission has given a favorable recommendation to the rezoning application.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING
on
TUESDAY, MARCH 1, 2016
at 11:00 A.M.

in the
COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101, WORCESTER COUNTY GOVERNMENT CENTER
ONE WEST MARKET STREET, SNOW HILL, MARYLAND 21863-1072

At said public hearing, the Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 396 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 396 and the Planning Commission's recommendation which will be entered into the record of the public hearing are on file and are available for inspection at the Department of Development Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863-1070.

Madison J. Bunting, Jr., President

1a

RESOLUTION NO. 04 - 7

RESOLUTION ADOPTING RULES & PROCEDURES IN REZONING CASES

WHEREAS, Subsection ZS 1-113(c) of the Zoning and Subdivision Control Article of the Code of Public local Laws of Worcester County, Maryland establishes application procedures for amendment of the Official Zoning Maps of Worcester County, Maryland; and

WHEREAS, these application procedures provide that the County Commissioners shall hold a public hearing in reference to any such officially filed map amendment application in order that parties of interest and citizens shall have an opportunity to be heard; and

WHEREAS, the County Commissioners wish to establish formal rules and procedures for conducting such rezoning hearings.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that Rules and Procedures in Rezoning Cases are hereby established as follows:

**County Commissioners of Worcester County, Maryland
Rules & Procedures in Rezoning Cases**

1. Preliminary Matters
 - A. Explanation of procedures
 - B. Determination of parties and taking of attendance roster
 - C. Witnesses shall be sworn. Attorneys will be sworn if testifying as a factual witness.
2. Evidence
 - A. Report of Planning Commission and/or Staff
(The entire record including background studies, maps, plans and references thereto and recommendations of the Planning Commission and/or Staff will be entered in the record of the hearing and considered as evidence.)
 - B. Applicant's Presentation
 - C. Protestant's Presentation
 - D. Presentation of Interested Parties
 - E. Applicant's Rebuttal
 - F. Explanatory or additional evidence requested by Commissioners related to the presentations of Applicant, Protestants or Interested Parties
3. Argument
 - A. Closing Statement by Interested Parties
 - B. Closing Statement by Protestants
 - C. Closing Statement by Applicant
4. Closing Summation by Planning Staff
5. The Decision of the Commissioners may be made at the close of the hearing or at a later date. A poll may be taken of the Commissioners to assist the staff in preparing a written Finding of Fact, but the final vote and decision shall not be made until a Finding of Fact is adopted. In preparing the written Finding of Fact, staff shall be guided by the poll, but may use any matters contained in the record if adopted in the Finding by Commissioners. Parties desiring copies of the Finding of Fact and decision should so indicate on the attendance roster.

6. Parties may file with the staff proposed written a Finding of Fact reflecting facts to be presented at the hearing. Where requested by staff proposed Findings of Fact shall be provided. Any proposed Finding of Fact shall be provided to all parties before or at the commencement of the hearing. Proposed Findings of Fact shall not include any statement or evidence not included in the presentation at the hearing. Proposed Findings of Fact shall not be considered as evidence and shall only serve as guides to the Commissioners in formulating its findings. Proposed Findings of Fact, when required, shall be provided to staff and all known parties at least five days in advance of the hearing.
7. General Rules relative to the conduct of the Public Hearing
 - A. The Commissioners may interrupt the proceedings at any time to question witnesses or attorneys.
 - B. All witnesses are subject to cross-examination, however, if a party is represented by an Attorney-At-Law, such cross-examination must be by the Attorney. Only one party may cross-examine at a time.
 - C. If a party is not represented by an Attorney-At-Law, he may testify as a witness in narrative form.
 - D. At their discretion, the Commissioners may require additional expert testimony or investigation and the hearing may be continued until such testimony has been heard, or the record may be held open by the Commissioners pending the receipt of such testimony.
 - E. Staff members are pre-qualified as experts in the field in which they work. Any such staff presentation shall be considered expert testimony.
 - F. All witnesses will identify themselves by name, address and interest in the matter.
 - G. Persons in attendance at the hearing shall not be permitted to speak out of turn, interrupt the proceedings or otherwise inject themselves into the proceedings with the intent or effect of disrupting the hearing.
 - H. The Commissioners shall have the right, on their own initiative, to call additional witnesses.
 - I. Witnesses representing or purporting to represent groups of any kind, are subject to examination regarding the composition of the group, the date of the last meeting, the authorization of the individual to speak for the group, the knowledge and interest of the group members in the subject of the hearing.
 - J. Parties with similar interests should attempt to select a spokesperson or spokes people to expedite the hearing procedures. This applies to witnesses and also to parties questioning other witnesses. Expert witnesses, other than staff members, will be required to qualify themselves as such.
 - K. The Commissioners may require substantiation of testimony.
 - L. Written statements and petitions will be admitted for consideration, provided, however, that they will be treated as hearsay and given appropriate weight.
 - M. The Commissioners may take legislative notice of matters and facts of general knowledge, their own experience and knowledge of the subject matter, including a site visit, and other appropriate matters.
 - N. The burden of proof is upon the applicant.
 - O. Time limits may be imposed by the Commissioners.
 - P. A Commissioner not present at the hearing may, if present at the time of the vote, vote on an application provided he or she has reviewed the record or transcript of testimony and evidence presented at the hearing.
 - Q. Applications and exhibits shall have been submitted to the department in accordance with law.

8. Effect of Rules

- A. The above rules are directory and not mandatory.
- B. The rules may be waived or modified at the Commissioners' discretion.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect on March 3, 2004.

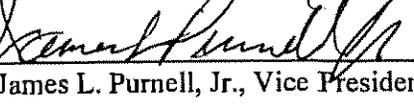
PASSED AND ADOPTED this 2nd day of March, 2004.

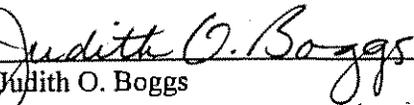
ATTEST:

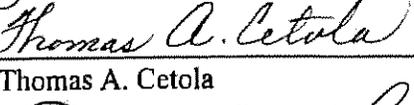

Gerald T. Mason
Chief Administrative Officer

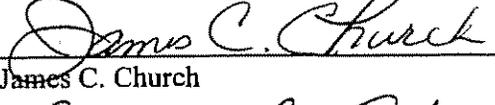
WORCESTER COUNTY COMMISSIONERS

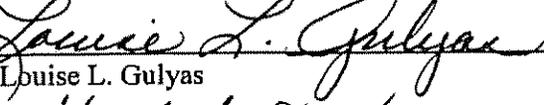

John E. Bloxom, President

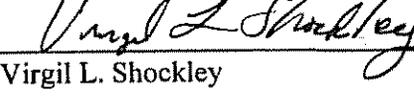

James L. Purnell, Jr., Vice President


Judith O. Boggs


Thomas A. Cetola


James C. Church


Louise L. Gulyas


Virgil L. Shockley

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 396

APPLICANT:

**The Estate of Mildred L. Parsons
Margaret P. Bunting, Personal Representative
10805 St. Martins Neck Road
Bishopville, Maryland 21813**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

December 3, 2015

WORCESTER COUNTY PLANNING COMMISSION

TABLE OF CONTENTS

I.	Introductory Data	Pages 3 - 4
II.	Testimony Before the Planning Commission	Pages 4 - 7
III.	Findings and Conclusions	Pages 7 - 13
IV.	Planning Commission Recommendation	Pages 13 - 14
V.	Related Material and Attachments	
A.	Copy of Written Staff Report	Pages 15 - 24
B.	Attachments to the Staff Report:	
1.	Application for Amendment of Official Zoning Map	Pages 25 - 29
2.	Court of Special Appeals of Maryland Opinion, Silver Fox, LLC et al v. Walter M. Stansell Jr., et al.	Pages 30 - 48
3.	Comments of Robert J. Mitchell, Worcester County Environmental Programs Director, including map	Pages 49 - 52
4.	Comments of Chief Deputy J. Dale Smack, 3rd, Worcester County Sheriff's Office	Page 53
5.	Comments of Donnie L. Drewer, District Engineer, Maryland State Highway Administration	Pages 54 - 55
6.	Comments of Frank J. Adkins, Worcester County Roads Superintendent	Page 56
7.	Comments of Joe Price, Facilities Planner, Worcester County Board of Education	Pages 57 - 58
8.	Comments of Edward Potetz, Environmental Health Director, Worcester County Health Department	Page 59
9.	Memo requesting comments	Pages 60 - 61
10.	Maps of Petitioned Area	Pages 62 - 68

I. INTRODUCTORY DATA

- A. CASE NUMBER: Rezoning Case No. 396, originally filed on September 30, 2015.
- B. APPLICANT: The Estate of Mildred L. Parsons
Margaret P. Bunting, Personal Representative
10805 St. Martins Neck Road
Bishopville, Maryland 21813
- ATTORNEY FOR THE APPLICANT: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842
- C. TAX MAP/PARCEL: Tax Map 21 - Parcel 72 - Tax District 3
- D. SIZE: The petitioned area is approximately 11.5 acres in size.
- E. LOCATION: The petitioned area is located on the easterly side of MD Route 589 to the north of the junction with Gum Point Road.
- F. CURRENT USE OF PETITIONED AREA: The petitioned area is tilled cropland.
- G. CURRENT ZONING CLASSIFICATION: A-1 Agricultural District.
- H. REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District.
- I. ZONING HISTORY: The petitioned area was given an A-1 Agricultural District zoning classification at the time zoning was first established in the mid-1960s and that classification was retained in both the 1992 and 2009 comprehensive rezonings.
- J. SURROUNDING ZONING: The property immediately to the north of the petitioned area is zoned C-2 General Commercial District. It was rezoned to that classification from A-1 Agricultural District by virtue of Rezoning Case No. 392 effective September 4, 2012. The properties to the south are also zoned C-2 General Commercial District as are two properties on the opposite (westerly) side of MD Route 589. Properties to the east, along Gum Point Road, are zoned R-1 Rural Residential District. Properties on the westerly side of MD Route 589, with the exception of the two commercially zoned sites, are zoned A-2 Agricultural District.

- K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area is within the Commercial Center and Existing Developed Area Land Use Categories.
- L. WATER AND WASTEWATER: As it pertains to wastewater disposal and the provision of potable water, the petitioned area is not within an area which receives public sewer or water service at the present time. According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the petitioned area has a designation of Sewer Service Category S-6 (No Planned Service).
- M. ROAD ACCESS: The petitioned area fronts on and currently has access to MD Route 589. That roadway is state-owned and -maintained and connects to US Rt. 50, US Route 113 and MD Route 90. The Comprehensive Plan classifies MD Route 589 as a two-lane secondary highway/major collector highway.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. As the basis for the rezoning request from A-1 Agricultural District to C-2 General Commercial District Mr. Cropper, attorney for the Applicant, contended that there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning, adopted by the County Commissioners on November 3, 2009.

Mr. Cropper introduced Applicant's Exhibit No. 1, a large format zoning map of the area, showing the MD Route 589 corridor, generally extending from US Route 50 on the south to Beauchamp Road on the north. Mr. Cropper pointed out the petitioned area on this map, identified as a hatched area, and defined the neighborhood as that area bound on the north by MD Route 90, on the east by the Isle of Wight Bay, on the south by US Route 50, and on the west by those properties on the westerly side of MD Route 589. Mr. Cropper noted that he had previously represented Silver Fox LLC as the Applicant in Rezoning Case No. 392 in which the property immediately to the north of the now petitioned area was rezoned from A-1 Agricultural District to C-2 General Commercial District in 2012. The same definition of the neighborhood was utilized in that case. Although the rezoning was appealed to the Circuit Court following its approval by the County Commissioners on September 4, 2012, it was appealed again by the property owner to the Court of Special Appeals of Maryland and subsequently affirmed by that Court.

Mr. Cropper contended that if the Silver Fox property immediately to the north is commercially zoned, then the petitioned area should be as well. He asserted that the same changes to the character of the neighborhood that were pertinent in the Silver Fox rezoning (Case No. 392) are pertinent in this case as well. As he did in

that case relative to changes since the 2009 comprehensive rezoning, Mr. Cropper cited the opening of the Casino at Ocean Downs and amendments to the Master Water and Sewerage Plan and extension of public sewer service to the Casino. He also cited the proposed development of the adjacent property to the east into a 17 lot residential subdivision as a change, due in large part to the granting of Atlantic Coastal Bays Critical Area growth allocation by the Worcester County Commissioners and the Critical Area Commission which have enabled the subdivision to occur. Mr. Cropper maintained that although the Casino is located on an agriculturally zoned property, it is not truly an agricultural use and is in fact commercial in nature, given its size of approximately 10,000 square feet and the extensive expanse of parking lots associated with the use. He stated that the most important change in the neighborhood's character, however, is the rezoning of the adjacent Silver Fox property from A-1 Agricultural District to C-2 General Commercial District. That rezoning has left the petitioned area as an island of A-1 Agricultural District zoning which, be it legal or illegal, represents spot zoning. He maintained that the petitioned area's zoning is the only such zoning for at least a half mile along the MD Route 589 corridor.

Mr. Cropper called R. D. Hand, landscape architect, of R. D. Hand and Associates as the first witness. Mr. Hand stated that the definition of the neighborhood is appropriate, as it is the same used in the Silver Fox rezoning of the adjacent property immediately to the north which was accepted by the Planning Commission, the County Commissioners and the Courts. He asserted that the aforementioned rezoning is the primary change in the character of the neighborhood that has occurred since the comprehensive rezoning. He also cited the extension of public sewer service to the Casino at Ocean Downs via a force main bored under Turville Creek and the associated Master Water and Sewerage Plan amendments that enabled that to happen. Furthermore, a residential planned community of 17 lots has been approved by the County Commissioners for the Steen property adjacent to the petitioned area, which was preceded by the granting of necessary Critical Area growth allocation by the County Commissioners and the State's Critical Area Commission. He maintained that the clubhouse enlargement at the Casino represents a substantial change in the character of the neighborhood as well. Mr. Hand stated that he believes the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is consistent with the Comprehensive Plan. He testified that approximately three-quarters of the petitioned area is within the Comprehensive Plan's Commercial Center Land Use Category, with the remainder being in the Existing Developed Area Land Use Category. He asserted that only a corner of the previously rezoned Silver Fox property immediately to the north is designated as being within the Commercial Center Land Use Category whereas the petitioned area is predominantly within that category and abuts commercially zoned property on three sides. Mr. Hand contended that the petitioned area is consequently more appropriately zoned C-2 General Commercial District than A-1 Agricultural

District.

Mr. Cropper called Edward Launay, professional wetlands scientist, of Environmental Resources, Inc. as the next witness. Mr. Launay stated that he had examined the petitioned area and concluded the proposed rezoning is consistent with existing and proposed development and existing environmental conditions. He stated that he had also analyzed the Silver Fox site immediately to the north and concluded that there would be no impact from either. Mr. Cropper entered Applicant's Exhibit No. 2 into the record, which consists of two items, the first being a black and white hillshade elevation map of the petitioned area and surrounding lands and a color aerial photo/site resource map of the petitioned area showing the soil types and nontidal wetlands. Mr. Launay stated that these two items demonstrate that the petitioned area is well-elevated and there are no tidal or nontidal wetlands on the petitioned area. He said soil borings were used to evaluate the actual site conditions and that the petitioned area has a high sandy ridge. A soil resources report prepared by Environmental Resources, Inc. for the petitioned area was entered as Applicant's Exhibit No. 3. The site is well drained, has good depth to groundwater and its soils are suitable for on-site septic disposal if need be. He contended that the soils and elevation of the petitioned area make it well suited to commercial development, more so than the Silver Fox property to the north and better than most sites on the MD Route 589 corridor. Mr. Launay maintained that the proposed rezoning of the petitioned area to C-2 General Commercial District would not have an adverse impact on impaired waters of the State and that no trees, archeological sites or endangered species are known to be on the site.

Mr. Cropper recalled Mr. Hand as a witness. Mr. Hand contended that there had been a general, though not substantial, change to the population of the neighborhood as vacant lots in subdivisions such as Baypoint Plantation have been constructed upon. As it pertained to availability of public facilities, Mr. Hand stated that public sewer service has been made available to some sites in the neighborhood and that the preferred method of wastewater disposal on the petitioned area if rezoned is via connection to the public system in Ocean Pines. However, the petitioned area's soils are capable of providing adequate on-site septic disposal. Relative to present and future transportation patterns, Mr. Hand stated that even though no traffic study had been prepared relative to the impact of this particular rezoning application, he believes that the proposed rezoning of the petitioned area and subsequent commercial development will not have a significant impact on MD Route 589 given the site's 11.5 acre size. He noted that the traffic study prepared for Rezoning Case No. 392 (Silver Fox) indicated that a Level of Service (LOS) C would be maintained even after that 33 acre site was rezoned and developed commercially. He anticipated that the impact from the current rezoning request would be much less. Regarding compatibility with existing and proposed development, Mr. Hand noted that the area is developed

with offices, retail facilities and restaurants to the south and west and with numerous existing commercial uses to the north and asserted that the proposed C-2 General Commercial District would be compatible with those uses. As it pertained to compatibility with the Comprehensive Plan, Mr. Hand reiterated that the petitioned area is within the Commercial Center and Existing Developed Area Land Use Categories of the Comprehensive Plan and is surrounded by commercial and residential zoning. He maintained that the petitioned area is an isolated spot of A-1 Agricultural District zoning and that that is inappropriate. He acknowledged that the Comprehensive Plan recommends against taking any zoning action which could adversely impact MD Route 589 but contended that this is a broad brush statement which should be viewed in light of the particulars of an application.

Mr. Cropper asserted that as a matter of equity the petitioned area should have been given a C-2 General Commercial District classification at the same time as the Silver Fox property immediately to the north and that to have left it in an A-1 Agricultural District classification resulted in spot zoning. He maintained that the petitioned area is too small and too sandy to farm profitably, particularly once the Silver Fox property is developed commercially.

Mr. Cropper summed up his arguments, stating that there has been a change in the character of the neighborhood as evidenced by the approval of Rezoning Case No. 392 which reclassified the adjacent property to the north from A-1 Agricultural District to C-2 General Commercial District. Other changes to the character of the neighborhood include the significant expansion of the Casino at Ocean Downs, its connection to public sewer service, and the expansion of the Ocean Pines wastewater and water service areas. Mr. Cropper acknowledged that a C-2 General Commercial District classification on the petitioned area would result in a greater traffic impact than does the existing A-1 Agricultural District but the traffic study done for the Silver Fox rezoning (Case No. 392) indicated that traffic resulting from that commercial rezoning would still be at Level of Service C, an acceptable level, and contended that because that rezoning was upheld in court it is only equitable to give the petitioned area the same zoning. He asserted that the existing A-1 Agricultural District zoning is inconsistent with the Comprehensive Plan, particularly in regards to the Land Use Categories placed on the petitioned area, and with existing zoning and development in the area. He closed by stating that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is more desirable in terms of the objectives of the Comprehensive Plan and that it is compatible with the Commercial Center and Existing Developed Area Land Use Categories.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The neighborhood was defined by

the Applicant as being that area bound on the north by MD Route 90, on the east by the Isle of Wight Bay, on the south by US Route 50, and on the west by those properties on the westerly side of MD Route 589. The Planning Commission concurred that this is an appropriate definition of the neighborhood because it contains similar uses and zoning. Furthermore, in that this same definition of the neighborhood was accepted by the Planning Commission, the County Commissioners and the Courts in Rezoning Case No. 392 which pertained to the Silver Fox property immediately to the north, the Planning Commission concludes that it is only appropriate to accept the same definition in this extant case.

- B. Regarding population change: The Planning Commission concluded that there has a general increase, though not a substantial one, in the population of the neighborhood since the comprehensive rezoning of 2009 as vacant lots in residential subdivisions in the neighborhood have been constructed upon, leading to infill development. Additionally, the Planning Commission found that the population of visitors to the neighborhood has escalated as patrons at the Casino at Ocean Downs and at commercial facilities in the neighborhood have increased.
- C. Regarding availability of public facilities: The Planning Commission found that as it pertains to wastewater disposal and the provision of potable water, the petitioned area itself is not within an area which receives public sewer or water service at the present time. According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the petitioned area has a designation of Sewer Service Category S-6 (No Planned Service). He noted that the property did carry a designation of S-3 (six to ten year time frame) in the original deliberations concerning the Greater Ocean Pines Sanitary Planning Area but it was removed according to the findings of the Planning Commission that the proposed amendment would be consistent with the Comprehensive Plan if the proposed S-3 areas were deleted from the amendment. This was done according to Worcester County Resolution 05-09, dated April 5, 2005, and approved by the Maryland Department of the Environment on June 29, 2005. Mr. Mitchell also stated that his department has no well or septic records or soil evaluation records in the property file indicating any onsite capacity exists to support construction that would require water and sewerage be supplied. If the owner wants to support any future construction with onsite sewer, they would have to apply to complete a soil evaluation to see if the sanitary needs of the project could be supported with onsite sewer. If a successful soil evaluation is obtained, the future system would have to be installed with a pretreatment unit. Mr. Mitchell further noted that if the Applicant is intending to utilize public water and sewer for the development of this property, there are currently 24 excess sewer Equivalent Dwelling Units (EDUs) remaining as of the date of his memo (November 17, 2015) in the Ocean Pines Sanitary Service Area. He cautioned that this total will change with the impending development of the medical office complex at the North Gate of the community and any subsequent purchases by

existing customers or property owners in the sanitary area. He then stated that if the owner cannot acquire any of the excess capacity in the existing service area, there are excess sewer EDUs in the Pines Plaza Commercial Sub-Area but they will have to pay any outstanding construction cost-share funds to purchase that capacity. Mr. Mitchell further elaborated that there is a third and final option for sewer capacity for the subject property, should the rezoning application be approved. He stated that the Applicant can facilitate connection of properties in the *approved* Greater Ocean Pines Amendment (attached) for a nutrient offset. This could be a combination of factors, such as retiring existing septic capacity (do not have on the subject property), facilitating construction of sewer mains past properties in the approved sanitary area or facilitating connection of properties in the approved sanitary area. He stated that these steps are a negotiated process but need to be taken to provide a nutrient offset to allow additional connection not anticipated in the Greater Ocean Pines Amendment to be realized and that it was done this way for the Ocean Downs and Crabs to Go amendment approvals. Mr. Mitchell also commented that prior to being able to apply for public sanitary capacity, the owner would need to amend the *Master Water and Sewerage Plan* to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. He noted that there is an inconsistent land use, agriculture, that has been recently found incompatible with the provision of public services. In the amendments noted above, difficulties were encountered in proposing the provision of public services to properties designated agriculture in the Comprehensive Plan. They were only overcome with the retirement of a large amount of septic capacity in the Critical Area and provision of infrastructure to facilitate connections of even more septic capacity from that proposed sanitary area addition that had a singular and peculiar use in our jurisdiction. The other was an existing set of small commercial properties carrying the distinction of being the only properties not carrying over between the prior and existing Comprehensive Plans a designation of commercial center or more intensive land use in the Comprehensive Plan for the US Route 50 corridor between Berlin and Ocean City. Mr. Mitchell went on to say that any future amendments including this subject property will force state agencies to recall the unique nature of these two prior amendment applications in their comments. He stated that the land use designation in the current Comprehensive Plan has to be addressed in any future amendment to the *Master Water and Sewerage Plan* through either an amendment to the Comprehensive Plan itself or some other means and that that should be considered by the Applicant should they be successful in this endeavor. No comments were received from John H. Tustin, P. E., Director of Public Works. The Planning Commission finds that the Applicant's representative, Edward Launay, had conducted a site evaluation of the petitioned area and performed soil borings. Mr. Launay testified that based upon his evaluation he had determined that the site is well drained, has good depth to groundwater and its soils are suitable for on-site septic disposal if need be. Based upon the comments of Mr. Mitchell and the testimony of Mr. Launay, the Planning Commission found that

adequate wastewater disposal facilities of some type, be they on-site or public wastewater, should be available to serve the petitioned area if rezoned. The Planning Commission determined that fire and ambulance service will be available from the Ocean Pines and Berlin Volunteer Fire Company, located approximately five and ten minutes away respectively. No comments were received from either fire company with regard to this particular review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received directly from the Maryland State Police Barracks. Chief Deputy J. Dale Smack 3rd of the Worcester County Sheriff's Office by memo stated that he had reviewed the application and spoken with Sheriff Mason and with Lt. Starner of the State Police relative to the rezoning case and they saw no issues with the propose rezoning and concluded that it will not interfere with law enforcement activities. The petitioned area is within the area served by the following schools: Ocean City Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Joe Price, Facilities Planner for the Worcester County Board of Education (WCBOE), by memo (copy attached) stated that the WCBOE does not anticipate an impact to the projected school enrollment for any of the schools serving the area by the proposed rezoning. The Planning Commission concurred with this conclusion. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning.

- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area fronts on and currently has access to MD Route 589. That roadway is state-owned and -maintained and connects to US Rt. 50, US Route 113 and MD Route 90. The Comprehensive Plan classifies MD Route 589 as a two-lane secondary highway/major collector highway and recommends that development be limited in the corridor until capacity increases, that scenic and transportation corridor planning be conducted, that the roadway be dualized after the US Route 113 project is completed, that US Route 113 traffic continue to be deflected to MD Route 90 rather than MD Route 589, and interparcel connectors and service roads be introduced where feasible. Donnie L. Drewer, District Engineer for State Highway Administration District 1, stated in his response memo (copy attached) that MD Route 589 is identified in the State Highway Administration's current or long range planning documents for SHA's future needs in the area(s) noted in the application. He stated that, specifically, the SHA Highway Needs Inventory (HNI) identified the need for 4.6 miles of a multi-lane reconstruct from US Route 50 to US Route 113 and is noted as a County priority. He also commented that this section of roadway is also identified in the SHA Consolidated Transportation Plan (CTP) for potential improvements to the existing MD Route 589 corridor to relieve traffic congestion and improve traffic

safety and accommodate bicycle and pedestrian safety. Mr. Drewer further stated that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration. He expressed that all future development of a site along this corridor will require the review and approval by his office and all access and entrance construction from a property onto the State highway shall be subject to the terms and conditions of an access permit to be issued by his office. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comments relative to this rezoning application. The Applicant's representatives testified that although there will be traffic impacts to MD Route 589 if the petitioned area is rezoned to C-2 General Commercial District from A-1 Agricultural District, they will be significantly less than those anticipated to arise from the rezoning to commercial of the much larger Silver Fox parcel immediately to the north, in which the traffic study showed that a Level of Service C would be maintained if that property were rezoned to commercial. Based upon its review, the Planning Commission found that although there will impacts to the present and future transportation patterns arising from the proposed rezoning of the 11.5 acre petitioned area, they will not be as substantial as those arising from the previously approved rezoning (Case No. 392) of 33 acres and will have to be dealt with at some future point.

- E. Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission concluded that the neighborhood displays a mixture of land uses, with residential subdivisions and commercial uses being the predominant ones. The Casino at Ocean Downs is a predominant feature. Although the petitioned area and the adjoining property to the north are currently tilled cropland, there is virtually no other agricultural use in the neighborhood. It is essentially the agricultural use that is the blatant anomaly in the neighborhood, not commercial or residential use. The Planning Commission noted that Edward Launay testified that his examination of the petitioned area showed that there are no wetlands on the site, it is well-drained and has no archeological sites or endangered species. He also asserted that the proposed rezoning and anticipated development of the site will not have an adverse impact on impaired waters or increase the Total Maximum Daily Loads (TMDLs). Based upon its review the Planning Commission found that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is compatible with existing and proposed development and existing environmental conditions in the area.
- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Commercial Center and Existing Developed Area Land Use Categories. With regard to the Commercial Center

Land Use Category, the Comprehensive Plan states that this category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses. Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers. The Comprehensive Plan also states that commercial areas by their nature locate on prominent sites and can visually dominate a community. For this reason, special attention must be given to the volume, location and design of these uses. The Comprehensive Plan states that the first step is to balance supply with demand and that strip commercial centers are discouraged. Commercial areas provide important services but they should be developed to enhance community character, according to the Comprehensive Plan. With regard to the Existing Developed Area category, the Comprehensive Plan states that this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Plan furthermore states that the EDAs are anticipated to remain as mapped at least until the next plan review period and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. Furthermore, the Planning Commission noted that certain pertinent objectives were also cited in the Land Use chapter of the Comprehensive Plan and state that the character of the County's existing population centers should be maintained, that the County should provide for appropriate residential, commercial, institutional, and industrial uses, that new development should be located in or near existing population centers and within planned growth centers, and that existing population centers should be infilled without overwhelming their existing character. Other objectives state that development should be regulated to minimize consumption of land, while continuing the County's rural and coastal character, that the supply of commercially zoned land should be balanced with anticipated demand of year-round residents and seasonal visitors, that major commercial and all industrial development should be located in areas having adequate arterial road access or near such roads, and that highway strip development should be discouraged to maintain roadway capacity, safety, and character. The Planning Commission found that the Transportation chapter of the Comprehensive Plan states that Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic and that resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90. The Plan further states that of special note is the fact that the MD Route 589 corridor has experienced significant development, has reached an unsatisfactory level-of-service and congestion has

become a daily occurrence regardless of season. The Plan asserts that for this reason, MD Route 589 is considered impacted from a traffic standpoint. The Comprehensive Plan states that this implies that land use should not intensify in this area, that infill development of existing platted lots should be the extent of new development, and that this policy shall remain until road capacity is suitably improved. This chapter also states that commercial development will have a significant impact on future congestion levels and that commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The Planning Commission also noted that the Comprehensive Plan states that it is the Plan's policy that the minimal acceptable Level of Service (LOS) for all roadways be LOS C and that developers shall be responsible for maintaining this standard. The Planning Commission found that the Applicant's representatives testified that as part of the previous rezoning of the adjacent Silver Fox property in Case No. 392, at 33 acres approximately three times the size of the now petitioned area, a traffic study was submitted into evidence and upheld which indicated that although traffic impacts would arise after development of that site with commercial uses, a Level of Service C would still be maintained on MD Route 589, a level which the Comprehensive Plan considers acceptable. The Planning Commission concluded that although there will most likely be adverse impacts to MD Route 589 arising from commercial development of the 11.5 acre petitioned area, they will be much less significant than those anticipated to arise from the previous rezoning and will have to be dealt with at the time of development. Based upon its review the Planning Commission found that the proposed rezoning is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there has been a change in the character of the neighborhood since the 2009 comprehensive rezoning. The Planning Commission concurs with the Applicant's assertion that the most predominant change is the approval of Rezoning Case No. 392 which reclassified the adjacent property to the north from A-1 Agricultural District to C-2 General Commercial District. That rezoning has left the petitioned area as an island of A-1 Agricultural District zoning. Other changes to the character of the neighborhood include the significant expansion of the Casino at Ocean Downs, its connection to public sewer service, and the expansion of the Ocean Pines wastewater and water service areas. Furthermore, the Planning Commission concluded that the proposed development of the adjacent property to the east into a 17 lot residential subdivision constitutes a change to the character of the neighborhood because the granting of Atlantic Coastal Bays Critical Area growth allocation by the Worcester County Commissioners and the Critical Area Commission was necessary to allow the subdivision to occur. Additionally, the Planning

Commission agreed with Mr. Cropper's argument that although the Casino is located on an agriculturally zoned property, it is truly not an agricultural use and is in fact commercial in nature, given its size of approximately 10,000 square feet and the extensive expanse of parking lots associated with the use. The Planning Commission agrees with the Applicant's contention that because Rezoning Case No. 392 was upheld in court it is only equitable to give the petitioned area the same zoning. The Planning Commission finds that the existing A-1 Agricultural District zoning is inconsistent with the Comprehensive Plan, particularly in regards to the Land Use Categories placed on the petitioned area, and with existing zoning and development in the area and that the proposed rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District is more desirable in terms of the Comprehensive Plan. Based upon its review, the Planning Commission gave a favorable recommendation to Rezoning Case No. 396, seeking a rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT

REZONING CASE NO. 396

PROPERTY OWNER: The Estate of Mildred L. Parsons
Margaret P. Bunting, Personal Representative
c/o Hugh Cropper, IV

ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 21 - Parcel 72 - Tax District 3

SIZE: The petitioned area is 11.5 acres in size.

LOCATION: The petitioned area is located on the easterly side of MD Route 589 to the north of the junction with Gum Point Road.

CURRENT USE OF PETITIONED AREA: The petitioned area is tilled cropland.

CURRENT ZONING CLASSIFICATION: A-1 Agricultural District

REQUESTED ZONING CLASSIFICATION: C-2 General Commercial District

APPLICANT'S BASIS FOR REZONING: According to the application, the request for rezoning is based on a substantial change in the character of the neighborhood since the last comprehensive rezoning (November 3, 2009) and a mistake in the existing zoning classification.

ZONING HISTORY: The petitioned area was given an A-1 Agricultural District zoning classification at the time zoning was first established in the 1960s and it was retained in both the 1992 and 2009 comprehensive rezonings.

SURROUNDING ZONING: The property immediately to the north of the petitioned area is zoned C-2 General Commercial District. It was rezoned to that classification from A-1 Agricultural District by virtue of Rezoning Case No. 392 effective September 4, 2012. The properties to the south are also zoned C-2 General Commercial District as are two properties on the opposite (westerly) side of MD Route 589. Properties to the east, along Gum Point Road, are zoned R-1 Rural Residential District. Properties on the westerly side of MD Route 589, with the exception of the two commercially zoned sites, are zoned A-2 Agricultural District.

COMPREHENSIVE PLAN:



According to Chapter 2 - Land Use of the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Area Land Use Category and the Commercial Center Land Use Category. With regard to the Existing Developed Area category, the Comprehensive Plan states the following:

“This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted.

Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Further, the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs and new community-scale growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk and site design standards should also be consistent with the EDA’s existing character.” (Pages 13, 14)



With regard to the Commercial Center Land Use Category, the Comprehensive Plan states the following:

“This category designates sufficient area to provide for anticipates needs for business, light industry, and other compatible uses. Retail, offices, cultural/entertainment, services, mixed uses, warehouses, civic, light manufacturing and wholesaling would locate in commercial centers.

Commercial areas by their nature locate on prominent sites and can visually dominate a community. For this reason, special attention must be given to the volume, location and design of these uses. The first step is to balance supply with demand.

Strip commercial centers are discouraged.

Commercial areas provide important services but they should be developed to enhance community character. (Pages 16, 17)

Pertinent objectives cited in Chapter 2 - Land Use state the following:

- 
-
2. Continue the dominance of agriculture and forestry uses throughout the county’s less developed regions.
 3. Maintain the character of the county’s existing population centers.

- 4. Provide for appropriate residential, commercial, institutional, and industrial uses.
 - 5. Locate new development in or near existing population centers and within planned growth centers.
 - 6. Infill existing population centers without overwhelming their existing character.
 -
 - 8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
 -
 - 10. Locate employment centers close to the potential labor force.
 -
 - 15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
 - 16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
 - 17. Discourage highway strip development to maintain roadway capacity, safety, and character.
 -
 - 19. Limit rural development to uses compatible with agriculture and forestry.
 -
- (Pages 12, 13)

Also in Chapter 2 - Land Use, under the heading Commercial Land Supply, the Comprehensive Plan states:

"Based on industry standards for the relationship of commercial land to market size, an excessive amount of commercial zoning exists in Worcester County. Discounting half the vacant land in this category as unbuildable, the remaining land if developed would have the capacity to serve a population of over 2 million people; the County's peak seasonal population is less than 25 percent of this number." (Page 24)

In Chapter 3 - Natural Resources, under the heading Farmland Conservation, the Comprehensive Plan cites the following as its objective relative to this matter:

"The county's farmland conservation objective is to avoid the loss of large contiguous working farming areas and to ensure that prime farmland is given the highest protection priority." (Page 50)

In Chapter 4 - Economy, the Comprehensive Plan provides a number of general objectives, including the following:

- "1. Raise the county's median income to the state's level by increasing higher paying year-round employment; low-wage jobs are not considered appropriate economic development.

- 
2. Diversify the economic base by extending the tourist season and by encouraging growth of existing and new employers.
- (Page 58)

This chapter also includes objectives related to Agriculture and Forestry. Included among these are the following:

- “1. Work to preserve farming and increase its economic viability.
 2. Provide for sufficient agricultural support services.
 3. Reduce farm area fragmentation through agricultural zoning permitting only minor subdivisions, the state’s agricultural preservation program, the Rural Legacy program and explore the use of a transfer of development rights and other preservation mechanisms.
- (Page 60)

This chapter also includes objectives related to Commercial Services. Certain of these state the following:

- 
- “1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
 2. Provide for suitable locations for commercial centers able to meet the retailing and service needs of the population centers.
-
4. Bring into balance the amount of zoned commercial locations with the anticipated need with sufficient surplus to prevent undue land price escalation.
 5. Locate commercial uses so they have arterial road access and are designed to be visually and functionally integrated into the community.
-” (Page 60)

In the same chapter, under the heading Commercial Facilities, the Comprehensive Plan states:

“Retailing is one of the largest employers in the County and is a significant contributor to the economy. Currently, designated commercial lands far outstrip the potential demand for such lands. When half of these lands are assumed to be undevelopable (wetlands and other constraints), the potential commercial uses can serve an additional population of over two million persons. The supply of commercial land should be brought more in line with potential demand. Otherwise, underutilized sites/facilities and unnecessary traffic congestion will result.” (Page 62)

In the same chapter, under the heading Agriculture, the Comprehensive Plan states:



“For the future, agriculture will remain an important component of the economy.

.....

Local support for agricultural infrastructure and encouragement of “value added” and



alternative crops, along with development of agricultural tourism could help improve farming's economics.

Preservation of farm is a key to the county's rural character. Therefore, it is important to continue the "right to farm" policies and work to develop alternative income sources for farmers." (Page 64)

In Chapter Six - Public Infrastructure, the Comprehensive Plan includes several objectives, including the following:

- "1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence.
 2. Permit development to occur only as rapidly as services can be provided.
 3. Ensure adequate public facilities are available to new development.
 4. Require new development to "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates.
-" (Page70)



Chapter Seven - Transportation of the Comprehensive Plan states that "Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic.Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90." (Page 79)

Of special note is the fact that the MD Route 589 corridor has experienced significant development and has reached an unsatisfactory level-of-service.and congestion has become a daily occurrence regardless of season. For this reason, MD Route 589 is considered impacted from a traffic standpoint. This implies that land use should not intensify in this area. Infill development of existing platted lots should be the extent of new development. This policy shall remain until road capacity is suitably improved." (Page 80)

This chapter also states that "c(C)ommercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercial zoned land poses problems for the road system, particularly for US 50." (Page 82)

With regard to MD Route 589 specifically, this chapter notes that this roadway is classified as a two-lane secondary highway/major collector highway and cites the following policies, projects and recommendations:

- "• Limit development in the corridor until capacity increases.
- Conduct scenic and transportation corridor planning.
- Dualize after the US Route 113 project is completed.
- Continue to deflect US Route 113 traffic to MD Route 90 rather than MD Route

589.

- Introduce interparcel connectors and service roads where feasible.” (Page 85)

In this same chapter, under the heading General Recommendations - Roadways, it states the following:

- “1. Acceptable Levels of Service -- It is this plan’s policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
.....
3. Traffic studies -- Developers should provide traffic studies to assess the effect of each major development on the LOS of nearby roadways.
4. Impacted Roads -- Roads that regularly have LOS D or below during weekly peaks are considered “impacted.” Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections -- Upgrade intersections that have fallen below a LOS C.
..... (Page 87)

WATER AND WASTEWATER: As it pertains to wastewater disposal and the provision of potable water, the petitioned area itself is not within an area which receives public sewer or water service at the present time. According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the petitioned area has a designation of Sewer Service Category S-6 (No Planned Service). The property did carry a designation of S-3 (six to ten year timeframe) in the original deliberations concerning the Greater Ocean Pines Sanitary Planning Area but it was removed according to the findings of the Planning Commission that the proposed amendment would be consistent with the Comprehensive Plan if the proposed S-3 areas were deleted from the amendment. This was done according to Worcester County Resolution 05-09, dated 4-5-05, and approved by the Maryland Department of the Environment on 6-29-05. Mr. Mitchell also states that his department has no well or septic records or soil evaluation records in the property file indicating any onsite capacity exists to support construction that would require water and sewerage be supplied. If the owner wants to support any future construction with onsite sewer, they would have to apply to complete a soil evaluation to see if the sanitary needs of the project could be supported with onsite sewer. If a successful soil evaluation is obtained, the future system would have to be installed with a pretreatment unit. Mr. Mitchell further notes that if the applicant is intending to utilize public water and sewer for the development of this property, there are currently 24 excess sewer EDUs remaining as of the date of his memo (11-17-15) in the Ocean Pines Sanitary Service Area. He cautions that this total will change with the impending development of the medical office complex at the North Gate of the community and any subsequent purchases by existing customers or property owners in the sanitary area. He then states that if the owner cannot acquire any of the excess capacity in the existing service area, there are excess sewer EDUs in the Pines Plaza Commercial Sub-Area, but they will have to pay any outstanding construction cost-share funds to purchase that capacity.

Mr. Mitchell further elaborates that there is a third and final option for sewer capacity for the subject property, should the rezoning application be approved. He states that the applicants can facilitate connection of properties in the *approved* Greater Ocean Pines Amendment (attached) for a nutrient offset. This could be a combination of factors - retiring existing septic capacity (do not have on the subject property), facilitating construction of sewer mains past properties in the approved sanitary area or facilitating connection of properties in the approved sanitary area. He states that these steps are a negotiated process, but need to be taken to provide a nutrient offset to allow additional connection not anticipated in the Greater Ocean Pines Amendment to be realized and that it was done this way for the Ocean Downs and Crabs to Go amendment approvals. Mr. Mitchell also comments that prior to being able to apply for public sanitary capacity, the owner would need to amend the *Master Water and Sewerage Plan* to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. He notes that there is an inconsistent land use, agriculture, that has been recently found incompatible with the provision of public services. In the amendments noted above, difficulties were encountered in proposing the provision of public services to properties designated agriculture in the Comprehensive Plan. They were only overcome with the retirement of a large amount of septic capacity in the Critical Area and provision of infrastructure to facilitate connections of even more septic capacity from that proposed sanitary area addition that had a singular and peculiar use in our jurisdiction. The other was an existing set of small commercial properties carrying the distinction of being the only properties not carrying over between the prior and existing Comprehensive Plans a designation of commercial center or more intensive land use in the Comprehensive Plan for the US Route 50 corridor between Berlin and Ocean City. Mr. Mitchell goes on to say that any future amendments including this subject property will force state agencies to recall the unique nature of these two prior amendment applications in their comments. The land use designation in the current Comprehensive Plan has to be addressed in any future amendment to the *Master Water and Sewerage Plan* through either an amendment to the Comprehensive Plan itself or some other means. He states that that should be considered by the applicants should they be successful in this endeavor. No comments were received from John H. Tustin, P. E., Director of Public Works.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

- GaB - Galestown Loamy Sand - severe limitations to on-site wastewater disposal
- RoB - Rosedale Loamy Sand - severe limitations to on-site wastewater disposal
- RoA - Rosedale Loamy Sand - severe limitations to on-site wastewater disposal
- HmA - Hampton Loamy Sand - severe limitations to on-site wastewater disposal
- HBA - Hambrook Sandy Loam - severe limitations to on-site wastewater disposal
- Fa - Fallsington Sandy Loam - severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Ocean Pines Volunteer Fire Department and Berlin Volunteer Fire Company. The OPVFD facilities are located approximately five minutes away while the BVFC is located approximately ten minutes

away. No comments were received from either fire company with regard to this particular review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks. Chief Deputy J. Dale Smack 3rd of the Worcester County Sheriff's Office by memo stated that he had reviewed the application and spoken with Sheriff Mason and Lt. Starner relative to the rezoning case and they saw no issues with the propose rezoning and concluded that it will not interfere with law enforcement activities.

ROADWAYS AND TRANSPORTATION: The petitioned area fronts on and currently has access to MD Route 589. That roadway is state-owned and -maintained and connects to US Rt. 50, US Route 113 and MD Route 90. The Comprehensive Plan classifies MD Route 589 as a two-lane secondary highway/major collector highway and recommends that development be limited in the corridor until capacity increases, that scenic and transportation corridor planning be conducted, that the roadway be dualized after the US Route 113 project is completed, that US Route 113 traffic continue to be deflected to MD Route 90 rather than MD Route 589, and interparcel connectors and service roads be introduced where feasible. Donnie L. Drewer, District Engineer, for State Highway Administration District 1, states in his response memo (copy attached) that MD Route 589 is identified in the State Highway Administration's current or long range planning documents for SHA's future needs in the area(s) noted in the application. He states that, specifically, the SHA Highway Needs Inventory (HNI) identified the need for 4.6 miles of a multi-lane reconstruct from US Route 50 to US Route 113 and is noted as a county priority. He also notes that this section of roadway is also identified in the SHA Consolidated Transportation Plan (CTP) for potential improvements to the existing MD Route 589 corridor to relieve traffic congestion and improve traffic safety and accommodate bicycle and pedestrian safety. Mr. Drewer further states that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration. He also states that all future development of a site along this corridor will require the review and approval by his office and all access and entrance construction from a property onto the State highway shall be subject to the terms and conditions of an access permit to be issued by his office. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comments relative to this rezoning application.

SCHOOLS: The petitioned area is within the area served by the following schools: Ocean City Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Joe Price, Facilities Planner for the Worcester County Board of Education (WCBOE), by memo (copy attached) stated that the WCBOE does not anticipate an impact to the projected school enrollment for any of the schools serving the area by the proposed rezoning. According to Mr. Price's response enrollment figures at the aforementioned schools as of September 2015 are as follows:

<u>School Name</u>	<u>State Rated Capacity</u>	<u>Current Enrollment</u>	<u>Projected 10 Year High Enrollment</u>
--------------------	-----------------------------	---------------------------	--

Ocean City Elementary	790	639	657
Berlin Intermediate	798	750	831
Stephen Decatur Middle	677	616	740
Stephen Decatur High	1,518	1,347	1,537

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: The petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Areas.

FLOOD ZONE: The FIRM map indicates that the petitioned area is within Zone X (area of minimal flooding).

PRIORITY FUNDING AREA: The petitioned area is not within a designated Priority Funding Area.

INCORPORATED TOWNS: The site is not within one mile of the corporate limits of any town.

ADDITIONAL COMMENTS RECEIVED: Comments received from various agencies, etc. are attached and are summarized as follows:

Edward Potetz, Director, Environmental Health, Health Department: No objection to the proposed rezoning.

THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:

- 1) What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
- 2) Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
- 3) Relating to population change.
- 4) Relating to availability of public facilities.
- 5) Relating to present and future transportation patterns.
- 6) Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
- 7) Relating to compatibility with the Comprehensive Plan.

- 
- 8) Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
 - 9) Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?
- 
- 
- 

Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 396

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 9/30/15

Date Reviewed by Planning Commission: 12/3/15

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
- B. _____ Property Owner
- C. _____ Contract Purchaser
- D. _____ Option Holder
- E. _____ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 21
- B. Parcel Number(s): 72
- C. Lot Number(s), if applicable: _____
- D. Tax District Number: 03

III. Physical Description of Property

- A. Located on the east side of Maryland Route 589/Racetrack Road, approximately _____ to the _____ of _____.
- B. Consisting of a total of 11.5 acres of land.

- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:
-

- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): A-1, Agricultural
(Name and Zoning District)

- B. Acreage of zoning classification(s) in "A" above: 11.5

- C. Requested zoning classification(s): C-2, General Business Commercial
(Name and Zoning District)

- D. Acreage of zoning classification(s) in "C" above: 11.5

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

The basis of this rezoning application is a mistake in the original Comprehensive rezoning, and a substantial change in The character of the neighborhood.

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:

1. If the application is made by a person other than the property

owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 

Printed Name of Applicant:

Hugh Cropper, IV, Attorney for The Estate of Mildred L. Parsons, Margaret P. Bunting, Personal Representative

Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD 21842 Phone Number: 410-213-2681

E-Mail: hcropper@bbcmlaw.com

Date: _____

C. Signature of Property Owner in Accordance with VI.A. above

Mailing Address: _____

Phone Number: _____

E-Mail: _____

Date: _____

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the

existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0144

September Term, 2013

SILVER FOX, LLC, ET AL.

v.

WALTER M. STANSELL, JR., ET AL.

Meredith,
Zarnoch,
Eyler, James R.
(Retired, Specially Assigned),

JJ.

Opinion by Zarnoch, J.

Filed: July 22, 2014

In this zoning case, appellants Silver Fox, LLC and Burbage/Melson, Inc. (collectively, "Silver Fox") petitioned the Worcester County Commissioners ("County Commissioners") to rezone/reclassify Silver Fox's property from A-1 Agricultural District to C-2 General Commercial District under the Worcester County Zoning Code. The County Commissioners granted this petition. Appellees in this case are nearby property owners ("the Residents")¹ who protested the rezoning/reclassification and petitioned the Circuit Court for Worcester County for judicial review. The circuit court reversed the decision of the County Commissioners. We now reverse the judgment of the circuit court, leaving intact the County Commissioners' decision to grant the rezoning.

FACTS AND LEGAL PROCEEDINGS

Silver Fox owns the property at issue in this case, which consists of two parcels totaling about thirty-one acres ("the Property"). The Property is located in Worcester County, on the east side of Maryland Route 589 ("Rt. 589"), also known as Race Track Road, and on the south side of Manklin Creek Road. The Property is adjacent to the southwesterly side of the Ocean Pines subdivision, and contiguous to the westerly side of R-1 Single-Family Residential District zoned land, which is currently undeveloped. Turville Creek separates the Ocean Pines neighborhood and the Property from the Ocean Downs Racetrack and what is now called the Casino at Ocean Downs ("the Casino").

¹As identified in Silver Fox's brief, the appellees are Walter and Pamela Stansell, Jeanne R. Lynch, Carol J. Chauer, and Paul R. Bredehorst.

The Property currently consists of cropland and woodland, with a seasonally-operated produce stand. It has been zoned A-1 Agricultural District since 1965, and is the only A-1 Agricultural District property south of Route 90, though some property is zoned as an A-2 Agricultural District on the opposite side of Rt. 589.

In 2006, the Worcester County Comprehensive Land Use Plan ("Comprehensive Plan") designated the Property as a combination of "Existing Developed Area" and "Commercial Center." The Comprehensive Plan stated that its policy would be to limit development of the Rt. 589 corridor until road capacity improved.

In September 2009, the Video Lottery Facility Location Commission awarded a slots license to the owner of the Ocean Downs Racetrack, land zoned A-2 Agricultural. The Casino is about 2,000 feet south of the Property, on the same side of Rt. 589. On November 3, 2009, Worcester County adopted a Comprehensive Rezoning Plan ("2009 Rezoning Plan"), which found an adequate supply of commercial zoning in the area and discouraged additional development along Rt. 589 until the roadway improved.

Since the 2009 Rezoning Plan, the 35,000 square foot Casino has been constructed on the site, along with a 10,000 square foot clubhouse. The Casino presently has 800 video lottery terminals, though the Maryland General Assembly has approved a total of 2,500 video lottery terminals for this location.² Rt. 589 now has more traffic signals and turn lanes.

²The Casino did not open until January of 2011, some fourteen months after adoption of the Rezoning Plan. Although advertised as a "casino" (perhaps with an eye toward
(continued...))

Additionally, the owners of the Casino received "site plan approval" for the construction of a movie theater and bowling alley, which have not yet been constructed.

Also, since the 2009 Rezoning Plan, an adjacent seventy-acre property ("the Steen Property") received approval from Worcester County to reclassify from a Resource Conservation Area, which permitted one dwelling unit per twenty acres, to a Limited Development Area, which would allow a total of sixty residential units on the Steen Property. The Steen Property shares at least "a few hundred feet" of common property line with the Property.

On May 28, 2010, Silver Fox submitted a petition to Worcester County to rezone the Property, requesting a change from A-1 Agricultural District to C-2 General Commercial District. It set forth two grounds for rezoning in its petition: a substantial change in the character of the neighborhood since the 2009 Rezoning Plan, and a mistake in the existing zoning classification. On April 12, 2012, the Worcester County Planning Commission ("Planning Commission") held a public hearing on the application. Silver Fox presented evidence, including a witness from Atlantic General Hospital, who testified that the Property is an ideal site for a medical campus facility. Ocean Pines residents stated that traffic congestion is a serious health and safety issue. On May 3, the Planning Commission held a

²(...continued)

expansion), the facility at that time was more appropriately characterized as a "racino," *i.e.*, a slots parlor at a racetrack. See http://en.wikipedia.org/wiki/Ocean_Downs (last visited July 10, 2014).

work session to discuss the character of the neighborhood, and then forwarded its Findings of Fact and Recommendation to the Worcester County Commissioners (“County Commissioners”).

On August 7, the County Commissioners held an advertised public hearing.³ Silver Fox presented testimony from three professional engineers, including a traffic engineer, a land planner, and a surveyor. On September 4, the County Commissioners granted the rezoning request. They adopted the Planning Commission’s Findings of Fact and Recommendation. The County Commissioners concluded that the neighborhood had substantially changed since the 2009 Rezoning Plan, based on the opening of the Casino,⁴

³Commissioner Church was asked to recuse himself because of an affiliation with the Atlantic General Hospital and with Mr. Burbage, a principal of Silver Fox. The County Attorney determined that this was not a conflict of interest.

⁴The Commission granted the rezoning request some two weeks after the Governor signed legislation that would result in a significant expansion of gambling at Ocean Downs and the other casino sites. *See* Chapter 1, *Laws of 2012*, (2d Spec. Sess.). Although the legislation could not take effect until a November, 2012 referendum, among other things, it authorized a licensee: 1) to offer table games; 2) to operate 24 hours per day; and 3) to offer live entertainment.

The legislation contemplated that Ocean Downs would generate additional revenue from table games, *see* Revised Fiscal & Policy Note on SB 1 (2012 2d Spec. Sess.), dated September 19, 2012, and provided for an increase in revenues for Ocean Downs as long as it spent a percentage of the proceeds on capital improvements to the facility. *Id.* Not surprisingly, as a result of these changes in the law, Ocean Downs, in September, 2013 announced a 50,000 square foot expansion to include table games and a new restaurant. *See* http://en.wikipedia.org/wiki/Ocean_Downs (last visited July 10, 2014). When this expansion takes place, Ocean Downs will no longer be a racino, but will be a genuine casino.

the approval for the movie theater and bowling alley, and the anticipated subdivision on the Steen Property.

On October 4, the Residents filed a petition for judicial review of the County Commissioners' decision. Silver Fox filed a cross-petition for the County Commissioners' failure to find there had been a mistake in the 2009 Rezoning Plan. On March 18, 2013, the circuit court held a hearing on the petition. The court denied Silver Fox's motion challenging the Residents' standing, and held that no mistake occurred in the 2009 Rezoning Plan, and that Silver Fox had not demonstrated a substantial change since that date. Judge Beck explained his denial of the rezoning:

So the Commissioners rely primarily on three points for the change: the . . . casino gambling at the racecourse. On that point, the site location commission approved the one mile area in September of 2009 prior to this rezoning and I believe that what happened at the racecourse with regard to casino gambling was known to the Commissioners at the time that they adopted their comprehensive rezoning. The Steen property has always been R-1. Some changes were made with regard to the density, but also [known] to the Commissioners at the time that they granted comprehensive rezoning in November of 2009. The movie theater and the bowling alley are extensions of nonconforming use and certainly could be within the contemplation of the Commissioners at the time they granted the comprehensive rezoning. The Atlantic Hospital interest in perhaps someday putting a medical facility on the subject property was speculative or remote at best. I read somewhere that soils are suitable for this kind of development which clearly does not fall within the realm of substantial change.

So there's been a number of changes. The appellate courts are clear that mere changes are not enough, it must be a substantial change to affect the character of the neighborhood and even

cumulatively I can't find that that occurred in the facts that before the Court.

On April 12, the court issued a written order reversing the decision of the County Commissioners. On May 7, Silver Fox filed a notice of appeal. The issue of mistake was not raised in this appeal. Additional facts will be provided as necessary in our discussion of the issues.

QUESTION PRESENTED

Silver Fox presents the following question for our review:

Was the decision to rezone/reclassify the [Silver Fox's] Property from the A-1 Agricultural Zoning District to the C-2 General Commercial District, fairly debatable and supported by substantial evidence, considering the aggregate, cumulative changes in the neighborhood since the last rezoning?

We answer in the affirmative, and reverse the decision of the circuit court.

DISCUSSION

I. Standard of Review

When a decision of an administrative agency like the County Commissioners comes to us from the circuit court, we review the decision of the agency itself, not the decision of the circuit court. *Long Green Valley Ass'n v. Prigel Family Creamery*, 206 Md. App. 264, 273 (2012). We will review the agency's decision in the light most favorable to the agency because its decisions are prima facie correct, though we are "under no constraint to affirm an agency decision premised solely upon an erroneous conclusion of law." *Catonsville Nursing Home, Inc. v. Loveman*, 349 Md. 560, 569 (1998) (Citations omitted).

We “will not disturb an administrative decision on appeal if substantial evidence supports factual findings and no error of law exists.” *Long Green Valley Ass’n*, 206 Md. App. at 274. Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Catonsville Nursing Home, Inc.*, 349 Md. at 569. Thus, “[i]t is only where there is no room for reasonable debate, or where the record is devoid of supporting facts, that the court is justified in declaring the legislative action of the board arbitrary or discriminatory.” *Offutt v. Bd. of Zoning Appeals of Baltimore Cnty.*, 204 Md. 551, 562 (1954). We appraise and evaluate the agency’s fact finding, but do not make an independent decision on the evidence. *Catonsville Nursing Home, Inc.*, 349 Md. at 569.

II. Substantial Change in Character

Zoning authorities in Maryland, like the County Commissioners, “implement their plans and determinations regarding appropriate land use zoning categories” through original zoning, comprehensive rezoning, and piecemeal rezoning. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 532 (2002). The zoning regulations and boundaries may be amended or repealed. Md. Rule 4-204(a). The zoning authority may grant a change in a zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. Md. Rule 4-204(b)(2). *See also Rylyns Enterprises, Inc.*, 372 Md. at 535-36.

To change the zoning of a property based on change of character in a neighborhood, the petitioner must establish:

(a) what area reasonably constitutes the neighborhood of the subject property, (b) the changes which have occurred in that neighborhood since the comprehensive rezoning and (c) that those changes resulted in a change in the character of the neighborhood.

Montgomery v. Board of Cnty. Comm'rs for Prince George's Cnty., 256 Md. 597, 602 (1970). The changes in the character of the neighborhood must be evaluated cumulatively, in order to determine "whether the aggregate changes in the character of the neighborhood since the last zoning were such as to make the question fairly debatable." *Bowman Grp. v. Moser*, 112 Md. App. 694, 700 (1996).

A. Definition of Neighborhood

The first step in determining a change in a neighborhood is to define the neighborhood. *Montgomery*, 256 Md. at 602. Silver Fox contends that the issue is not preserved. It argues that the circuit court rejected the Residents' argument that the County Commissioners' definition was incorrect, and the Residents did not file a cross-appeal. The Residents contend that because this Court evaluates the decision of the administrative agency and not the circuit court, the Residents were not required to file a cross-appeal on the issue of the neighborhood.

We agree with the Residents that they did not need to file a cross-appeal to preserve this issue. However, we find that the neighborhood was sufficiently defined by the County

Commissioners. The Planning Commission clearly considered the definition, shown by their alterations to the definition originally presented by Silver Fox. The Planning Commission excluded the commercial property on the south side of U.S. Route 50. At the public hearing, the County Commissioners heard testimony concerning the neighborhood from Steven Soule, an engineer, and from an Robert Hand, a lander planner. Hand explained that when he was asked to define the neighborhood as an expert witness, he included areas that were a five to ten minute drive from the population centers as described in the Comprehensive Plan. Based on this evidence, the County Commissioners accepted the definition of the Planning Commission. Judge Beck explained that “there was no mistake in the appropriateness of the neighborhood and I’m not going to put my judgment in place of the Commissioners on the appropriateness of the neighborhood. I think that is fairly debatable” On this point, we agree with the circuit court.

B. Changes in the Character of the Neighborhood

Silver Fox contends that the County Commissioners’ determination concerning the changes in the neighborhood was based upon substantial evidence. It looks to the construction of the Casino, the approval of the bowling alley and movie theater, the authorization of a subdivision at the Steen Property, and other changes. We will address each factor in turn.

1. Casino

Silver Fox contends that the County Commissioners were correct to find that the addition of the Casino was a significant change in the character of the neighborhood. Silver Fox argues that the County Commissioners found a change due to the Casino's \$45,000,000 complex, adjacent 10,000 square foot clubhouse, and related road improvements like traffic signals and turning lanes. It points to evidence such as testimony from an engineer representing the Casino, and testimony from the County Attorney, John Bloxom, who described how the Casino went from a "simple venue that's open two or three months during the summer, evening time for racing, now to a casino that's open 24/7 with all of the traffic that comes and goes every day of the year, 24 hours a day." Silver Fox also argues that the slot machines were an unanticipated change after the 2009 Rezoning.

Residents contend that the County Commissioners knew prior to the 2009 Rezoning that the Casino had been approved. They argue that prior to the Casino, there was more than harness racing because the center was open for more than 320 days for off-track betting.

In our view, it is at least fairly debatable for the Commissioners to conclude that the opening and operation of the casino represented a substantial change in the neighborhood. What they knew at the time of the 2009 Rezoning was that a slots license had been issued to the owner of Ocean Downs. By 2012, racino interests were more than poised at the gate. A large and unique facility was in place and in operation. Moreover, by the time the Commissioners granted the rezoning request, the General Assembly had enacted legislation

that contemplated that Ocean Downs and the other sites would become genuine 24-hour casinos with table games and entertainment. It is hard to think of a more substantial change in a neighborhood.

2. Bowling Alley and Movie Theater

Silver Fox contends that the County Commissioners were correct to find a cumulative change in the character of the neighborhood because of the design waivers granted for the bowling alley and movie theater. It notes that the County Commissioners stated that the grant of the waivers was a discretionary decision after the 2009 Rezoning Plan. The Residents argue that the County Attorney said these would not constitute a change in the character of the neighborhood.

We find the County Commissioners were correct to find that the granting of the waivers for the bowling alley and movie theater was a substantial change. Zoning authorities are entitled to consider projects that are “reasonably probable of fruition in the foreseeable future.” *Jobar Corp. v. Rodgers Forge Cnty. Ass’n*, 236 Md. 106, 112 (1964). It is fairly debatable that the granting of these waivers and the future projects were unforeseeable at the time of the 2009 Rezoning Plan and that they represented a substantial change for a neighborhood that previously offered only off-track betting and harness racing.

3. Steen Property Subdivision

Silver Fox contends that the County Commissioners also found a change in the character of the neighborhood since the 2009 Rezoning Plan due to the rezoning of the Steen

Property. It argues that the County Commissioners heard testimony that the development was not a planned change for the neighborhood.

The Residents contend that the Steen Property was classified as a Residential District in the 2009 Rezoning Plan, and though now it may develop at a greater density, there was no evidence that any actual development has occurred or would be a change from the plan.

A change in residential density can constitute a substantial change. *Bosley v. Hosp. for Consumptives of Md.*, 246 Md. 197, 204 (1967), and again the County Commissioners are entitled to consider probable future changes. *Jobar Corp.*, 236 Md. at 112. We find when considered cumulatively with the opening and operation of the Casino and the design waivers for the bowling alley and movie theater, the change in the zoning of Steen Property contributed to a fairly debatable change in the neighborhood.

In light of our conclusion that the Commissioners did not err in finding a substantial change in the neighborhood, we need not consider additional factors addressed by the parties.

III. Worcester County Zoning Ordinance Criteria

In addition to the issue of a substantial change in the character of the neighborhood, the parties disagree over the Commissioners' application of some of the other criteria specified in the County zoning laws. To change the zoning classification of a property, the Worcester County Code, Zoning and Subdivision Control Article ("ZS"), § 1-113(c)(3)(2009) requires the County Commissioners to make certain findings of fact. These findings shall include:

- (a) population change,
- (b) availability of public facilities,
- (c) present and future transportation patterns,
- (d) compatibility with existing and proposed development and existing environmental conditions for the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement,
- (e) the recommendation of the Planning Commission, and
- (f) compatibility with the County's Comprehensive Plan.

The County Commissioners are permitted to adopt the findings of the Planning Commission, *id.*, and they did so in this case, in addition to making findings of their own. For reasons set forth below, we find that the County Commissioners did make appropriate findings on the required factors.

A. Population Change

The Residents did not challenge that the County Commissioners made a sufficient finding on population change.

B. Availability of Public Facilities

The Residents have not contested the issue of whether the County Commissioners made an appropriate finding on the availability of public facilities.

C. Present and Future Transportation Patterns

Silver Fox contends that the County Commissioners made findings on traffic patterns when it stated that “with minor configuration changes at one intersection all the intersections in the defined neighborhood would operate at a minimum Level of Service “C” which is acceptable under the Comprehensive Plan and the State High Administration Guidelines.⁵

The Residents argue that the County Commissioners did not base their traffic findings on the evidence. They state that there was no testimony about a plan for road improvements or funding. They also contend that there was no evidence to support the County Commissioners’ assumption that the increased traffic would be mitigated by the potential jobs created by the rezoning. The Residents argue that the County Commissioners ignored findings from the Comprehensive Plan that Rt. 589 is impacted by traffic congestion.

A zoning board “is entitled to consider . . . proposed improvements to existing highways in determining the proper classification of property” if the improvements are reasonably probable to occur in the foreseeable future. *Cnty. Comm’rs of Howard Cnty. v. Merryman*, 222 Md. 314, 323 (1960). Here, the County Commissioners based their finding on testimony from Betty Tustin, a traffic engineer,⁶ which is sufficient evidence to consider

⁵Under the State Highway Administration guidelines, the Level of Service standard that should be achieved at State intersections is “D.” Intersections are graded from A through F, with A being the best and F being the worst. The grades take in to account vehicle length, traffic light cycle times, and queue times. See Maryland Dep’t of Transp, State Highway Access Manual, *Guidelines for Traffic Impact Reports/Studies, Appendix E*, <http://www.roads.maryland.gov/Index.aspx?PageId=461>.

⁶Tustin explained that to conduct traffic counts her firm will:

(continued...)

an issue "at least fairly debatable." *Montgomery*, 263 Md. at 6-7. We conclude that the County Commissioners made a sufficient finding on the issue of traffic patterns.

D. Compatibility with Development and Environmental Conditions

Silver Fox contends that the County Commissioners made sufficient findings of fact on the rezoning's compatibility with development and environmental conditions: that the Property is not within any environmentally critical areas; that the property was too small to be productively farmed and residential use was not desirable; and that the majority of the mixed uses within the neighborhood were commercial or residential in nature that were not compatible with agricultural uses.

The Residents contend that the County Commissioners' finding regarding the compatibility with development and environmental conditions was not supported by the evidence. They argue that the County Commissioners rezoned the Property in the A-1 Agricultural District within the last three years, making a change inappropriate.

⁶(...continued)

analyze what the worst case scenario would be. For example, we study the worst hour of the day, and then we actually take the worst 15 minutes within that hour and add a factor to our setting. So that we are assuming— we're adding the safety factor in, if you will, so to make sure that we are analyzing what the worst hour of the whole week, and in this case since we did summer, of the whole year would be. If we can provide for that traffic, then we can provide for traffic for the other 23 hours of the day.

We find that the County Commissioners made sufficient findings of fact on this issue. They cited evidence such as a staff report included in the Planning Commission's findings of fact,⁷ exhibits on the record, and their judgment that the present area consists of tilled cropland, a produce stand, and wooded areas.

E. Recommendation of the Planning Commission

The parties do not disagree on whether the County Commissioners made findings on the Planning Commission's recommendations. The Commissioners stated: "[We] find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District. Having made the above findings of fact, the County Commissioners concur with the recommendation of the Planning Commission."

F. Compatibility with County's Comprehensive Plan

Silver Fox contends that the County Commissioners made findings on compatibility and desirability with the Comprehensive Plan: an environmental consultant testified that the soil was suitable for development; a land planner stated that the property is designated as "Existing Developed Area" on the land use plan, which encompasses many commercial uses,

⁷This staff report addresses the Chesapeake/Atlantic Coastal Bays Critical Areas by stating, "According to an email received from Roby Hurley, Natural Resources Planner for the Critical Area Commission, the petitioned area is not within either the Atlantic Coastal Bays Critical Area or the Chesapeake Bay Critical Area."

and that commercial zoning was more desirable; and the Property was unlikely to be utilized for viable and profitable agricultural purposes.

The Residents contend that the County Commissioners' finding disregards statements in the Comprehensive Plan about the development of Rt. 589. The Residents argue that purpose of C-2 zoning is to provide for more intense commercial development, which is contrary to the provisions of the Comprehensive Plan.

Generally, comprehensive plans are

advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device. In those instances where such a statute or ordinance exists, its effect is usually that of requiring that zoning or other land use decisions be consistent with a plan's recommendations regarding land use and density or intensity.

Rylyns Enterprises, Inc., 372 Md. at 530-31. Here, the Worcester County Zoning Code does not require consistency. Instead, it requires the County Commissioners to consider the Comprehensive Plan by making findings on the issue of compatibility, and it directs the Commissioners to make a finding "that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan." ZS § 1-113(c)(3).

The County Commissioners' decision stated that they

recognize[d] that the Comprehensive Plan state[d] that development along the MD Rt. 589 corridor should be limited until capacity increased but note[d] that the traffic study provided by the applicant indicates that MD Rt. 589 will still operate at least a Level of Service C or greater, the threshold

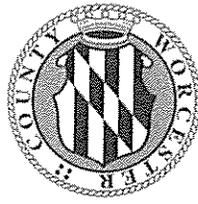
called for by both the County's Comprehensive Plan and State Highway guidelines, if the petitioned area is rezoned and developed commercially.

They also noted that a portion of the Commercial Center Land Use Category already extends on to the Property. The County Commissioners explained that rezoning would lead to a more profitable use of the land and would likely create more jobs in the neighborhood. We conclude that the County Commissioners sufficiently considered the compatibility of the zoning change with the Comprehensive Plan.

Viewing the record as a whole, we believe the County Commissioners' findings were consistent with the requirements of ZS § 1-113(c)(3). We cannot say that the County Commissioners acted arbitrarily in granting Silver Fox's request to rezone the property.

For all of these reasons we reverse the judgment of the circuit court and uphold the decision of the County Commissioners.

**JUDGMENT OF THE CIRCUIT COURT
FOR WORCESTER COUNTY REVERSED.
COSTS TO BE PAID BY APPELLEES.**



Worcester County
Department of Environmental Programs

Memorandum

To: Phyllis Wimbrow, Deputy Director, DDRP

From: Robert J. Mitchell, LEHS, REHS
Director, Environmental Programs

Subject: Comments on Rezoning Case No. 396
Worcester County Tax Map 21, Parcel 72

Date: 11/17/15

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009 and argues a substantial change in the character of the neighborhood has occurred as well. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The subject property has a designation of Sewer Service Category S-6 (*no Planned Service*). The property did carry a designation of S-3 (*six to ten year timeframe*) in the original deliberations concerning the Greater Ocean Pines Sanitary Planning Area, but it was removed according to the findings of the Planning Commission that the proposed amendment would be consistent with the *Comprehensive Plan* if the proposed S-3 areas were deleted from the amendment. This was done according to Worcester County Commissioner Resolution 05-09, dated 4-5-05, and approved by the Maryland Department of the Environment on 6-29-05.
2. We have no well or septic records or soil evaluation records in the property file indicating any onsite capacity exists to support construction that would require water and sewerage be supplied.

- 49 -

Citizens and Government Working Together

3. If the owner wants to support any future construction with onsite sewer, they would have to apply to complete a soil evaluation to see if the sanitary needs of the project could be supported with onsite sewer. If a successful soil evaluation is obtained, the future system would have to be installed with a pretreatment unit.
4. If the applicant is intending to utilize public water and sewer for the development of this property, there are currently twenty-four (24) excess sewer EDU's remaining as of this date, in the Ocean Pines Sanitary Service Area. That total will change with the impending development of the medical office complex at the north gate of the community and any subsequent purchases by existing customers or property owners in the sanitary area.
5. If the owner cannot acquire any of the excess capacity in the existing service area, there are excess sewer EDUs in the Pines Plaza Commercial Sub-Area, but they will have to pay any outstanding construction cost-share funds to purchase that capacity.
6. There is a third and final option for sewer capacity for the subject property, should they be approved for a rezoning on this application. They can facilitate connection of properties in the *approved* Greater Ocean Pines Amendment (attached) for a nutrient offset. This could be a combination of factors – retiring existing septic capacity (do not have on the subject property), facilitating construction of sewer mains past properties in the approved sanitary area or facilitating connection of properties in the approved sanitary area. These steps are a negotiated process, but need to be taken to provide a nutrient offset to allow additional connections not anticipated in the Greater Ocean Pines Amendment to be realized. It was done this way for the Ocean Downs and Crabs to Go amendment approvals.
7. Prior to being able to apply for public sanitary capacity, the owner would need to amend the *Master Water and Sewerage Plan* to include the subject property in the sewer and water planning areas for the Ocean Pines Sanitary Area. I would note that we do have an inconsistent land use, agriculture, that has been recently found incompatible with the provision of public services. In the amendments noted above, we have encountered difficulties in proposing the provision of public services to properties designated agriculture in the *Comprehensive Plan*. They were only overcome with the retirement of a large amount of septic capacity in the critical area and provision of infrastructure to facilitate connections of even more septic capacity from that proposed sanitary area addition that had a singular and peculiar use in our jurisdiction. The other was an existing set of small commercial properties carrying the distinction of being the only properties not carrying over between the prior and existing *Plans* a designation of commercial center or more intensive land use in the *Comprehensive Plan* for the US Route 50 Corridor between Berlin and Ocean City. Any future amendments including this subject property will force state agencies to recall the unique nature of these two prior amendment applications in their comments. The land use designation in the current *Comprehensive Plan* has to be addressed in any future amendment to the *Master Water and Sewerage Plan* through either an amendment to the *Comprehensive Plan* itself or some other means. That should be considered by the applicants should they be successful in this endeavor.

- 
8. On Page 80, in the *Comprehensive Plan*, the *Plan* notes traffic concerns on Rt 589 with the following :” For this reason, MD 589 is impacted from a traffic standpoint. This implies that land use should not intensify in this area.” The applicant should be prepared to address this item before the Planning Commission.

If you have any questions on these comments, please do not hesitate to contact me.

Attachment

-52-



Worcester County, Maryland

GREATER OCEAN PINES SANITARY SERVICE AREA

 S-1 (Present to 2 Years) GOPSSA
Greater Ocean Pines Sanitary Service Area

Boundary approved by the County
Commissioners of Worcester County,
Resolution No. 05-09 on April 5, 2005

Department of Development
Review and Permitting
Technical Services Division

Drawn By: KLH
Reviewed By: RM

N

0 0.25 0.5 1 Miles

Map prepared on April 26, 2011

Phyllis Wimbrow

From: Dale Smack
Sent: Tuesday, October 20, 2015 3:37 PM
To: Phyllis Wimbrow
Cc: Reggie Mason; earl.starner@maryland.gov
Subject: Rezone case 359,397,396

Importance: High

Phyllis,

After reviewing and speaking with Sheriff Mason and Lt. Starner of the provided documents pertaining to rezone cases 395,396 and 397, we see no issues, nor will it interfere with law enforcement activities. If you have any questions, please feel free to contact me.

Thank you.

**J. Dale Smack 3rd, Chief Deputy
S.T.A.R Team Commander Retired
Worcester County Sheriff's Office
Rm 1001 #1 West Market Street
Snow Hill, Maryland 21863
410-632-1111-work
410-632-3070-fax
43-783-0395-cell
dsmack@co.worcester.md.us e mail**

CONFIDENTIALITY NOTICE: This message may contain confidential information intended only for the use of the person named above and may contain communication protected by law. If you have received this message in error, you are hereby notified that any dissemination, distribution, copying or other use of this message may be prohibited and you are requested to delete and destroy all copies of the email, and to notify the sender immediately at his/her electronic mail.



Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*

Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

October 22, 2015

Ms. Phyllis H. Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Worcester County
Rezoning Application Case No: 396
The Estate of Mildred L. Parsons,
Margaret P. Bunting, Personal Representative
Tax Map 21; Parcel 72

Dear Ms. Wimbrow:

Thank you for the opportunity to review the Rezoning Application for Case No: 396 in Worcester County. The State Highway Administration (SHA) has reviewed the application and associated documents. We are pleased to respond.

MD 589 (Racetrack Road) is identified in the State Highway Administrations current or long range planning documents for SHA's future needs in the area(s) noted in the subject application. Specifically, the SHA Highway Needs Inventory (HNI) identified the need for 4.6 miles of a multi-lane reconstruct from US 50 to US 113 and is noted as a county priority. This section of roadway is also identified in the SHA Consolidated Transportation Plan (CTP) for potential improvements to the existing MD 589 corridor to relieve traffic congestion and improve traffic safety and accommodate bicycle and pedestrian safety.

Rezoning is a land use issue, which is not under the jurisdiction of the SHA. However, please be aware all future development of a site along this corridor will require the review and approval by this office. All access and entrance construction from a property onto the state highway shall be subject to the terms and conditions of an access permit to be issued by this office.

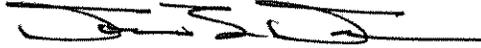
Thank you again for the opportunity to provide our response. If you have any questions regarding our comments, please feel free to contact Ms. Rochelle Outten, District 1 Regional

My telephone number/toll-free number is 1-800-825-4742
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Ms. Phyllis H. Wimbrow
Page 2
October 22, 2015

Engineer for Access Management via email routten@sha.state.md.us or by calling her directly 410-677-4098.

Very truly yours,



Donnie L. Drewer,
District Engineer

Cc: Ms. Rochelle Outten, Regional Engineer- SHA



Worcester County
 DEPARTMENT OF PUBLIC WORKS
 6113 TIMMONS ROAD
 SNOW HILL, MARYLAND 21863

MEMORANDUM

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: October 20, 2015
RE: Rezoning Case No. 395, 396, and 397

.....
 Upon review of the above referenced rezoning cases, I offer the following comments:

Rezoning Case 395: No comments

Rezoning Case 396: No comments

Rezoning Case 397:

- 1) Entrance to project needs to be a minimum of a standard commercial entrance according to Worcester County standards if there is ingress/egress to or from a County road.
- 2) Due to the nature of the area and existing parking issues there needs to be sufficient amount of parking available so that vehicles are not parking and impeding traffic along the County road.
- 3) There needs to be a widening strip dedicated to Worcester County with improvements along the County road for future expansion as deemed necessary by the Worcester County Commissioners.
- 4) Project cannot impede drainage to or from the County road which may affect residents in neighboring areas who depend on maximum drainage solutions since this area is prone to flooding.

Should you have any questions, please do not hesitate to contact me.

cc: John H. Tustin, P.E., Director

FJA/ll
 H:\Rezoning\Rezoning Case 395.396.397.doc

JOHN H. TUSTIN, P.E.
 DIRECTOR

JOHN S. ROSS, P.E.
 DEPUTY DIRECTOR

TEL: 410-632-5623
 FAX: 410-632-1753

DIVISIONS

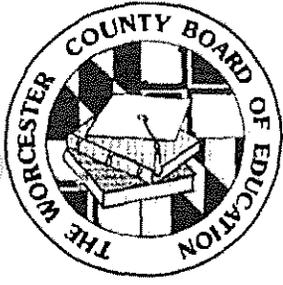
MAINTENANCE
 TEL: 410-632-3766
 FAX: 410-632-1753

ROADS
 TEL: 410-632-2244
 FAX: 410-632-0020

SOLID WASTE
 TEL: 410-632-3177
 FAX: 410-632-3000

FLEET
 MANAGEMENT
 TEL: 410-632-5675
 FAX: 410-632-1753

WATER AND
 WASTEWATER
 TEL: 410-641-5251
 FAX: 410-641-5185



**THE BOARD
OF EDUCATION
OF WORCESTER
COUNTY**

6270 WORCESTER HIGHWAY
NEWARK, MD 21841-9746
TELEPHONE: (410) 632-5000
FAX: (410) 632-0364
www.worcesterk12.com

ADMINISTRATION

JERRY WILSON, Ph.D.
Superintendent of Schools
JOHN R. QUINN, Ed.D.
Chief Academic Officer
LUIS H. TAYLOR
Chief Operating Officer
VINCENT E. TOLBERT, C.P.A.
Chief Financial Officer

BOARD MEMBERS

ROBERT A. ROTHERMEL, JR.
President
SARA D. THOMPSON
Vice-President
BARRY Q. BRITTINGHAM, SR.
JONATHAN C. COOK
ERIC W. CROPPER, SR.
J. DOUGLAS DRYDEN
WILLIAM L. GORDY

October 28, 2015

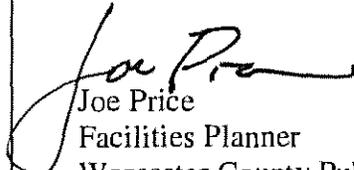
Ms. Phyllis H. Wimbrow
Deputy Director
Department of Development Review and Permitting
One West Market Street
Room 1201
Snow Hill, Maryland 21863

Dear Ms. Wimbrow,

Enclosed are Worcester County Board of Education comments to Rezoning Cases No. 395, 396 and 397.

We do not anticipate an impact to the projected school enrollments for any of the schools within the zoning areas included in the three rezoning applications.

Please contact me at (410) 632-5010 if you have any questions.

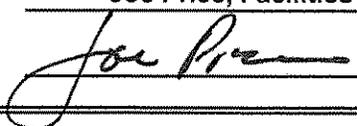

Joe Price
Facilities Planner
Worcester County Public Schools

Encl.

-57-



**Worcester County Board of Education
Project / Rezoning Review Comments
Department of Development Review and Permitting**

Project / Rezoning Application Number:	Rezoning Case No. 396		
Project / Rezoning Location:	East side of Maryland Route 589/Racetrack Road		
Project / Rezoning Description:	11.5 acres from A-1 Agricultural to C-2 General Business		
Projected impact on existing schools	None		
School Name	State Rated Capacity	Current Enrollment (9/15)	Projected 10-Year High Enrollment
Ocean City Elementary School	790	639	657
Berlin Intermediate School	798	750	831
Stephen Decatur Middle School	677	616	740
Stephen Decatur High School	1,518	1,347	1,537
<p>Other Comments:</p> <ol style="list-style-type: none"> 1. No anticipated impact to school enrollments by Rezoning Case No. 396. 2. Projected enrollments are based upon Maryland Office of Planning estimates. 			
Worcester County Board of Education Representative:		Joe Price, Facilities Planner	
Signature / Date:		 10/28/15	



Worcester County

HEALTH DEPARTMENT

P.O. Box 249 • Snow Hill, Maryland 21863-0249
www.worcesterhealth.org

Deborah Goeller, R.N., M.S.
Health Officer

Snow Hill (Main Office)
410-632-1100
Fax 410-632-0906

MEMORANDUM

To: Phyllis H. Wimbrow, Deputy Director

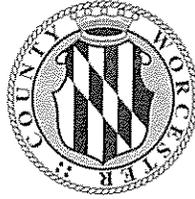
From: Edward Potetz, Director *EP*
Environmental Health

Date: October 21, 2015

Re: Rezoning Case No. 395, No. 396 and No. 397

This office has no objection to the proposed above-referenced rezoning cases.

-59-



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

M E M O

TO: Robert Mitchell, Director, Worcester County Environmental Programs
 Fred Webster, Director, Worcester County Emergency Services
 Reggie Mason, Sheriff, Worcester County Sheriff's Office
 John H. Tustin, P. E., Director, Worcester County Public Works Department
 John Ross, P. E., Deputy Director, Worcester County Public Works Department
 Frank Adkins, Roads Superintendent, Worcester County Public Works
 Department
 Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
 Dr. Jerry Wilson, Superintendent, Worcester County Board of Education
 Donnie L. Drewer, District Engineer, Maryland State Highway Administration
 Lt. Earl W. Stamer, Commander, Barracks V, Maryland State Police
 Debbie Goeller, Health Officer, Worcester County Health Department
 Rob Clarke, State Forester, Maryland Forest Services
 Nelson D. Brice, District Conservationist, Worcester County Natural Resources
 Conservation Service
 Steve Grunewald, Fire Chief, Ocean Pines Volunteer Fire Department
 Phil Simpson, Fire Chief, Berlin Fire Department

FROM: Phyllis H. Wimbrow, Deputy Director *PHW*

DATE: October 14, 2015

RE: Rezoning Case No. 396

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at its meeting on December 3, 2015. This application seeks to rezone approximately 11.5 acres of land from A-1 Agricultural District to C-2 General Business District. Uses allowed in the proposed zoning district include, but are not limited to,

motels/hotels, retail or service establishments, restaurants, contractors' shops, vehicle, watercraft and equipment sales and service establishments, outdoor commercial recreation establishments, and doctors' offices. With regard to residential uses, dormitories, single-family and multi-family dwellings contained in a commercial structure, and on-site housing for the owner, caretaker or employees, including their immediate families, are permitted. Permitted densities of such residential uses vary. Please note that other considerations such as sewage disposal, placement of roads serving the development, and open space requirements affect maximum permitted density to some degree.

For your reference I have attached a copy of the rezoning application and associated documents and a series of maps showing the property petitioned for rezoning. These maps include an aerial photo as well as maps showing the floodplain, hydric soils, Comprehensive Plan Land Use Classifications, the location, soils, and zoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on the plans, facilities or services for which your agency is responsible. If no response is received by **November 16, 2015**, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.

If you have any questions or require further information, please do not hesitate to call this office or email me at pwimbrow@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments



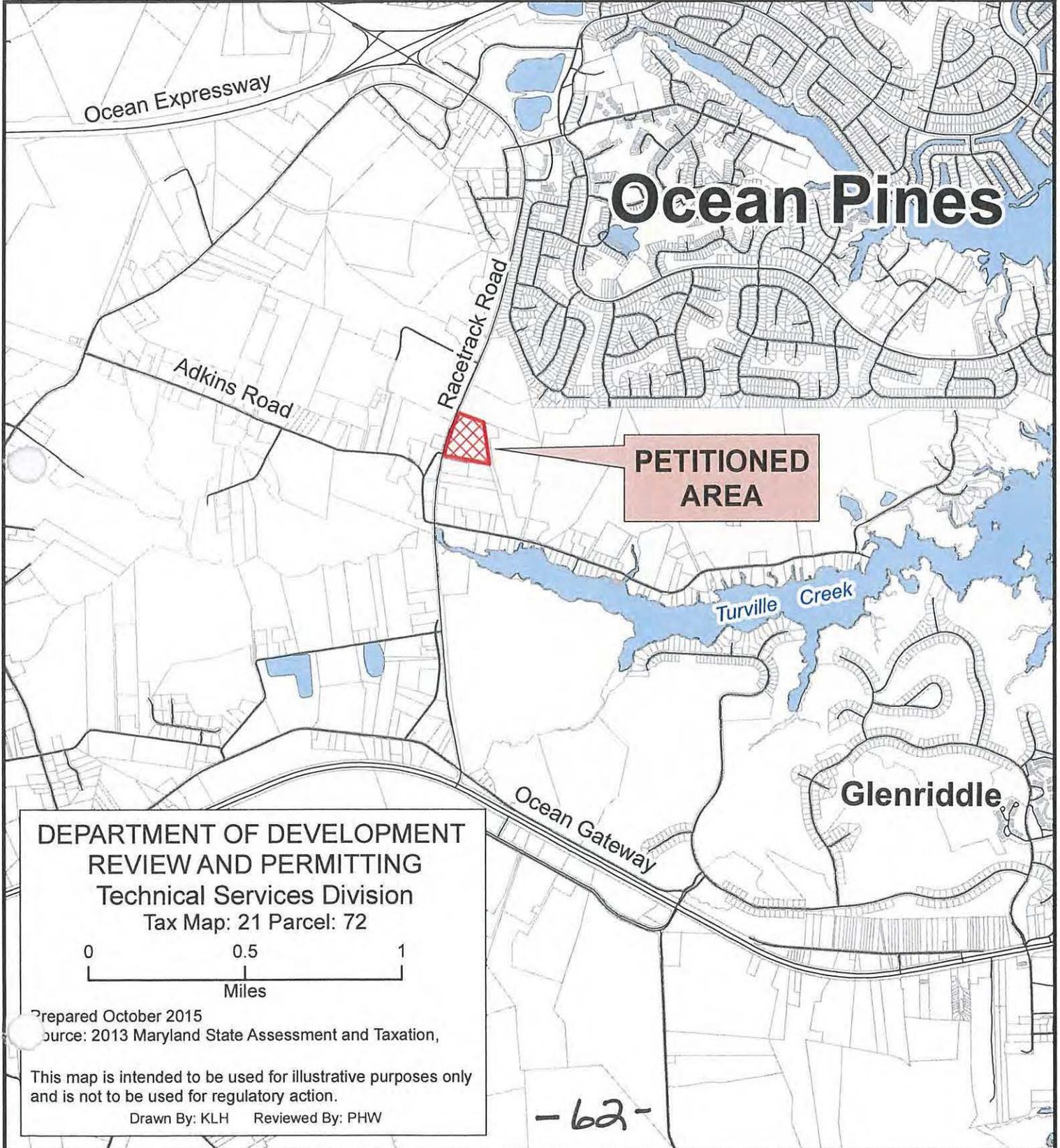
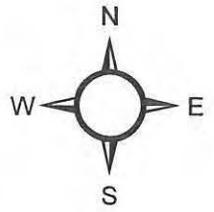
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 396

MAP AMENDMENT REQUEST

A-1 Agricultural District to C-2 General Commercial District

LOCATION MAP



DEPARTMENT OF DEVELOPMENT
 REVIEW AND PERMITTING
 Technical Services Division
 Tax Map: 21 Parcel: 72

0 0.5 1
 Miles

Prepared October 2015
 Source: 2013 Maryland State Assessment and Taxation,

This map is intended to be used for illustrative purposes only
 and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: PHW

-62-



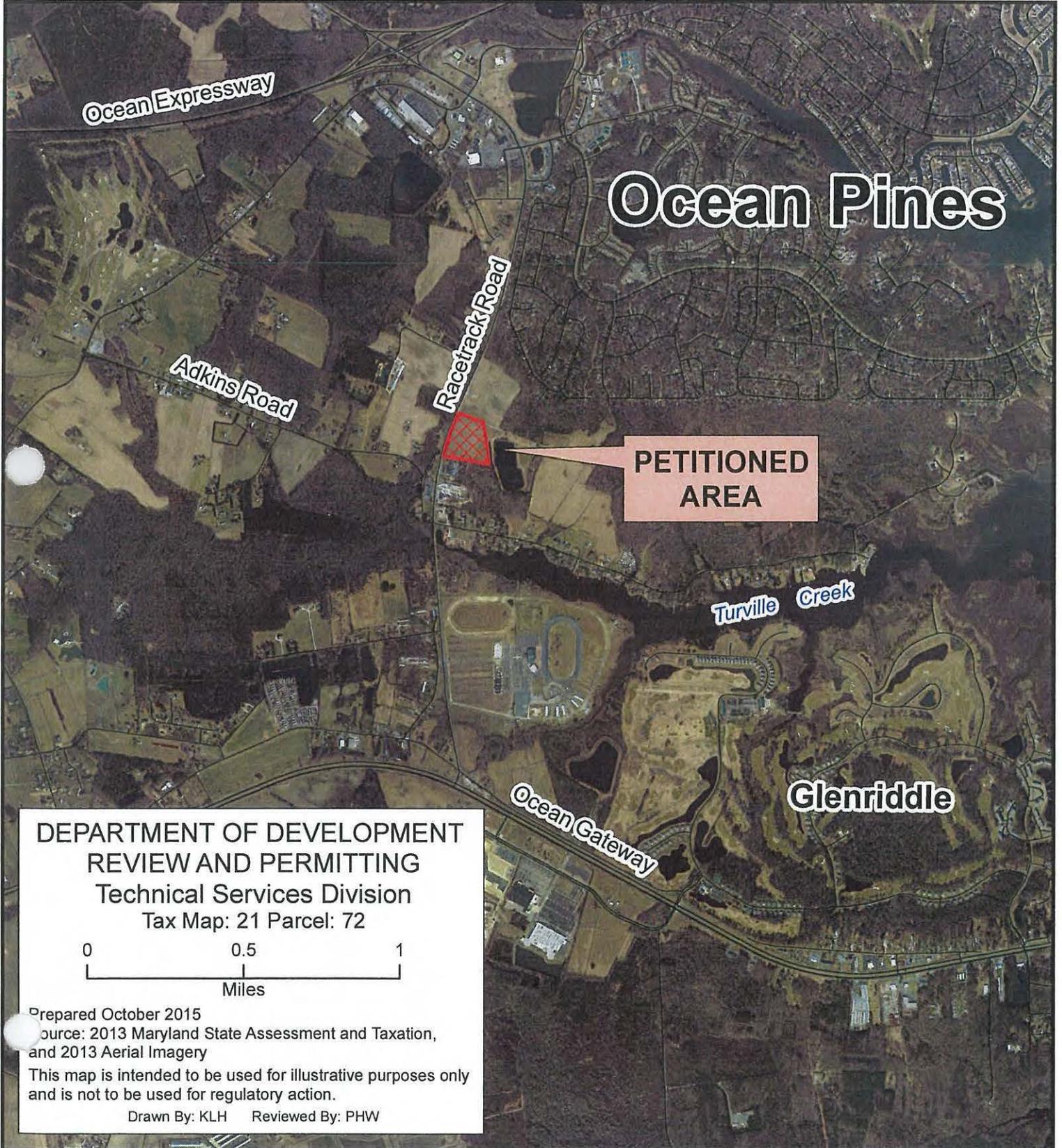
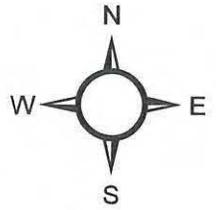
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 396

MAP AMENDMENT REQUEST

A-1 Agricultural District to C-2 General Commercial District

AERIAL MAP



**PETITIONED
AREA**

DEPARTMENT OF DEVELOPMENT
 REVIEW AND PERMITTING
 Technical Services Division
 Tax Map: 21 Parcel: 72

0 0.5 1
 Miles

Prepared October 2015
 Source: 2013 Maryland State Assessment and Taxation,
 and 2013 Aerial Imagery

This map is intended to be used for illustrative purposes only
 and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: PHW



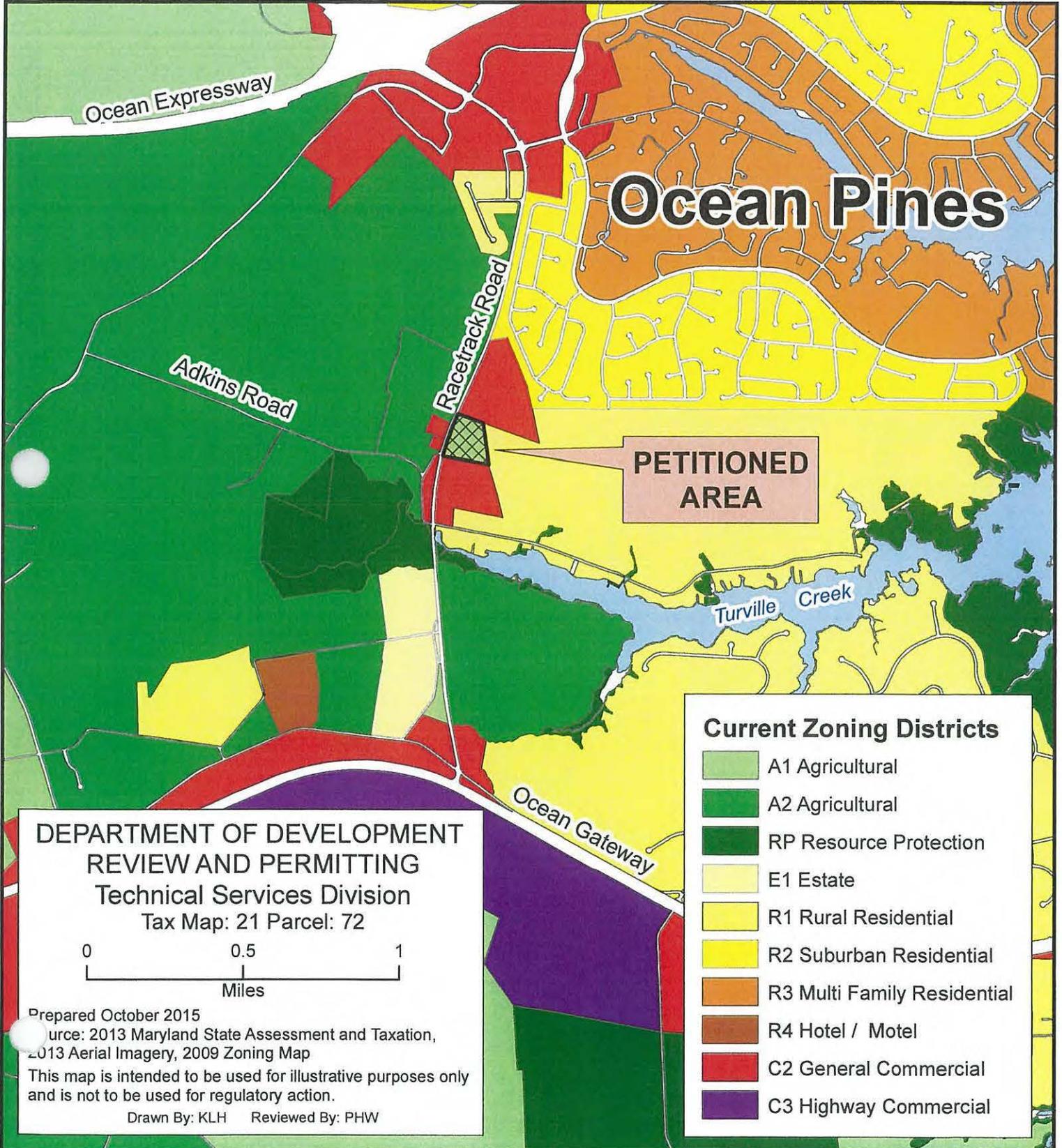
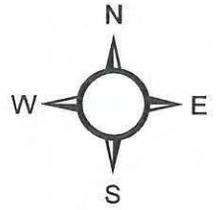
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 396

MAP AMENDMENT REQUEST

A-1 Agricultural District to C-2 General Commercial District

ZONING DISTRICT MAP





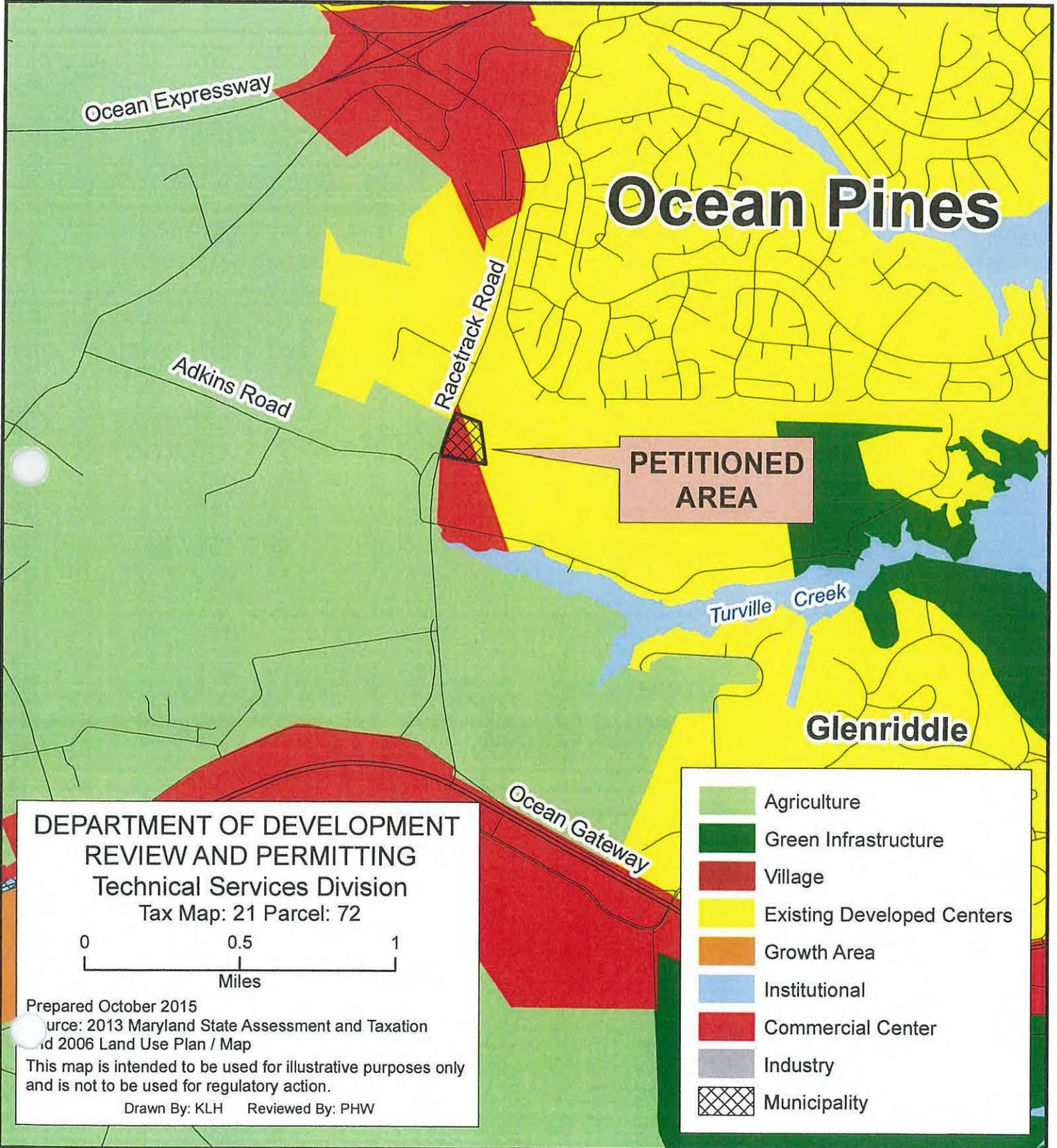
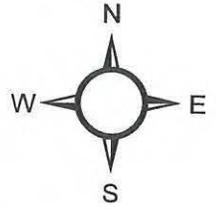
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 396

MAP AMENDMENT REQUEST

A-1 Agricultural District to C-2 General Commercial District

LAND USE MAP



DEPARTMENT OF DEVELOPMENT
 REVIEW AND PERMITTING
 Technical Services Division
 Tax Map: 21 Parcel: 72

0 0.5 1
 Miles

Prepared October 2015
 Source: 2013 Maryland State Assessment and Taxation
 and 2006 Land Use Plan / Map
 This map is intended to be used for illustrative purposes only
 and is not to be used for regulatory action.
 Drawn By: KLH Reviewed By: PHW

- Agriculture
- Green Infrastructure
- Village
- Existing Developed Centers
- Growth Area
- Institutional
- Commercial Center
- Industry
- Municipality



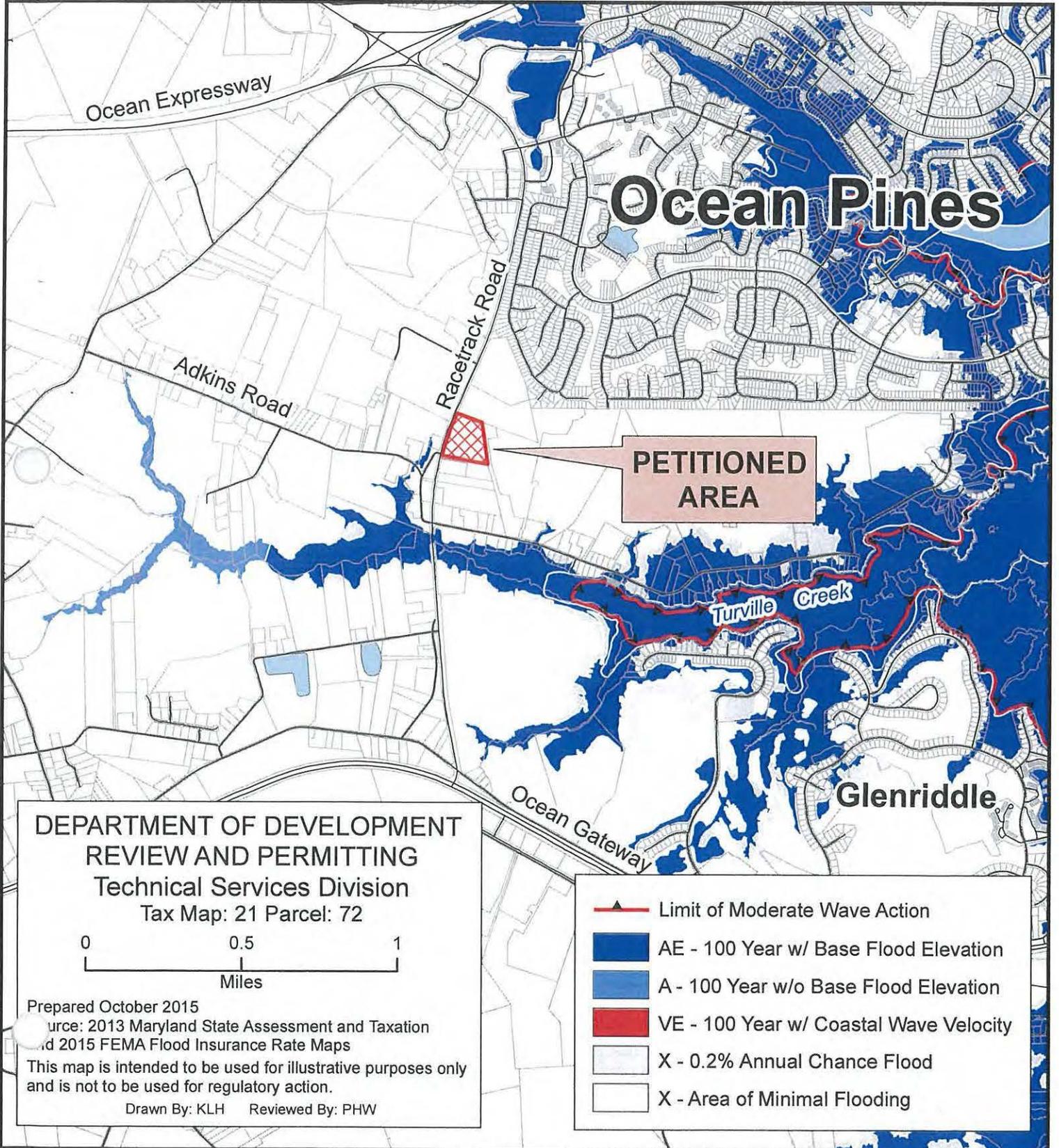
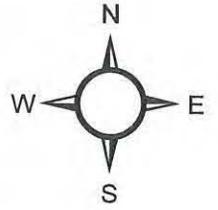
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 396

MAP AMENDMENT REQUEST

A-1 Agricultural District to C-2 General Commercial District

FLOOD ZONE MAP





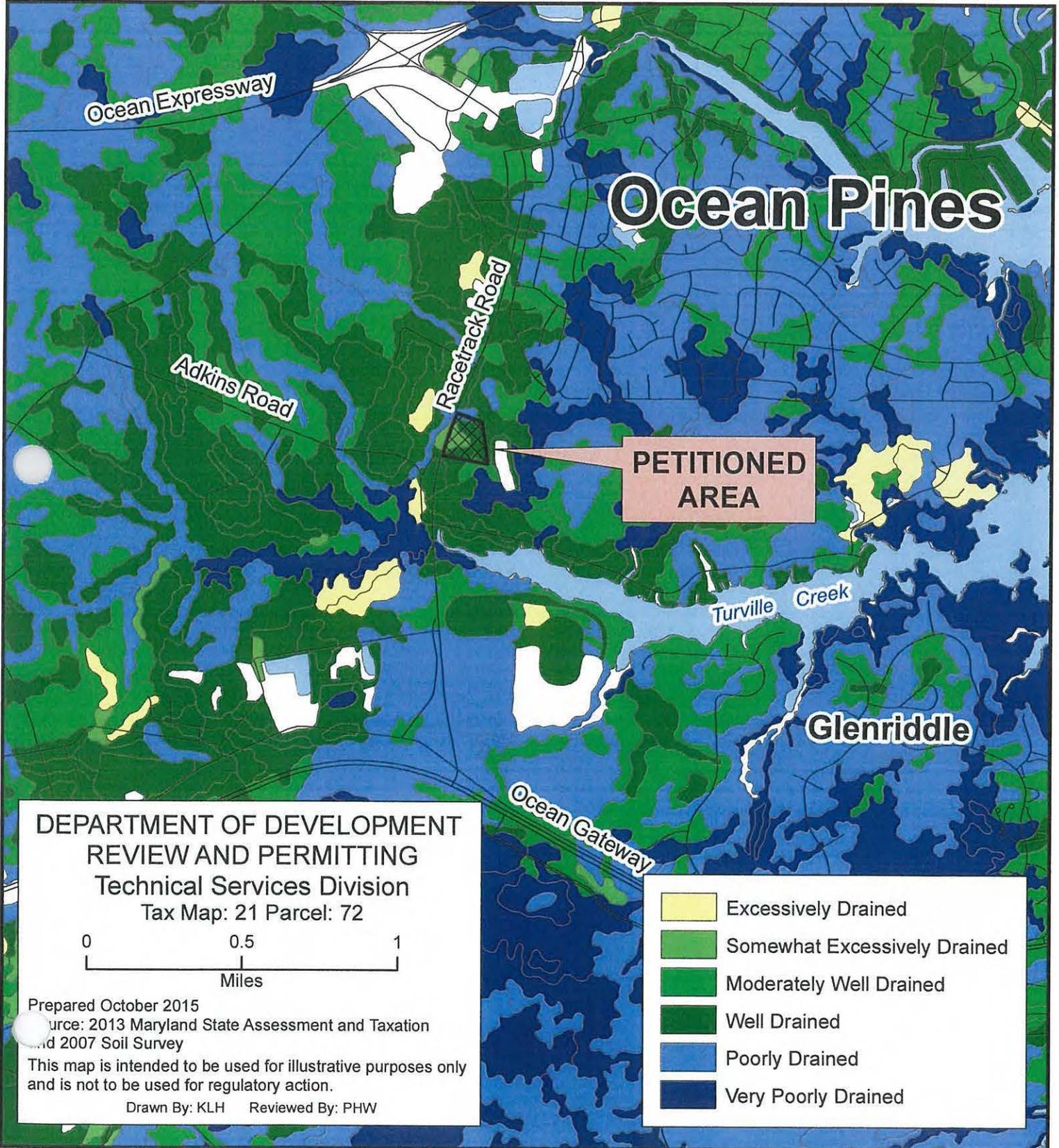
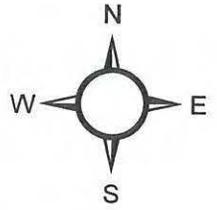
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 396

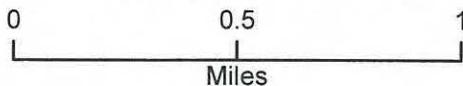
MAP AMENDMENT REQUEST

A-1 Agricultural District to C-2 General Commercial District

SOILS MAP



DEPARTMENT OF DEVELOPMENT
 REVIEW AND PERMITTING
 Technical Services Division
 Tax Map: 21 Parcel: 72



Prepared October 2015

Source: 2013 Maryland State Assessment and Taxation and 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH Reviewed By: PHW



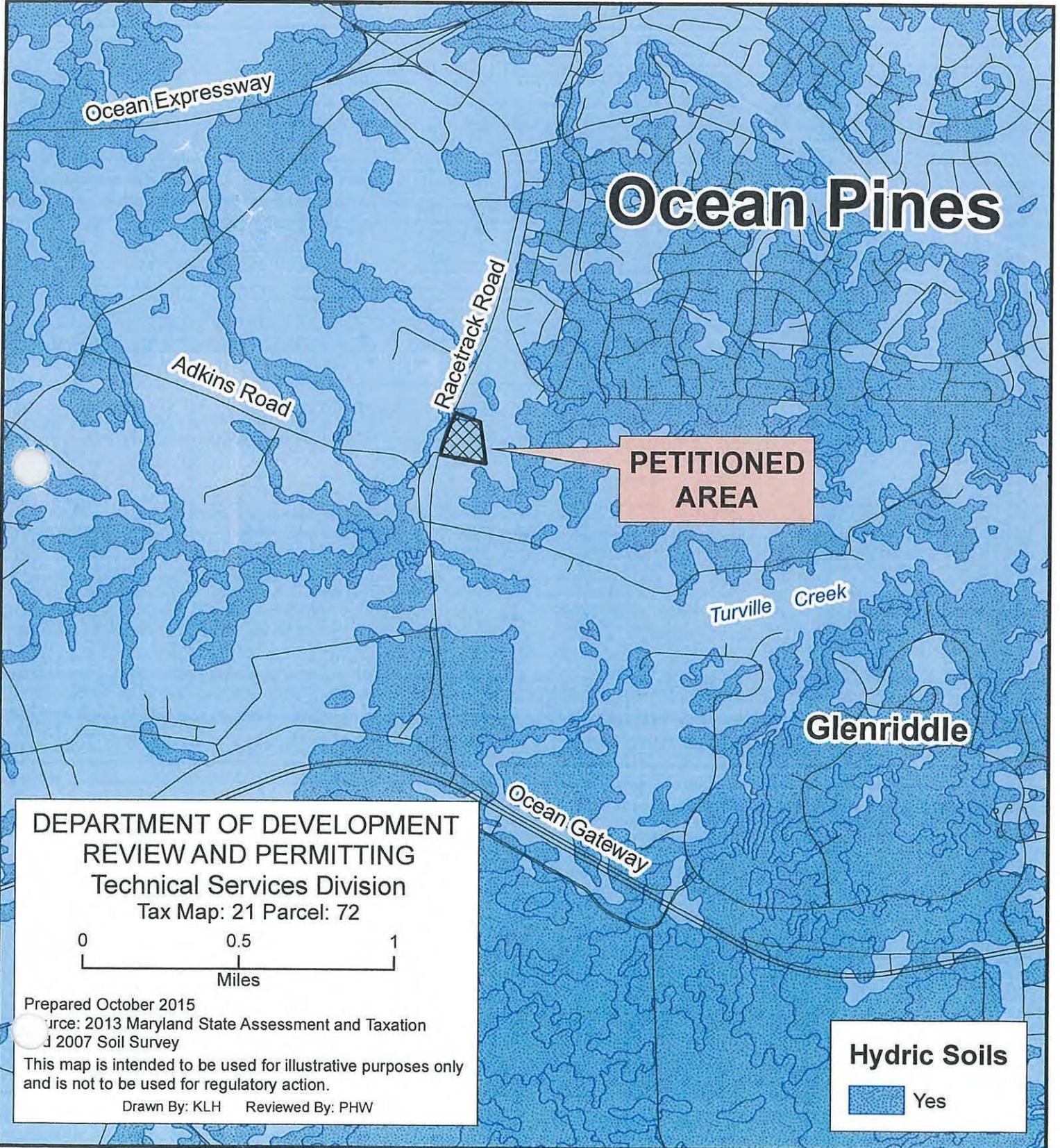
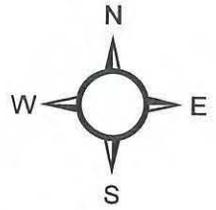
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 396

MAP AMENDMENT REQUEST

A-1 Agricultural District to C-2 General Commercial District

HYDRIC SOILS MAP

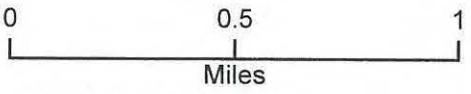


Ocean Pines

**PETITIONED
AREA**

Glenriddle

DEPARTMENT OF DEVELOPMENT
 REVIEW AND PERMITTING
 Technical Services Division
 Tax Map: 21 Parcel: 72



Prepared October 2015
 Source: 2013 Maryland State Assessment and Taxation
 and 2007 Soil Survey
 This map is intended to be used for illustrative purposes only
 and is not to be used for regulatory action.
 Drawn By: KLH Reviewed By: PHW

Hydric Soils

Yes

**NOTICE
OF
PROPOSED CHANGE
IN ZONING**

17

EAST OF MD RT. 611
NORTH OF MD RT. 376

TENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, **Rezoning Case No. 395** has been filed by Hugh Cropper, IV, attorney, on behalf of Sun TRS Frontier, LLC, property owners, for an amendment to the Official Zoning Maps to change approximately 36 acres of land located to the east of MD Rt. 611 (Stephen Decatur Highway), north of MD Rt. 376 (Assateague Road), in the Tenth Tax District of Worcester County, Maryland, from C-2 General Commercial District to A-2 Agricultural District. The Planning Commission has given a favorable recommendation to the rezoning application. *

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING
on
TUESDAY, MARCH 1, 2016
at 1:30 P.M.

in the
COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101, WORCESTER COUNTY GOVERNMENT CENTER
ONE WEST MARKET STREET, SNOW HILL, MARYLAND 21863-1072

At said public hearing, the Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 395 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 395 and the Planning Commission's recommendation which will be entered into the record of the public hearing are on file and are available for inspection at the Department of Development Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863-1070.

Madison J. Bunting, Jr., President

la

RESOLUTION NO. 04 - 7

RESOLUTION ADOPTING RULES & PROCEDURES IN REZONING CASES

WHEREAS, Subsection ZS 1-113(c) of the Zoning and Subdivision Control Article of the Code of Public local Laws of Worcester County, Maryland establishes application procedures for amendment of the Official Zoning Maps of Worcester County, Maryland; and

WHEREAS, these application procedures provide that the County Commissioners shall hold a public hearing in reference to any such officially filed map amendment application in order that parties of interest and citizens shall have an opportunity to be heard; and

WHEREAS, the County Commissioners wish to establish formal rules and procedures for conducting such rezoning hearings.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that Rules and Procedures in Rezoning Cases are hereby established as follows:

**County Commissioners of Worcester County, Maryland
Rules & Procedures in Rezoning Cases**

1. Preliminary Matters
 - A. Explanation of procedures
 - B. Determination of parties and taking of attendance roster
 - C. Witnesses shall be sworn. Attorneys will be sworn if testifying as a factual witness.

2. Evidence
 - A. Report of Planning Commission and/or Staff
(The entire record including background studies, maps, plans and references thereto and recommendations of the Planning Commission and/or Staff will be entered in the record of the hearing and considered as evidence.)
 - B. Applicant's Presentation
 - C. Protestant's Presentation
 - D. Presentation of Interested Parties
 - E. Applicant's Rebuttal
 - F. Explanatory or additional evidence requested by Commissioners related to the presentations of Applicant, Protestants or Interested Parties

3. Argument
 - A. Closing Statement by Interested Parties
 - B. Closing Statement by Protestants
 - C. Closing Statement by Applicant

4. Closing Summation by Planning Staff

5. The Decision of the Commissioners may be made at the close of the hearing or at a later date. A poll may be taken of the Commissioners to assist the staff in preparing a written Finding of Fact, but the final vote and decision shall not be made until a Finding of Fact is adopted. In preparing the written Finding of Fact, staff shall be guided by the poll, but may use any matters contained in the record if adopted in the Finding by Commissioners. Parties desiring copies of the Finding of Fact and decision should so indicate on the attendance roster.

6. Parties may file with the staff proposed written a Finding of Fact reflecting facts to be presented at the hearing. Where requested by staff proposed Findings of Fact shall be provided. Any proposed Finding of Fact shall be provided to all parties before or at the commencement of the hearing. Proposed Findings of Fact shall not include any statement or evidence not included in the presentation at the hearing. Proposed Findings of Fact shall not be considered as evidence and shall only serve as guides to the Commissioners in formulating its findings. Proposed Findings of Fact, when required, shall be provided to staff and all known parties at least five days in advance of the hearing.
7. General Rules relative to the conduct of the Public Hearing
 - A. The Commissioners may interrupt the proceedings at any time to question witnesses or attorneys.
 - B. All witnesses are subject to cross-examination, however, if a party is represented by an Attorney-At-Law, such cross-examination must be by the Attorney. Only one party may cross-examine at a time.
 - C. If a party is not represented by an Attorney-At-Law, he may testify as a witness in narrative form.
 - D. At their discretion, the Commissioners may require additional expert testimony or investigation and the hearing may be continued until such testimony has been heard, or the record may be held open by the Commissioners pending the receipt of such testimony.
 - E. Staff members are pre-qualified as experts in the field in which they work. Any such staff presentation shall be considered expert testimony.
 - F. All witnesses will identify themselves by name, address and interest in the matter.
 - G. Persons in attendance at the hearing shall not be permitted to speak out of turn, interrupt the proceedings or otherwise inject themselves into the proceedings with the intent or effect of disrupting the hearing.
 - H. The Commissioners shall have the right, on their own initiative, to call additional witnesses.
 - I. Witnesses representing or purporting to represent groups of any kind, are subject to examination regarding the composition of the group, the date of the last meeting, the authorization of the individual to speak for the group, the knowledge and interest of the group members in the subject of the hearing.
 - J. Parties with similar interests should attempt to select a spokesperson or spokes people to expedite the hearing procedures. This applies to witnesses and also to parties questioning other witnesses. Expert witnesses, other than staff members, will be required to qualify themselves as such.
 - K. The Commissioners may require substantiation of testimony.
 - L. Written statements and petitions will be admitted for consideration, provided, however, that they will be treated as hearsay and given appropriate weight.
 - M. The Commissioners may take legislative notice of matters and facts of general knowledge, their own experience and knowledge of the subject matter, including a site visit, and other appropriate matters.
 - N. The burden of proof is upon the applicant.
 - O. Time limits may be imposed by the Commissioners.
 - P. A Commissioner not present at the hearing may, if present at the time of the vote, vote on an application provided he or she has reviewed the record or transcript of testimony and evidence presented at the hearing.
 - Q. Applications and exhibits shall have been submitted to the department in accordance with law.

8. Effect of Rules

- A. The above rules are directory and not mandatory.
- B. The rules may be waived or modified at the Commissioners' discretion.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect on March 3, 2004.

PASSED AND ADOPTED this 2nd day of March, 2004.

ATTEST:

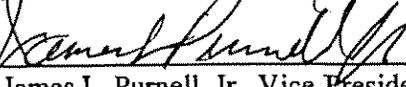


Gerald T. Mason
Chief Administrative Officer

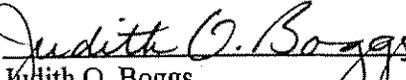
WORCESTER COUNTY COMMISSIONERS



John E. Bloxom, President



James L. Purnell, Jr., Vice President



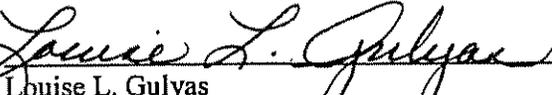
Judith O. Boggs



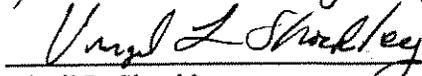
Thomas A. Cetola



James C. Church



Louise L. Gulyas



Virgil L. Shockley

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 395

APPLICANT:

**Sun TRS Frontier, LLC
27777 Franklin Road, Suite 200
Southfield, Michigan 48034**

ATTORNEY FOR THE APPLICANT:

**Hngh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

December 3, 2015

WORCESTER COUNTY PLANNING COMMISSION

TABLE OF CONTENTS

I.	Introductory Data	Pages 3 - 4
II.	Testimony Before the Planning Commission	Pages 4 - 9
III.	Findings and Conclusions	Pages 9 - 13
IV.	Planning Commission Recommendation	Page 13
V.	Related Material and Attachments	
A.	Copy of Written Staff Report	Pages 14 - 21
B.	Attachments to the Staff Report:	
1.	Application for Amendment of Official Zoning Map	Pages 22 - 26
2.	Attachment in Support of Rezoning Application, Sun TRS Frontier LLC, submitted by Hugh Cropper, IV, including Board of Zoning Appeals' Opinion	Pages 27 - 32
3.	Comments of Robert J. Mitchell, Worcester County Environmental Programs Director, including map	Pages 33 - 35
4.	Comments of Chief Deputy J. Dale Smack, 3rd, Worcester County Sheriff's Office	Page 36
5.	Comments of Donnie L. Drewer, District Engineer, Maryland State Highway Administration	Page 37
6.	Comments of Frank J. Adkins, Worcester County Roads Superintendent	Page 38
7.	Comments of Joe Price, Facilities Planner, Worcester County Board of Education	Pages 39 - 40
8.	Comments of Edward Potetz, Environmental Health Director, Worcester County Health Department	Page 41
9.	Memo requesting comments	Pages 42 - 43
10.	Maps of Petitioned Area	Pages 43 - 50

I. INTRODUCTORY DATA

A. CASE NUMBER: Rezoning Case No. 395, originally filed on September 30, 2015.

B. APPLICANT: Sun TRS Frontier, LLC
27777 Franklin Road, Suite 200
Southfield, Michigan 48034

APPLICANT'S ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

C. TAX MAP/PARCEL: Tax Map 33 - Part of Parcel 94 - Tax District 10

D. SIZE: The petitioned area is approximately 36 acres in size. It is part of a larger parcel identified as Parcel 94 on Tax Map 33. Parcel 94 in its entirety totals 209 acres in size.

E. LOCATION: The petitioned area is located to the east of MD Route 611 approximately 600 feet to the north of the junction with MD Route 376.

F. CURRENT USE OF PETITIONED AREA: The petitioned area is the portion of the property currently developed with the stables, etc. for the Frontier Town western theme village and a forested area. (It does not include the actual western theme village, the existing water park or other commercial facilities. That area is proposed to retain its existing commercial zoning classification.) The easterly portion of the subject property is developed as the Frontier Town campground.

G. CURRENT ZONING CLASSIFICATION: C-2 General Commercial District

H. REQUESTED ZONING CLASSIFICATION: A-2 Agricultural District.

I. ZONING HISTORY: The petitioned area has been zoned C-2 General Commercial District since the 2009 comprehensive rezoning of the County. It was given a B-2 General Business District zoning classification at the time zoning was first established in the mid-1960s and that classification was retained in the 1992 comprehensive rezoning.

J. SURROUNDING ZONING: The westerly portion of Parcel 94, extending from the MD Route 611 frontage and including the petitioned area, is zoned C-2 General Commercial District. The remainder of Parcel 94 is primarily zoned A-2 Agricultural District, as are properties to the north and on the westerly side of MD Route 611. Sensitive areas of Parcel 94 are zoned RP Resource Protection

District. The adjacent property immediately to the south of the petitioned area is zoned E-1 Estate District and RP Resource Protection District. The properties on the westerly side of MD Route 611 are zoned A-2 Agricultural District. Several properties on the westerly side of MD Route 611 immediately to the north and south of the junction with MD Route 376 are zoned C-2 General Commercial District.

- K. **COMPREHENSIVE PLAN:** According to the 2006 Comprehensive Plan and associated land use map, the petitioned area is within the Existing Developed Area and Agricultural Land Use Categories.
- L. **WATER AND WASTEWATER:** With regards to wastewater disposal and the provision of potable water, the petitioned area is not within an area which presently receives public sewer or water service. According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the commercially developed portion of the subject property of which the petitioned area is a portion is currently served by public sewer from the Assateague Point Sanitary Service Area while the remainder, including the petitioned area and the existing campground, are serviced by individual onsite septic and well.
- M. **ROAD ACCESS:** The subject property of which the petitioned area is a part fronts on and currently has access to MD Route 611. That roadway is state-owned and -maintained and connects to both US Rt. 50 and MD Route 376. The Comprehensive Plan classifies MD Route 611 as a two-lane secondary highway/major collector highway.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. As the basis for the rezoning request from C-2 General Commercial District to A-2 Agricultural District Mr. Cropper, attorney for the applicant, contended that there is a mistake in the existing zoning classification of the petitioned area, albeit one made in good faith, and that there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning, adopted by the County Commissioners on November 3, 2009.

Mr. Cropper noted that the Frontier Town property in its entirety is 209 acres, of which approximately 60 acres are zoned C-2 General Commercial District. The applicant is seeking to rezone approximately 36 acres of this commercially zoned portion to A-2 Agricultural District.

Mr. Cropper introduced Applicant's Exhibit No. 1, a large format zoning map of the area, showing the MD Route 611 corridor generally extending from US Route 50 on the north to MD Route 376 on the south. Mr. Cropper pointed out the

petitioned area on this map, identified as a hatched area, and noted that the parcel of which the petitioned area is a part has frontage on MD Route 611. He introduced Applicant's Exhibit No. 2, a large format aerial photograph of the subject property, again identifying the petitioned area by hatched markings. Mr. Cropper stated that the westerly portion of the subject property is improved along the MD Route 611 frontage with various commercial areas, including a western theme park, a water park, a retail facility and others. The petitioned area is largely wooded but also has horse paddocks and similar agriculturally related uses. The remainder of the subject property, extending east to the Sinepuxent Bay, has been developed as a campground for many years. Mr. Cropper stated that the applicant desires to enlarge the existing campground into the petitioned area, thus necessitating the rezoning to A-2 Agricultural District. He introduced the staff report prepared by the Department of Development Review and Permitting as Applicant's Exhibit No. 3.

Mr. Cropper stated that the petitioned area has been zoned commercially since zoning was first established in Worcester County in the mid-1960s and that zoning has been carried through during both the 1992 and 2009 comprehensive rezonings of the County. He asserted that the zoning boundary between the C-2 General Commercial District and the A-2 Agricultural District has remained substantially unchanged throughout the years and that the boundary's placement is rather arbitrary and does not seem to be based upon any physical traits or other logical features. Mr. Cropper contended that the commercial zoning was placed on the petitioned area and on other properties in this segment of the MD Route 611 corridor in an attempt to commercially develop this corridor in conjunction with planned residential and resort development of Assateague Island prior to its inclusion in the State and National park systems. Much of this commercial and higher intensity zoning has been removed through the years, particularly in the more southern segment of the corridor, but quite a bit remains in the area of the MD Route 611/MD Route 376 junction. Mr. Cropper maintained that the abundance of commercial zoning in this portion of the MD Route 611 corridor is no longer needed and is in fact antiquated, given Assateague Island's status as a preserved area. He claimed that there is therefore a mistake in the existing zoning of the petitioned area, albeit one made in good faith many years ago. Mr. Cropper noted that the commercially zoned portions of the subject property could theoretically be developed with shopping centers, restaurants, motels, convenience stores, gas stations and other such uses that are not particularly appropriate on this property. He contended that commercial use of this much of the subject property is inappropriate for the area. Mr. Cropper stated that if the petitioned area were rezoned to A-2 Agricultural District the applicant will seek a special exception to expand the existing Frontier Town campground and are currently in negotiations to connect to the Mystic Harbour wastewater treatment and disposal facilities. He asserted that this expansion of the existing campground constitutes smart growth, taking advantage of public sewer to provide infill development. Noting that the

Comprehensive Plan places the petitioned area within the Existing Developed Area land use category, Mr. Cropper contended that the requested A-2 Agricultural District is more desirable in terms of the objectives of the Comprehensive Plan than is the existing C-2 General Commercial District zoning because it would allow the expansion of the existing campground and be compatible with that use.

Mr. Cropper called R. D. Hand, landscape architect, of R. D. Hand and Associates as the first witness. Using Applicant's Exhibit No. 1 to illustrate, Mr. Hand defined the neighborhood as being bound on the north by South Harbor Road and Sunset Avenue, on the west by MD Route 611, on the south by the southerly property line of Parcel 94, the subject property, and on the east by the Sinepuxent Bay. Mr. Hand explained that the definition of the neighborhood was not extended any further south because that area is generally zoned E-1 Estate District, a much different zoning classification than those classifications found within the neighborhood as defined by the applicant. He cited other campgrounds in the neighborhood, including Castaways and Assateague Point, as well as the residential subdivisions of Snug Harbor, Bayside, and Mystic Harbor. He also noted that several businesses are located in the vicinity of the MD Route 611/MD Route 376 junction and further north, along Sunset Avenue and MD Route 611. Contending that a mistake in existing zoning is specific to a particular property, Mr. Hand stated that the existing commercial zoning on the petitioned area dates back to the inception of zoning in Worcester County during the mid-1960s, a time when a much different and more intense form of growth was anticipated for the MD Route 611 corridor and Assateague Island. He stated that the commercially zoned portion of the subject property which is along the roadway frontage is appropriately developed with the western theme park, an ice cream shop, water park, etc. Mr. Hand contended, however, that the C-2 General Commercial District zoning on the petitioned area is inappropriate and a mistake because it is too far removed from the main corridor for a successful commercial venture. He asserted that the petitioned area would be much more appropriately utilized as a natural and logical expansion of the adjacent Frontier Town campground and that this infill development constitutes smart growth. Mr. Hand stated that he believes the proposed rezoning of the petitioned area from C-2 General Commercial District to A-2 Agricultural District is consistent with the Comprehensive Plan which shows the petitioned area as being within the Existing Developed Area land use category, an area where the Comprehensive Plan calls for orderly infill development consistent with the existing character of the area. Relative to the population of the neighborhood, Mr. Hand testified that it has not changed to a significant degree since 2009 but that there is more interest in camping. He noted that the Castaways campground recently added 22 campsites to its total, demonstrating the increased need for camping facilities in the area. Mr. Hand maintained that the proposed rezoning of the petitioned area would have less of a traffic impact on the neighborhood than if the site were developed commercially

because campers tend to come to the campground, park their vehicles and stay for the week.

Mr. Cropper asserted that the proposed campground extension is classic infill and that placing a campground somewhere else rather than expanding an existing one would be sprawl. He stated that the petitioned area is within the Atlantic Coastal Bays Critical Area and is designated as being within the Intensely Developed Area, while nearby properties are designated as Resource Conservation Area. Campgrounds are permitted within the Intensely Developed Area but not within the Resource Conservation Area. He argued that the proposed rezoning to permit the expansion of an existing campground is thus consistent with the Atlantic Coastal Bays Critical Area regulations and intent. He noted that amenities such as a crabbing pier and fishing facilities are located within the existing campground and will be available to the proposed campground expansion. Mr. Cropper reiterated his belief that the current zoning boundary between the C-2 General Commercial District and the A-2 Agricultural District as shown on Exhibit No. 2 is arbitrary and is not aligned with any particular use or environmental feature whereas the proposed zoning boundary follows existing features, including water courses behind the theme park and ticket office and has been identified by a metes and bounds description. Mr. Cropper stated that the petitioned area is designated as being within the S-1 Immediate Service sewer classification in the *Master Water and Sewerage Plan* and slated to be connected to the public wastewater system at Mystic Harbor. He continued that 160 Equivalent Dwelling Units (EDUs) of sewer service have been allocated to the subject property. He asserted that the proposed rezoning and campground extension is consistent with the campground use existing on the property and that the soils on the petitioned area, being similar to those in the existing campground, are conducive to a campground use.

Mr. Cropper contended that in addition to a mistake in existing zoning there has also been a change in the character of the neighborhood. He asserted that camping has become much more popular in the last decade or so and that the type of camping has changed as well. Large recreational vehicles are more popular nowadays rather than the "mom and pop" tent and pop-up camper operations of the past. He stated that camping is expanding locally as well as nationally. He pointed out that the Castaways campground recently expanded, placing 22 additional campsites on what used to be their wastewater disposal field. The campground's connection to public sewer and subsequent abandonment of the onsite wastewater disposal field enabled this expansion. Additional campsites at facilities on Assateague Island have also been created. Mr. Cropper maintained that expansion of public sewer within the area is also a change in the character of the neighborhood. Expansion and upgrading of the Mystic Harbor wastewater treatment and disposal facilities and the running of new lines down the MD Route 611 corridor to serve other areas is an example of this change and will enable

development of other properties. Additionally, the Town of Ocean City is in negotiations with Worcester County to spray wastewater effluent on the Eagle's Landing golf course which will open up more opportunities for development of the area.

Mr. Cropper agreed with Mr. Hand's prior testimony that there has not been a substantial change in the population of the neighborhood since the 2009 comprehensive rezoning but noted that increases in camping and campsites as well as infill development of vacant lots within existing subdivisions has led to somewhat of an increase in population. Relative to the availability of public facilities, he stated that this had been covered in the staff report and the services are adequate. With regard to present and future transportation patterns, Mr. Cropper contended that development of the petitioned area as a campground in accordance with the proposed A-2 Agricultural District zoning would have much less of a traffic impact than the potential impact arising from development under the existing C-2 General Commercial District.

Mr. Cropper presented Alex G. Dolgus, a retired US Army Corps of Engineers employee responsible for enforcement of tidal and nontidal wetland regulations, as the next witness. Mr. Dolgus testified that he had thoroughly examined the petitioned area and it was his opinion that the proposed rezoning of the petitioned area and its subsequent use as a campground expansion is compatible with existing environmental conditions in the area. He noted that there are small pockets of wetlands on the site but substantial areas of uplands so there will be little to no impact if the property were rezoned. He further maintained that no archeological sites or endangered species were found on the site and that the proposed campground would not adversely impact any impaired waters or increase the Total Maximum Daily Loads (TMDLs).

Mitch Parker was called as the next witness by Mr. Cropper. Mr. Parker, along with his cousin Eugene Parker, is the prior owner of the Frontier Town campground and associated commercial facilities and has been associated with it for forty years. He stated that he feels the rezoning to A-2 Agricultural District to permit expansion of the campground is appropriate because while camping in Worcester County has seen steady growth, in the last few years it has exploded. He noted that, in comparison, Cape May, New Jersey has over fifty private campgrounds while Worcester County has four private campgrounds. Mr. Parker contended that there is an unmet need for camping facilities here and the petitioned area is a natural site for expansion of an existing campground. He agreed with Mr. Cropper's assertion that the existing C-2 General Commercial District zoning on the petitioned area is a good faith mistake and that the vicinity did not develop as anticipated in the mid 1960s and the zoning is somewhat of a relic that should have been addressed. He asserted that the petitioned area is not appropriate for commercial development because it is too far back from MD

Route 611 and that there would be no visibility for any commercial venture that far from the road. He stated that a campground is a low impact use with mostly pervious surfaces whereas commercial development would entail roads, parking, stormwater management and other more severe impacts. Access to the bay would be provided by existing facilities.

Mr. Cropper summed up his arguments, stating that while there has been a change in the character of the neighborhood and there is a mistake in the existing zoning, he feels that the latter factor is by far the most significant. Noting that the petitioned area is within the Existing Developed Area land use category according to the Comprehensive Plan and that infill development is called for in such areas, he contended that the proposed rezoning to permit expansion of an existing campground is compatible with the Comprehensive Plan. He maintained that the mistake in the existing zoning has been in place for many years but was not recognized during the 2009 comprehensive rezoning because so much focus was placed on other areas. He closed by stating that the proposed rezoning of the petitioned area from C-2 General Commercial District to A-2 Agricultural District is more desirable in terms of the Comprehensive Plan and that it is compatible with the Existing Developed Area land use classification.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The neighborhood was defined by the applicant as being bound on the north by South Harbor Road and Sunset Avenue, on the west by MD Route 611, on the south by the southerly property line of Parcel 94, the subject property, and on the east by the Sinepuxent Bay. The Planning Commission concurred that this is an appropriate definition of the neighborhood because it contains similar uses, including other campgrounds, and while containing some residential subdivisions and other residential uses, it is also agrarian in nature. The Planning Commission also agreed that the definition of the neighborhood should not extend any further south because that area is generally zoned E-1 Estate District, a much different zoning classification than those within the defined neighborhood.
- B. Regarding population change: The Planning Commission concluded that there has not been a significant increase in the population of the neighborhood since the comprehensive rezoning of 2009. There has been infill development of single-family dwellings on existing lots within nearby residential subdivisions and the Castaways campground was recently expanded by the addition of 22 campsites.
- C. Regarding availability of public facilities: The Planning Commission found that the petitioned area itself (or the existing campground) is not within an area which receives public sewer or water service at the present time. According to the response memo from Robert J. Mitchell, Director of the Department of

Environmental Programs, included in the staff report (copy attached), the commercially developed portion of the subject property of which the petitioned area is a portion is currently served by public sewer from the Assateague Point Sanitary Service Area while the remainder, including the petitioned area and the existing campground, are serviced by individual onsite septic and well. He stated that a recent sewer planning area designation to S-1 for the remainder of the campground to be included in the Mystic Harbour sewer planning area, including the petitioned area, has been approved and is part of the *Master Water and Sewerage Plan* and attached a map illustrating the Frontier Town property currently carrying a S-1 designation. Mr. Mitchell also stated that the connection process will commence once engineering and permitting have been completed. He noted that the Frontier Town Campground will make their connection to a Mystic Harbour force main that exits Eagles Nest Road, north of the subject property on MD Route 611. The Frontier Town Campground will abandon all onsite septic systems during the connection process. Mr. Mitchell additionally commented that he expects that there will be excess capacity for additional commercial expansion or intensification on the front portion of the campground and the owner can make application, as was done for the Castaways Campground, for additional sanitary capacity to serve additional campsites should the rezoning of the petitioned area be approved. Based upon the comments of Mr. Mitchell and the testimony of the applicant's representatives, the Planning Commission found that wastewater facilities currently being designed will be adequate to serve the petitioned area if rezoned. The Planning Commission determined that fire and ambulance service will be available from the Berlin Volunteer Fire Company. A substation is located on the opposite side of MD Route 611 from the subject property, located within five minutes of the petitioned area. No comments were received from the BVFC with regard to this particular review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately fifteen minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks. Chief Deputy J. Dale Smack 3rd of the Worcester County Sheriff's Office by memo stated that he had reviewed the application and spoken with Sheriff Mason and Lt. Starner relative to the rezoning case and they saw no issues with the propose rezoning and concluded that it will not interfere with law enforcement activities. The petitioned area is within the area served by the following schools: Ocean City Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Joe Price, Facilities Planner for the Worcester County Board of Education (WCBOE), by memo (copy attached) stated that the WCBOE does not anticipate an impact to the projected school enrollment for any of the schools serving the area by the proposed rezoning. The Planning Commission concurred with this conclusion. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning.

D. Regarding present and future transportation patterns: The Planning Commission found that the subject property of which the petitioned area is a part fronts on and currently has access to MD Route 611. That roadway is state-owned and - maintained and connects to both US Rt. 50 and MD Route 376. The Comprehensive Plan classifies MD Route 611 as a two-lane secondary highway/major collector highway and recommends that scenic and transportation corridor planning be conducted to continue this road's rural and coastal character, particularly from MD Route 376 to Assateague Island, that capacity improvements from MD Route 376 to US Route 50 need to be studied and implemented, that interparcel connectors, service roads and other access controls need to be provided, that growth along the mid and southern portion of the corridor should be limited due to sensitivity of nearby lands and the limited capacity of the area's road system, and that widening and intersection improvements of the corridor's northern end needs to be planned. Donnie L. Drewer, District Engineer, for State Highway Administration District 1, stated in his response memo (copy included in the attached staff report) that MD Route 611 is not identified in the State Highway Administration's current or long range planning documents for SHA's future needs in the area(s) noted in the application. He further stated that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration. He also commented that all future development of a site along this corridor will require the review and approval by his office and all access and entrance construction from a property onto the State highway shall be subject to the terms and conditions of an access permit to be issued by his office. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comments relative to this rezoning application. The applicant's representatives testified that traffic impacts would be significantly less under the proposed A-2 Agricultural District than they would be if the petitioned area were to be developed in accordance with its existing C-2 General Commercial District zoning classification. Based upon its review, the Planning Commission found that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.

E. Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission concluded that the neighborhood displays a mixture of land uses, with residential subdivisions and other stand-alone single-family dwellings, two campgrounds, the Ocean City Airport, a golf course, and the more suburban commercial and residential development of the northern portion of the MD Route 611 corridor at Sunset Avenue and at the MD Route 611/MD Route 376 junction. There are also areas of agricultural uses as well. The Planning Commission noted that Alex Dolgus testified that his examination of the petitioned area showed that while there are

small pockets of hydric soils, most of the site is uplands and there are no archeological sites or endangered species on the site. He also asserted that the proposed rezoning and anticipated development of the site as a campground expansion will not have an adverse impact on impaired waters or increase the Total Maximum Daily Loads (TMDLs). Based upon its review the Planning Commission found that the proposed rezoning of the petitioned area from C-2 General Commercial District to A-2 Agricultural District is compatible with existing and proposed development and existing environmental conditions in the area.

- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Area Land Use Category and the Agricultural Land Use Category. With regard to the Existing Developed Area category, the Comprehensive Plan states that this category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Plan furthermore states that the EDAs are anticipated to remain as mapped at least until the next plan review period and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. With regard to the Agricultural Land Use Category, the Comprehensive Plan states that the importance of agriculture to the County cannot be overstated, that its significance is economic, cultural, environmental, and aesthetic, and that agriculture is simply the bedrock of the County's way of life. The Plan goes on to say that the County must do all it can do to preserve farming as a viable industry, that this category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted, that large contiguous areas of productive farms and forest shall be maintained for agricultural uses, and that residential and other conflicting land uses, although permitted, are discouraged. Furthermore, the Planning Commission noted that certain pertinent objectives were also cited in the Land Use chapter of the Comprehensive Plan and state that the dominance of agriculture and forestry uses should be continued through the County's less developed regions, that the character of the County's existing population centers should be maintained, that new development should be located in or near existing population centers and within planned growth centers, and that existing population centers should be infilled without overwhelming their existing character. Other objectives state that development should be regulated to minimize consumption of land, while continuing the County's rural and coastal character, that the supply of

commercially zoned land should be balanced with anticipated demand of year-round residents and seasonal visitors, that major commercial and all industrial development should be located in areas having adequate arterial road access or near such roads, and that rural development should be limited to uses compatible with agriculture and forestry. Finally, the Planning Commission noted that relative to commercial land supply, the Comprehensive Plan states that based on industry standards for the relationship of commercial land to market size, an excessive amount of commercial zoning exists in Worcester County. Based upon its review the Planning Commission found that the proposed rezoning is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there is a mistake in the existing zoning of the petitioned area. The Planning Commission found that at the time zoning was initially established in the mid 1960s, it was anticipated that Assateague Island would be developed in much the same fashion as Ocean City, as would the South Point area, and that nearby commercial areas were necessary to provide services to those resort and residential areas. Thus a large portion of the subject property, including the petitioned area, was given a commercial classification at the time zoning was established, as were other areas along the MD Route 611 corridor. However, Assateague Island instead was protected as both a national and state park and the expected residential growth of the island and the nearby mainland did not occur. The extent of commercial zoning was thus rendered largely unnecessary and in fact excessive. Yet the commercial zoning of the subject property remained throughout the 1992 and 2009 comprehensive rezonings. Additionally, the applicant's representatives testified that camping has become much more popular in the last few years and the type of camping has evolved from one primarily characterized by tents and small pop up campers and recreational vehicles to one seeing much larger recreational vehicles as a norm. The Planning Commission recognized that, if rezoned, the petitioned area could be put to any use permitted by the proposed A-2 Agricultural District but concluded that the proposed rezoning would permit what is essentially infill development by allowing the expansion of an existing campground and that this would be an appropriate form of smart growth for the area. Based upon its review, the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 395, seeking a rezoning of the petitioned area from C-2 General Commercial District to A-2 Agricultural District.

V. RELATED MATERIALS AND ATTACHMENTS

Applicants' Ex. # 3
Rezoning Case No. 395
12/3/15 Planning
Commission Meeting

STAFF REPORT

REZONING CASE NO. 395

PROPERTY OWNER: Sun TRS Frontier, LLC
27777 Franklin Road, Suite 200
Southfield, MI 48034

ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 33 - Part of Parcel 94 - Tax District 10

SIZE: The petitioned area is approximately 36 acres in size. It is part of a larger parcel identified as Parcel 94. Parcel 94 in its entirety totals 209 acres in size.

LOCATION: The petitioned area is located to the east of MD Route 611 approximately 600 feet to the north of the junction with MD Route 376.

CURRENT USE OF PETITIONED AREA: The petitioned area is the portion of the property currently developed with the stables, etc. for the Frontier Town western theme village and a forested area. (It does not include the actual western theme village, the existing water park or other commercial facilities. That area is proposed to retain its existing commercial zoning classification.)

CURRENT ZONING CLASSIFICATION: C-2 General Commercial District

REQUESTED ZONING CLASSIFICATION: A-2 Agricultural District

APPLICANT'S BASIS FOR REZONING: According to the application, the request for rezoning is based on a substantial change in the character of the neighborhood since the last comprehensive rezoning (November 3, 2009) and a mistake in the existing zoning classification.

ZONING HISTORY: The petitioned area has been zoned C-2 General Commercial District since the 2009 comprehensive rezoning of the County. It was given a B-2 General Business District zoning classification at the time zoning was first established in the 1960s and that was retained in the 1992 comprehensive rezoning.

SURROUNDING ZONING: The remainder of Parcel 94 is primarily zoned A-2 Agricultural District, as are properties to the north and on the westerly side of MD Route 611. Sensitive areas of Parcel 94 are zoned RP Resource Protection District. The adjacent property immediately to the south of the petitioned area is zoned E-1 Estate District and RP Resource Protection District. The properties on the westerly side of Race Track Road are zoned A-2

MD Rt. 611



Agricultural District. Several properties on the westerly side of MD Route 611 immediately to the north and south of the junction with MD Route 376 are zoned C-2 General Commercial District.

COMPREHENSIVE PLAN:

According to Chapter 2 - Land Use of the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Area Land Use Category and the Agricultural Land Use Category. With regard to the Existing Developed Area category, the Comprehensive Plan states the following:

“This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted.

Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Further, the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs and new community-scale growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk and site design standards should also be consistent with the EDA’s existing character.” (Pages 13, 14)

With regard to the Agricultural Land Use Category, the Comprehensive Plan states the following:

“The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county’s way of life. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged. “ (Page 18)

Pertinent objectives cited in Chapter 2 - Land Use state the following:

-
2. Continue the dominance of agriculture and forestry uses through the county’s less developed regions.
 3. Maintain the character of the county’s existing population centers.

- 4. Locate new development in or near existing population centers and within planned growth centers.
 -
 - 6. Infill existing population centers without overwhelming their existing character.
 -
 - 8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
 -
 - 15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
 - 16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
 -
 - 19. Limit rural development to uses compatible with agriculture and forestry.
 -
- (Pages 12, 13)

Also in Chapter 2 - Land Use, under the heading Commercial Land Supply, the Comprehensive Plan states:

"Based on industry standards for the relationship of commercial land to market size, an excessive amount of commercial zoning exists in Worcester County. Discounting half the vacant land in this category as unbuildable, the remaining land if developed would have the capacity to serve a population of over 2 million people; the County's peak seasonal population is less than 25 percent of this number." (Page 24)

In Chapter 4 - Economy, the Comprehensive Plan provides a number of objectives related to Tourism. Certain of these state the following:

- "1. Support the traditional resort industry while diversifying this offering with a broader range of high caliber recreational/cultural facilities.
- 2. Encourage the development of sports, cultural or other large attractions to reinforce the county's traditional attractions.
-
- 4. Work with the towns to support their tourism efforts.
- 5. Expand eco-tourism opportunities through environmental, heritage and cultural attractions.
- 6. Accommodate the location of year-round recreational and resort oriented land uses.
- 7. Develop facilities and attractions that continue full operation in the non-peak seasons.
- 8. Recognize and provide for the needs of the hunting, fishing, and boating sectors." (Pages 58, 59)

This chapter also includes objectives related to Commercial Services. Certain of these state the following:

- “1. Locate commercial and service centers in major communities; existing towns should serve as commercial and service centers.
2. Provide for suitable locations for commercial centers able to meet the retailing and service needs of the population centers.
-
4. Bring into balance the amount of zoned commercial locations with the anticipated need with sufficient surplus to prevent undue land price escalation.
5. Locate commercial uses so they have arterial road access and are designed to be visually and functionally integrated into the community.
-” (Page 60)

In the same chapter, under the heading Commercial Facilities, the Comprehensive Plan states:

“Retailing is one of the largest employers in the County and is a significant contributor to the economy. Currently, designated commercial lands far outstrip the potential demand for such lands. When half of these lands are assumed to be undevelopable (wetlands and other constraints), the potential commercial uses can serve an additional population of over two million persons. The supply of commercial land should be brought more in line with potential demand. Otherwise, underutilized sites/facilities and unnecessary traffic congestion will result.” (Page 62)

In Chapter Five - Housing, the Comprehensive Plan addresses campgrounds. The Plan states the following:

“Campgrounds provide temporary recreational housing and they have been part of the county’s resort tradition. The county has enacted a variety of site, design, and occupancy standards for campgrounds and should continue to monitor their development, operation, and use for compliance. While suitable for temporary accommodations, these uses should not be permitted to evolve into permanent housing due to health and safety issues.” (Page 69)

In Chapter Six - Public Infrastructure, the Comprehensive Plan includes several objectives, including the following:

- “1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence.
2. Permit development to occur only as rapidly as services can be provided.
3. Ensure adequate public facilities are available to new development.
4. Require new development to “pay its way” by providing adequate public facilities to meet the infrastructure demand it creates.
-” (Page 70)

Chapter Seven - Transportation of the Comprehensive Plan states that "Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic.Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90." (Page 79)

This chapter also states that "c(C)ommercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercial zoned land poses problems for the road system, particularly for US 50." (Page 82)

With regard to MD Route 611 specifically, this chapter notes that this roadway is classified as a two-lane secondary highway/major collector highway and cites the following policies, projects and recommendations:

- Conduct scenic and transportation corridor planning to continue this road's rural and coastal character particularly from MD Route 376 to Assateague Island.
- Study need for and implement capacity improvements from MD Route 376 to US Route 50.
- Provide for interparcel connectors, service roads and other access controls.
- Growth along the mid and southern portion of the corridor should be limited due to the sensitivity of nearby lands and the limited capacity of the area's road system.
- Plan for widening and intersection improvements of the corridor's northern end."

(Page 85)

In this same chapter, under the heading General Recommendations - Roadways, it states the following:

- "1. Acceptable Levels of Service -- It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
.....
3. Traffic studies -- Developers should provide traffic studies to assess the effect of each major development on the LOS of nearby roadways.
4. Impacted Roads -- Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections -- Upgrade intersections that have fallen below a LOS C.
..... (Page 87)

WATER AND WASTEWATER: As it pertains to wastewater disposal and the provision of

potable water, the petitioned area itself (nor the existing campground) is not within an area which receives public sewer or water service at the present time. According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the commercially developed portion of the subject property of which the petitioned area is a portion is currently served by public sewer from the Assateague Point Sanitary Service Area while the remainder, including the petitioned area and the existing campground, are serviced by individual onsite septic and well. He states that a recent sewer planning area designation to S-1 for the remainder of the campground to be included in the Mystic Harbour sewer planning area including the petitioned area has been approved and is part of the *Master Water and Sewerage Plan* and attached a map illustrating the Frontiertown property currently carrying a S-1 designation. Mr. Mitchell also states that the connection process will commence once engineering and permitting have been completed. He notes that the Frontiertown Campground will make their connection to a Mystic Harbour force main that exits Eagles Nest Road, north of the subject property on MD Route 611. The Frontiertown Campground will abandon all onsite septic systems during the connection process. Mr. Mitchell additionally comments that he expects that there will be excess capacity for additional commercial expansion or intensification on the front portion of the campground and the owner can make application, as was done for the Castaways Campground, for additional sanitary capacity to serve additional campsites should the rezoning of the petitioned area be approved. No comments were received from John H. Tustin, P. E., Director of Public Works.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

NnA - Nassawango Fine Sandy Loam - severe limitations to on-site wastewater disposal
HdB - Hambrook Sandy Loam - severe limitations to on-site wastewater disposal
MpA - Mattapex Fine Sandy Loam - severe limitations to on-site wastewater disposal
Fa - Fallsington Sandy Loam - severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Berlin Volunteer Fire Company. A substation is located on the opposite side of MD Route 611 from the subject property, located within five minutes of the petitioned area. No comments were received from the BVFC with regard to this particular review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately fifteen minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks. Chief Deputy J. Dale Smack 3rd of the Worcester County Sheriff's Office by memo stated that he had reviewed the application and spoken with Sheriff Mason and Lt. Starner relative to the rezoning case and they saw no issues with the propose rezoning and concluded that it will not interfere with law enforcement activities.

ROADWAYS AND TRANSPORTATION: The subject property of which the petitioned area is a part fronts on and currently has access to MD Route 611. That roadway is state-owned and -maintained and connects to both US Rt. 50 and MD Route 376. The Comprehensive Plan

classifies MD Route 611 as a two-lane secondary highway/major collector highway and recommends that scenic and transportation corridor planning be conducted to continue this road's rural and coastal character, particularly from MD Route 376 to Assateague Island, that capacity improvements from MD Route 376 to US Route 50 need to be studied and implemented, that interparcel connectors, service roads and other access controls need to be provided, that growth along the mid and southern portion of the corridor should be limited due to sensitivity of nearby lands and the limited capacity of the area's road system, and that widening and intersection improvements of the corridor's northern end needs to be planned. Donnie L. Drewer, District Engineer, for State Highway Administration District 1, states in his response memo (copy attached) that MD Route 611 is not identified in the State Highway Administration's current or long range planning documents for SHA's future needs in the area(s) noted in the application. He further states that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration. He also states that all future development of a site along this corridor will require the review and approval by his office and all access and entrance construction from a property onto the State highway shall be subject to the terms and conditions of an access permit to be issued by his office. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comments relative to this rezoning application.

SCHOOLS: The petitioned area is within the area served by the following schools: Ocean City Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. Joe Price, Facilities Planner for the Worcester County Board of Education (WCBOE), by memo (copy attached) stated that the WCBOE does not anticipate an impact to the projected school enrollment for any of the schools serving the area by the proposed rezoning. According to Mr. Price's response enrollment figures at the aforementioned schools as of September 2015 are as follows:

<u>School Name</u>	<u>State Rated Capacity</u>	<u>Current Enrollment</u>	<u>Projected 10 Year High Enrollment</u>
Ocean City Elementary	790	639	657
Berlin Intermediate	798	750	831
Stephen Decatur Middle	677	616	740
Stephen Decatur High	1,518	1,347	1,537

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: According to Mr. Mitchell's memo, the petitioned area is within the Atlantic Coastal Bays Critical Area (copy attached). He states that any and all proposed development activities must meet the requirements of Title 3 (Land and Water Resources), Subtitle I (Atlantic Coastal Bays Critical Area) of the Worcester County Code of Public Local Laws, as from time to time amended, in effect at the time of the proposed development activities.

FLOOD ZONE: The FIRM map indicates that the petitioned area is primarily within Zone X (area of minimal flooding) and Zone X500 (500 year floodplain). A small portion of the petitioned

area seems to be with Zone AE, which requires a Base Flood Elevation of 5 feet.

PRIORITY FUNDING AREA: The petitioned area is not within a designated Priority Funding Area.

INCORPORATED TOWNS: The site is not within one mile of the corporate limits of any town.

ADDITIONAL COMMENTS RECEIVED: Comments received from various agencies, etc. are attached and are summarized as follows:

Edward Potetz, Director, Environmental Health, Health Department: No objection to the proposed rezoning.

THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:

- 1) What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
- 2) Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
- 3) Relating to population change.
- 4) Relating to availability of public facilities.
- 5) Relating to present and future transportation patterns.
- 6) Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
- 7) Relating to compatibility with the Comprehensive Plan.
- 8) Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
- 9) Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?

Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 395

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: 9/30/15

Date Reviewed by Planning Commission: 12/3/15

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
- B. _____ Property Owner
- C. _____ Contract Purchaser
- D. _____ Option Holder
- E. _____ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 33
- B. Parcel Number(s): ~~336~~ Part of Parcel 94
- C. Lot Number(s), if applicable: _____
- D. Tax District Number: 10

III. Physical Description of Property

- A. Located on the East side of Maryland Route 611, approximately 600 feet to the north of Maryland Route 376.
- B. Consisting of a total of 209 acres of land.
- C. Other descriptive physical features or characteristics

necessary to accurately locate the petitioned area:

Frontier Town Campground.

- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): C-2, General Business Commercial
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 36
- C. Requested zoning classification(s): A-2, Agricultural
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 36

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

Please see Attachment

IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
 - 1. If the application is made by a person other than the property owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 

Printed Name of Applicant:

Hugh Cropper, IV, Attorney for Sun TRS Frontier, LLC

Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD 21842 Phone Number: 410-213-2681

E-Mail: hcropper@bbcmiaw.com

Date: _____

C. Signature of Property Owner in Accordance with VI.A. above

Mailing Address: _____

Phone Number: _____

E-Mail: _____

Date: _____

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.

- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

**ATTACHMENT IN SUPPORT OF REZONING APPLICATION,
SUN TRS FRONTIER, LLC**

INTRODUCTION

Sun TRS Frontier, LLC, by its attorney, Hugh Cropper IV, respectfully submits the following in support of its rezoning application:

This is an application for a Map Amendment to rezone approximately 36 acres located within the Frontier Town facility, on the east side of Maryland Route 611, from C-2, General Business District, to A-2, Agricultural District.

DEFINITION OF THE NEIGHBORHOOD

The applicant proposes the following definition of the neighborhood: All that property located south of South Harbor Road along the West Ocean City Commercial Fishing Harbor, all that property located south of Sunset Avenue, all that property located east of Maryland Route 611, and all that property located north of a line which is an easterly extension of Maryland Route 376 from Maryland Route 611 to the Sinepuxent Bay, as shown on the Plat "Frontier Town, Neighborhood Rezoning Exhibit."

**SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD
SINCE THE LAST COMPREHENSIVE REZONING.**

Two (2) nationally recognized campground facilities are located in the proposed neighborhood; namely, Castaways Campground and Frontier Town Campground. Since the last Comprehensive Rezoning on November 3, 2009, the popularity of both of these campground facilities has increased dramatically.

Although not located within the proposed neighborhood, Assateague Island National Seashore also provides large campgrounds, the popularity of which have increased dramatically since November 3, 2009.

The West Ocean City area, and in particular the proposed neighborhood, has become (and continues to become) a very campground oriented neighborhood. Commercial businesses on the periphery of the neighborhood such as Buck's Place, Birch's Produce, Decatur Diner, and The Shrimp Boat continue to increase in popularity, thriving upon the expansion and increase in popularity of these campgrounds.

In particular, the Worcester County Commissioners, acting in their capacity as the governing body of the Mystic Harbor Service Area, recently upgraded/expanded the Mystic Harbor Wastewater Treatment Facilities. As a result of this expansion, the Castaways Campground was able to decommission its on-site wastewater treatment facility, which previously served 370 camp sites, among other amenities, and was rated for approximately 40,000 gallons of effluent, per day. The owners of the Castaways Campground installed a forced main from the Mystic Harbor Wastewater Facilities in a southerly direction down Maryland Route 611, easterly down Eagles Nest Road, to connect the entire Castaways Campground to the Mystic Harbor Wastewater Treatment Facility.

As a result of this connection, the Castaways Campground is eligible for expanded service.

Castaways Campground decommissioned its 2 acre disposal area, and converted it to 22 additional camp sites. This required a discretionary approval from the Board of

Zoning Appeals, which was granted in BZA Case Number 14-40, a copy of which is attached.

MISTAKE

The applicant contends there was a mistake, albeit a good faith mistake, as a result of the March 3, 2009 Comprehensive Rezoning.

Frontier Town Campground and Western Theme Park is located on a large parcel of property located east of Maryland Route 611. The easterly portion of the property is zoned A-2, Agricultural District, and the majority of that property is improved with an existing campground.

The road frontage on Maryland Route 611 is zoned C-2, General Business District, and is improved by amenities such as an ice cream shop, water slide, lazy river, etc. There are substantial undeveloped lands located in between, which are currently zoned C-2, General Business District. The applicant contents that the A-2, Agricultural District, is a more appropriate zone for these areas.

Referring to the Plat entitled "Frontier Town – Aerial" which shows the 36 acre area to be rezoned, the southerly portion, which makes up the majority of that area, is undeveloped. The highest and best use of this area would be an expansion of the existing campground. Those areas remote from Maryland Route 611 are particularly ill-suited for intense commercial uses, and in fact the southeast portion for the property to be rezoned is located within the Atlantic Coastal Bays Critical Area.

There are some improvements/buildings in the area to be rezoned, but these are mostly paddocks for horses, goats, pastures, and other uses which are clearly agricultural in nature.

The County Commissioners, relying upon the information available to them at the time of the Comprehensive Rezoning, approved a large area, probably in excess of 60 acres, of C-2, General Business District. This large tract of commercial zoning is inappropriate for this neighborhood. The rezoning of approximately 36 acres, as proposed by the applicant, presents a much better mix, is more consistent with the goals and objectives of the Comprehensive Plan, and is more appropriate.

The current zoning boundary is drawn in a somewhat arbitrary fashion in a north/south direction across the property. By contrast, the zoning boundary proposed by the applicant, for the most part, follows topographical features (such as a ditch on the southerly side), a road, and a woods line, so it can be much more easily located in the field.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Hugh Cropper IV', with a horizontal line extending to the right and a small arrowhead pointing left at the end.

Hugh Cropper IV

IN THE MATTER OF HUGH CROPPER, IV, ESQ. *

BEFORE THE BOARD OF ZONING *

APPEALS FOR WORCESTER COUNTY, *

MARYLAND *

Case No. 14-40

* * * * *

OPINION

A hearing was held before the Board of Zoning Appeals for Worcester County, Maryland on Thursday, September 11, 2014, upon the application of Hugh Cropper, IV, Esquire, on the lands of Sun Castaways RV, LLC, requesting a special exception to expand an existing rental campground in the A-2 Agricultural District, pursuant to Zoning Code Sections ZS 1-202(c)(19), ZS 1-305, ZS 1-318 and ZS 1-116(c)(3). The property is located at 12612 Eagle's Nest Road, approximately 3,300 feet east of Bald Eagle Road, Tax Map 33, Parcel 33, in the Tenth Tax District of Worcester County, Maryland.

Jennifer Burke, Zoning Administrator, presented the application to the Board.

Robert Hand testified before the Board along with Jamie Giandomenico. There were no protestants to the application.

After duly considering the application and the testimony and other evidence offered and presented in connection therewith, the Board concluded that the applicant had met the burden of proof imposed upon him by Section ZS 1-116(c)(3). Accordingly, upon a Motion made by Mr. Dypsky, which was seconded by Mr. Green, the Board unanimously passed the following resolution:

BE IT RESOLVED, that the requested special exception be GRANTED.

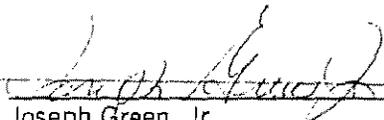
10/9/14
Date

Beth Gismondi
Beth Gismondi
Chairperson

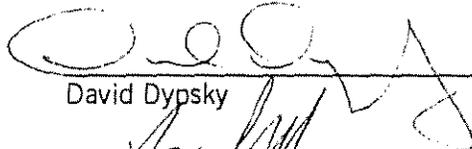
Date

unavailable
Rodney Belmont

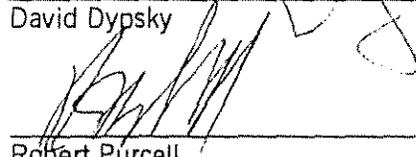
10-9-14
Date


Joseph Green, Jr.

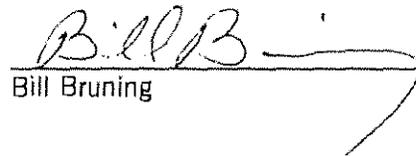
10-9-14
Date


David Dypsky

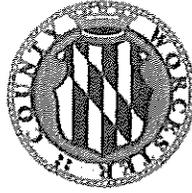
10/5/14
Date


Robert Purcell

10-9-14
Date


Bill Bruning

** Any special exception shall be implemented within 12 months from its approval. If not so implemented, it shall be considered abandoned and shall terminate.



Worcester County
Department of Environmental Programs

Memorandum

To: Phyllis Wimbrow, Deputy Director, DDRP

From: Robert J. Mitchell, LEHS, REHS
Director, Environmental Programs 

Subject: Comments on Rezoning Case No. 395
Worcester County Tax Map 33, Part of Parcel 74

Date: 11/16/15

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was an honest mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

Referring to the *Comprehensive Plan*, there are two land use designations for the area of the subject property included in this rezoning request. The majority of the area is designated Existing Developed Centers, which are defined as existing residential and other concentrations of development unincorporated areas and provides for their current development character to be maintained. While these areas are not designated as growth areas, the *Plan's* limitation on infill development should allow for this to occur should it be in keeping with the character and density of the surrounding properties. A small remainder of the area on the southern portion of the subject area is designated Agriculture in the *Plan*. This district is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district. The areas adjacent to this property are all in either the Agricultural or Existing Developed land use districts, with the exception of a small portion of land at the rear of an adjacent historic estate to the southeast of the campground and the shoreline portion of the campground itself that border the Sinexpent Bay and are designated Green Infrastructure.

The property is similarly surrounded by different zoning designations of estate, agricultural and resource protection. The surrounding zoning and uses are compatible with their corresponding land use designations in the *Comprehensive Plan*. Those adjacent properties north of the MD Rt. 376 (Assateague Road) intersection with MD Rt 611 are either in the Mystic Harbour Sanitary Service Area, the Landings Sanitary Service Area or Assateague Pointe Sanitary Service Area and served by public sewer.

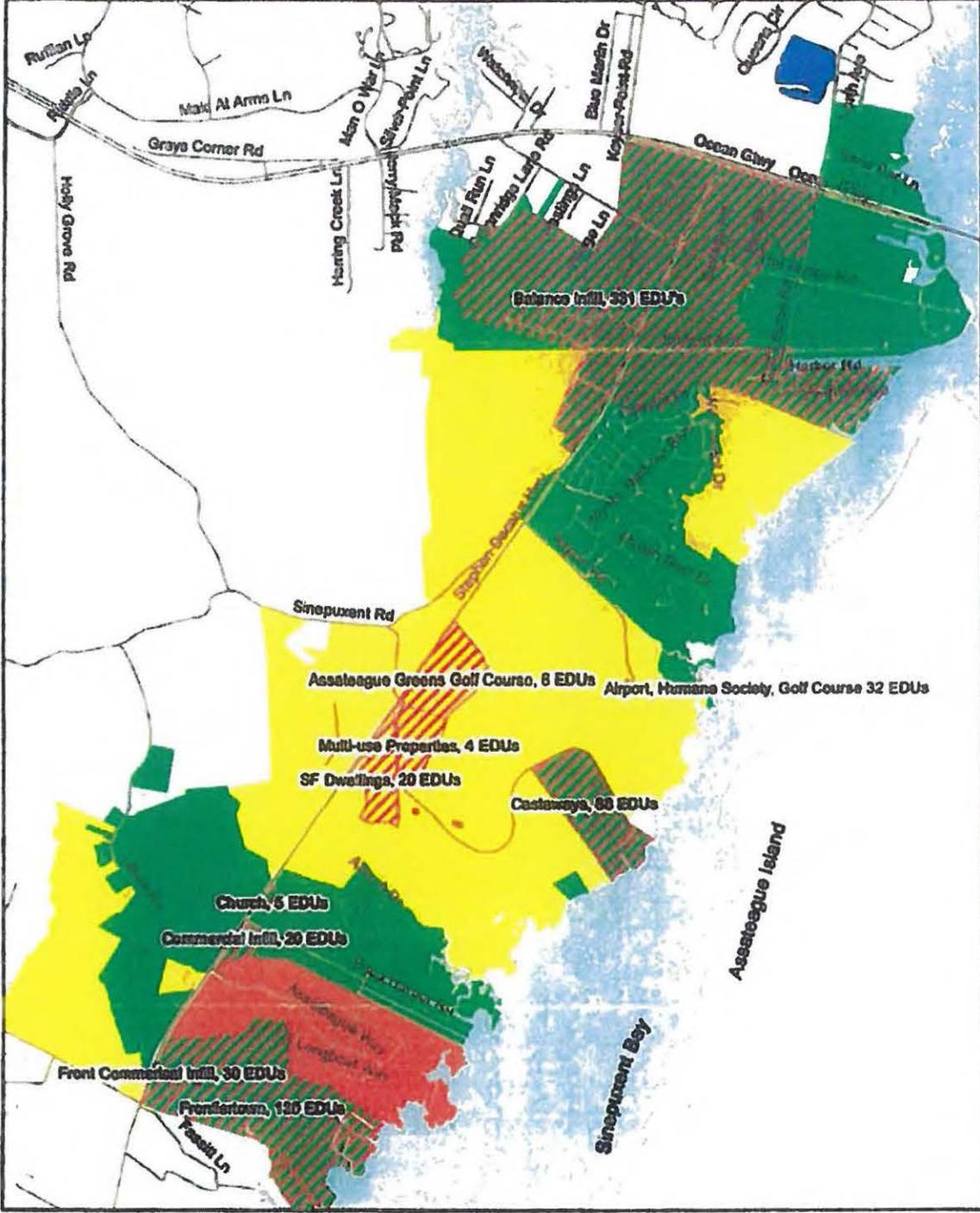
The Department of Environmental Programs has the following comments:

1. The subject property is located within the boundaries of the Frontier Town rental campground. The front (commercial) portion of the campground has a commercial water park, restaurants, and other retail shops open to the public and the campground guests. The front portion is currently served by public sewer from the Assateague Point Sanitary Service area while the remainder, including the subject area, are serviced by individual onsite septic and well. A recent sewer planning area designation to S-1 for the remainder of the campground to be included in the Mystic Harbour sewer planning area including the subject area has been approved and is a part of the *Master Water and Sewerage Plan*. I have enclosed the approved map showing the subject area currently carries an S-1 designation. We plan on commencing with the connection process once engineering and permitting have been completed. The Frontier Town campground will make their connection to a Mystic Harbour force main that exits Eagles Nest Road, north of this campground on MD Route 611. The Frontier Town Campground will abandon all onsite septic systems during the connection process.
2. We expect that there will be excess capacity for additional commercial expansion or intensification on the front portion of the campground and the owner can make application, as was done for Castaways Campground, for additional sanitary capacity to serve additional campsites should this rezoning be approved.
3. This property lies within the Worcester County Atlantic Coastal Bays Critical Area. Any and all proposed development activities must meet the requirements of Title 3 (Land and Water Resources), Subtitle I (Atlantic Coastal Bays Bay Critical Area) of the Worcester County Code of Public Local Laws, as from time to time amended, in effect at the time of the proposed development activities.
4. The dominant zoning categories in this portion of the Rt 611 corridor are estate, agricultural, and resource protection. It would appear that the zoning classification requested by the applicant is in character with respect to the surrounding properties and their land use designations in the *Comprehensive Plan*.

If you have any questions on these comments, please do not hesitate to contact me.

Attachment

MDE Modification to the Frontier Town Sewer Amendment
Amendment Modification effective October 29, 2015



0.55 0.275 0 0.55 Miles

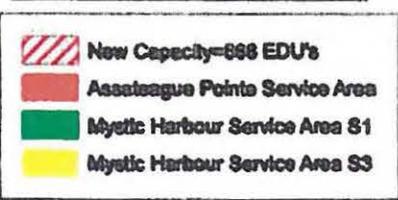


Figure M
Mystic Harbour Sewer Planning Area
Proposed Mystic Capacity--666 EDU's
 Prepared by the Worcester County
 Department of Environmental Programs
 June 2015

Phyllis Wimbrow

From: Dale Smack
Sent: Tuesday, October 20, 2015 3:37 PM
To: Phyllis Wimbrow
Cc: Reggie Mason; earl.starner@maryland.gov
Subject: Rezone case 359,397,398

Importance: High

Phyllis,

After reviewing and speaking with Sheriff Mason and Lt. Starner of the provided documents pertaining to rezone cases 395,396 and 397, we see no issues, nor will it interfere with law enforcement activities. If you have any questions, please feel free to contact me.

Thank you.

**J. Dale Smack 3rd, Chief Deputy
S.T.A.R Team Commander Retired
Worcester County Sheriff's Office
Rm 1001 #1 West Market Street
Snow Hill, Maryland 21863
410-632-1111-work
410-632-3070-fax
443-783-0395-cell
dsmack@co.worcester.md.us e mail**

CONFIDENTIALITY NOTICE: This message may contain confidential information intended only for the use of the person named above and may contain communication protected by law. If you have received this message in error, you are hereby notified that any dissemination, distribution, copying or other use of this message may be prohibited and you are requested to delete and destroy all copies of the email, and to notify the sender immediately at his/her electronic mail.



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

October 22, 2015

Ms. Phyllis H. Wimbrow, Deputy Director
Department of Development Review and Permitting
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Worcester County
Rezoning Application Case No: 395
Sun TRS Frontier, LLC
Tax Map 33; Part Parcel 94

Dear Ms. Wimbrow:

Thank you for the opportunity to review the Rezoning Application for Case No: 395 in Worcester County. The State Highway Administration (SHA) has reviewed the application and associated documents. We are pleased to respond.

MD 611 is not identified in the State Highway Administrations current or long range planning documents for SHA's future needs in the area(s) noted in the subject application. Rezoning is a land use issue, which is not under the jurisdiction of the SHA. However, please be aware all future development of a site along this corridor will require the review and approval by this office. All access and entrance construction from a property onto the State highway shall be subject to the terms and conditions of an access permit to be issued by this office.

Thank you again for the opportunity to provide our response. If you have any questions regarding our comments, please feel free to contact Ms. Rochelle Outten, District 1 Regional Engineer for Access Management via email routten@sha.state.md.us or by calling her directly 410-677-4098.

Very truly yours,

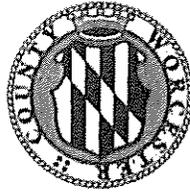
A handwritten signature in black ink, appearing to read "Donnie L. Drewer", written over a horizontal line.

Donnie L. Drewer,
District Engineer

Cc: Ms. Rochelle Outten, Regional Engineer- SHA

My telephone number/toll-free number is 1-800-825-4742
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 660 West Road, P. O. Box 2679 • Salisbury, Maryland 21802 • Phone: 410-677-4000 • FAX: 410-543-6598
www.roads.maryland.gov



Worcester County
DEPARTMENT OF PUBLIC WORKS
 6113 TIMMONS ROAD
 SNOW HILL, MARYLAND 21863

M E M O R A N D U M

JOHN H. TUSTIN, P.E.
 DIRECTOR

JOHN S. ROSS, P.E.
 DEPUTY DIRECTOR

TEL: 410-632-5623
 FAX: 410-632-1753

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: October 20, 2015
RE: Rezoning Case No. 395, 396, and 397

DIVISIONS

MAINTENANCE
 TEL: 410-632-3766
 FAX: 410-632-1753

RC
 TEL: 410-632-2244
 FAX: 410-632-0020

SOLID WASTE
 TEL: 410-632-3177
 FAX: 410-632-3000

FLEET MANAGEMENT
 TEL: 410-632-5675
 FAX: 410-632-1753

WATER AND WASTEWATER
 TEL: 410-641-5251
 FAX: 410-641-5185

.....
 Upon review of the above referenced rezoning cases, I offer the following comments:

Rezoning Case 395: No comments

Rezoning Case 396: No comments

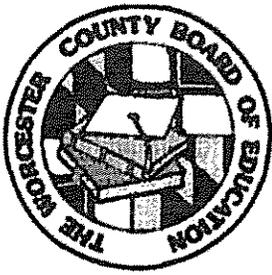
Rezoning Case 397:

- 1) Entrance to project needs to be a minimum of a standard commercial entrance according to Worcester County standards if there is ingress/egress to or from a County road.
- 2) Due to the nature of the area and existing parking issues there needs to be sufficient amount of parking available so that vehicles are not parking and impeding traffic along the County road.
- 3) There needs to be a widening strip dedicated to Worcester County with improvements along the County road for future expansion as deemed necessary by the Worcester County Commissioners.
- 4) Project cannot impede drainage to or from the County road which may affect residents in neighboring areas who depend on maximum drainage solutions since this area is prone to flooding.

Should you have any questions, please do not hesitate to contact me.

cc: John H. Tustin, P.E., Director

FJA/ll
 H:\Rezoning\Rezoning Case 395,396,397.doc



**THE BOARD
OF EDUCATION
OF WORCESTER
COUNTY**

6270 WORCESTER HIGHWAY
NEWARK, MD 21841-9746
TELEPHONE (410) 632-5000
FAX: (410) 632-0364
www.worcesterk12.com

ADMINISTRATION

JERRY WILSON, Ph.D.
Superintendent of Schools
JOHN R. QUINN, Ed.D.
Chief Academic Officer
LOUIS H. TAYLOR
Chief Operating Officer
VINCENT E. TOLBERT, C.P.A.
Chief Financial Officer

BOARD MEMBERS

ROBERT A. ROTHERMEL, JR.
President
SARA D. THOMPSON
Vice-President
BARRY Q. BRITTINGHAM, SR.
JONATHAN C. COOK
ERIC W. CROPPER, SR.
J. DOUGLAS DRYDEN
WILLIAM L. GORDY

October 28, 2015

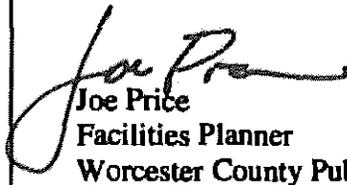
Ms. Phyllis H. Wimbrow
Deputy Director
Department of Development Review and Permitting
One West Market Street
Room 1201
Snow Hill, Maryland 21863

Dear Ms. Wimbrow,

Enclosed are Worcester County Board of Education comments to Rezoning Cases No. 395, 396 and 397.

We do not anticipate an impact to the projected school enrollments for any of the schools within the zoning areas included in the three rezoning applications.

Please contact me at (410) 632-5010 if you have any questions.


Joe Price
Facilities Planner
Worcester County Public Schools

Encl.

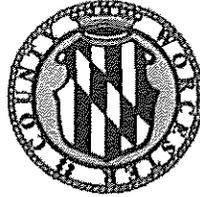
- 39 -

**Worcester County Board of Education
Project / Rezoning Review Comments
Department of Development Review and Permitting**

Project / Rezoning Application Number:	Rezoning Case No. 395		
Project / Rezoning Location:	East side of Maryland Route 611 north of Md. Route 376		
Project / Rezoning Description:	38 acres from C-2 General Business to A-2 Agricultural		
Projected impact on existing schools	None		
School Name	State Rated Capacity	Current Enrollment (9/15)	Projected 10-Year High Enrollment
Ocean City Elementary School	790	639	657
Berlin Intermediate School	798	750	831
Stephen Decatur Middle School	677	616	740
Stephen Decatur High School	1,518	1,347	1,537
<p>Other Comments:</p> <ol style="list-style-type: none"> 1. No anticipated impact to school enrollments by Rezoning Case No. 395. 2. Projected enrollments are based upon Maryland Office of Planning estimates. 			
Worcester County Board of Education Representative:		Joe Price, Facilities Planner	
Signature / Date:		<i>Joe Price</i> 10/28/15	

10/28/2015

- 40 -



Snow Hill (Main Office)
410-632-1100
Fax 410-632-0906

Worcester County

HEALTH DEPARTMENT

P.O. Box 249 • Snow Hill, Maryland 21863-0249
www.worcesterhealth.org

Deborah Goettler, R.N., M.S.
Health Officer

MEMORANDUM

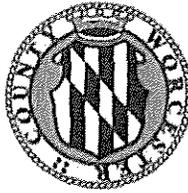
To: Phyllis H. Wimbrow, Deputy Director

From: Edward Potetz, Director 
Environmental Health

Date: October 21, 2015

Re: Rezoning Case No. 395, No. 396 and No. 397

This office has no objection to the proposed above-referenced rezoning cases.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
 Fred Webster, Director, Worcester County Emergency Services
 Reggie Mason, Sheriff, Worcester County Sheriff's Office
 John H. Tustin, P. E., Director, Worcester County Public Works Department
 John Ross, P. E., Deputy Director, Worcester County Public Works Department
 Frank Adkins, Roads Superintendent, Worcester County Public Works
 Department
 Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
 Dr. Jerry Wilson, Superintendent, Worcester County Board of Education
 Donnie L. Drewer, District Engineer, Maryland State Highway Administration
 Lt. Earl W. Starnes, Commander, Barracks V, Maryland State Police
 Debbie Goeller, Health Officer, Worcester County Health Department
 Rob Clarke, State Forester, Maryland Forest Services
 Nelson D. Brice, District Conservationist, Worcester County Natural Resources
 Conservation Service
 Phil Simpson, Fire Chief, Berlin Fire Department
 Robert Duke, Fire Chief, Ocean City Volunteer Fire Company

FROM: Phyllis H. Wimbrow, Deputy Director *PHW*

DATE: October 14, 2015

RE: Rezoning Case No. 395

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at its meeting on December 3, 2015. This application seeks to rezone approximately 36 acres of land from C-2 General Business District to A-2 Agricultural District. Uses allowed in the proposed zoning district include, but are not limited to, agriculture,

single-family dwellings, rural cluster subdivisions, telecommunication towers, small and medium wind energy conversion systems, spray irrigation fields and storage lagoons, large solar energy systems, agricultural processing plants, agritainment facilities, wineries, golf courses, and campgrounds. With regard to residential uses, only minor subdivisions consisting of a maximum of five lots out of what was one parcel in 1967 are permitted. An additional lot may be feasible if clustering is utilized. In campgrounds, the density ranges from one tent site per 2,000 square feet of lot area to one recreational vehicle site per 3,000 square feet of lot area. Please note that other considerations such as sewage disposal, placement of roads serving the development, and open space requirements affect maximum permitted density to some degree.

For your reference I have attached a copy of the rezoning application and associated documents and a series of maps showing the property petitioned for rezoning. These maps include an aerial photo as well as maps showing the floodplain, hydric soils, Comprehensive Plan Land Use Classifications, the location, soils, and zoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on the plans, facilities or services for which your agency is responsible. If no response is received by *November 16, 2015*, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners.

If you have any questions or require further information, please do not hesitate to call this office or email me at pwimbrow@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments



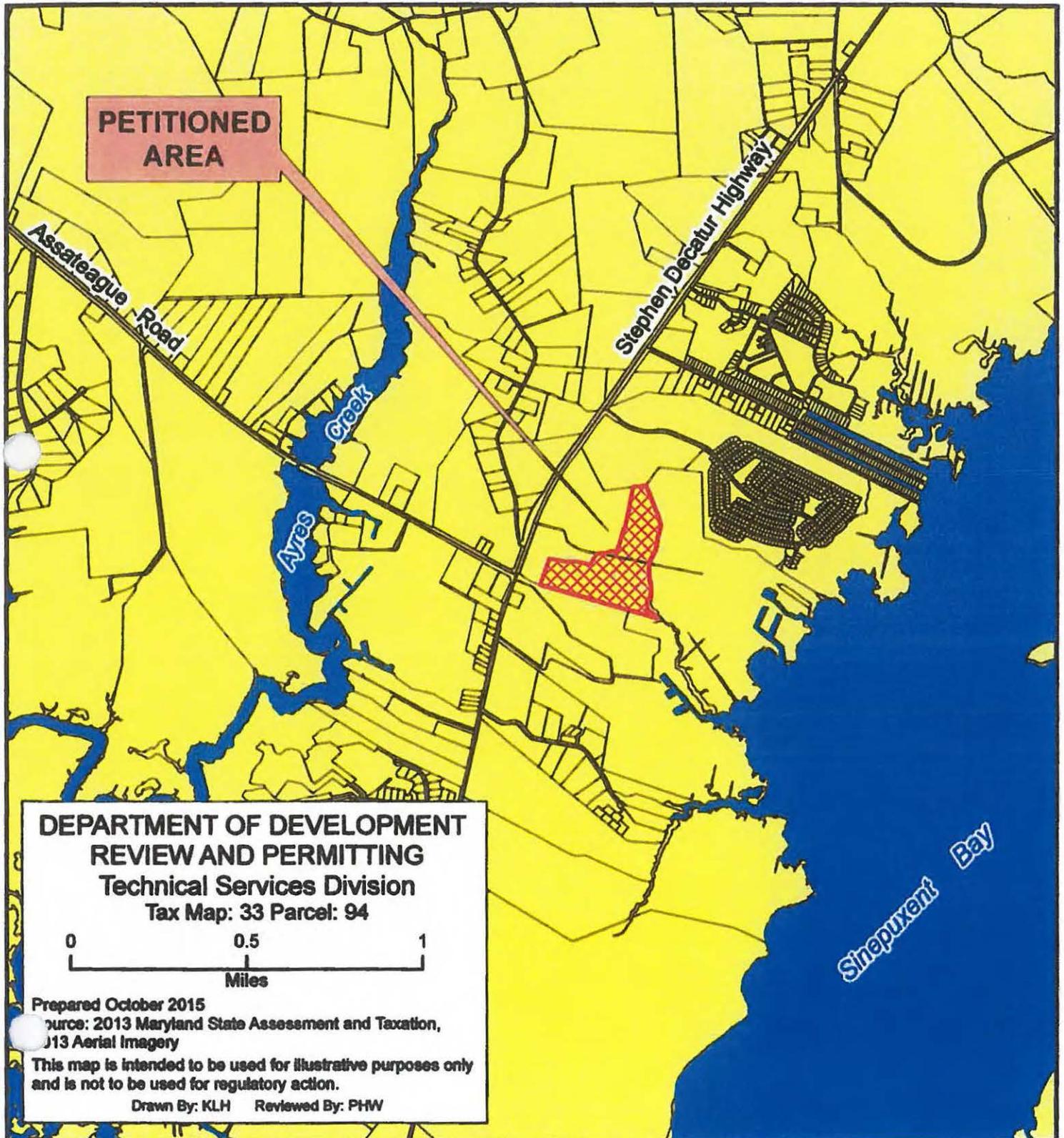
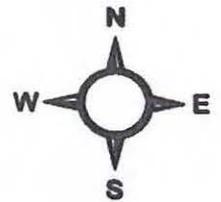
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 395

MAP AMENDMENT REQUEST

C-2 General Commercial District to A-2 Agricultural District

LOCATION MAP





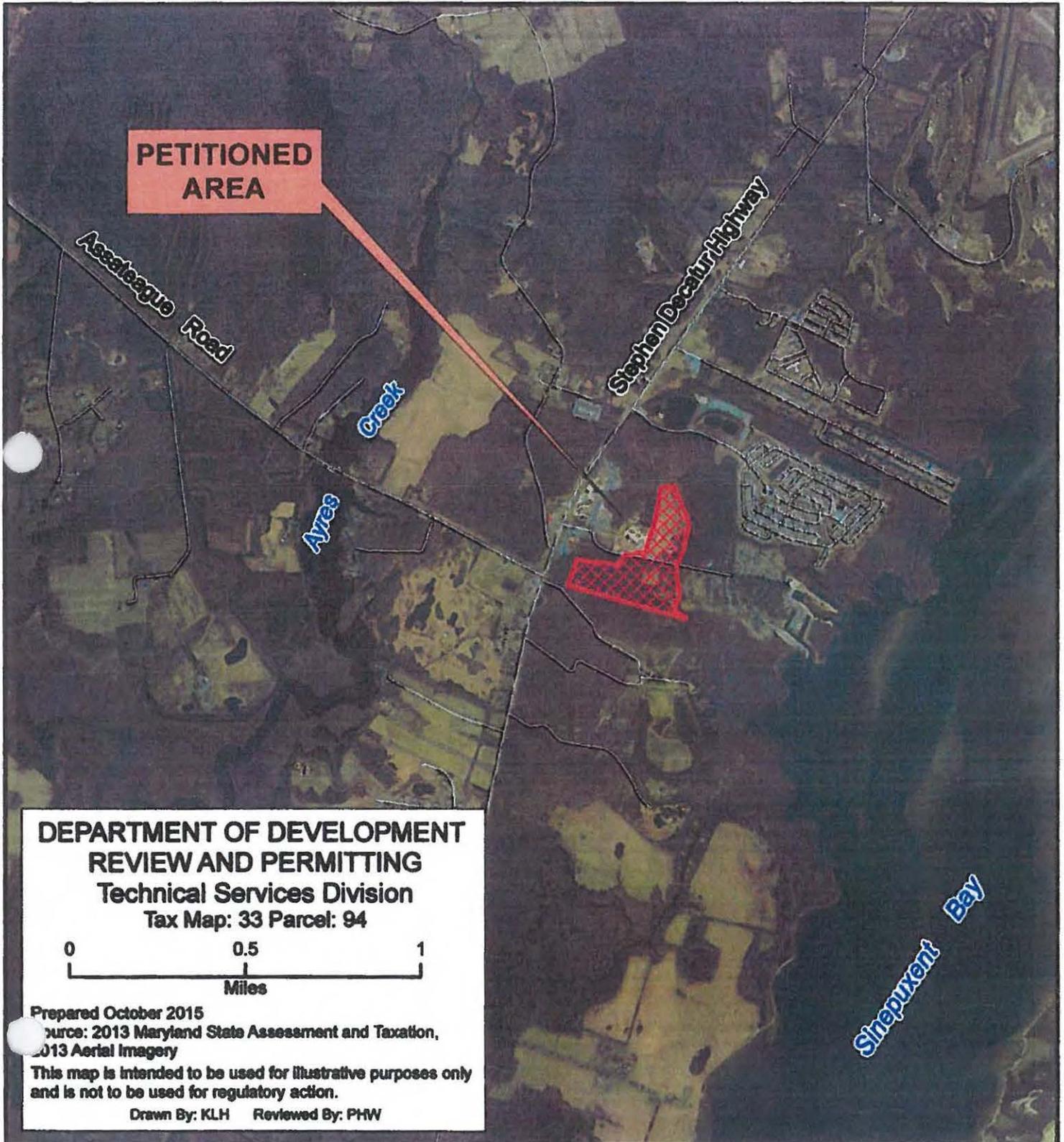
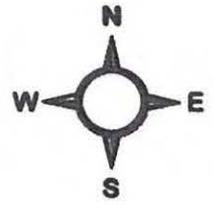
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 395

MAP AMENDMENT REQUEST

C-2 General Commercial District to A-2 Agricultural District

AERIAL VIEW





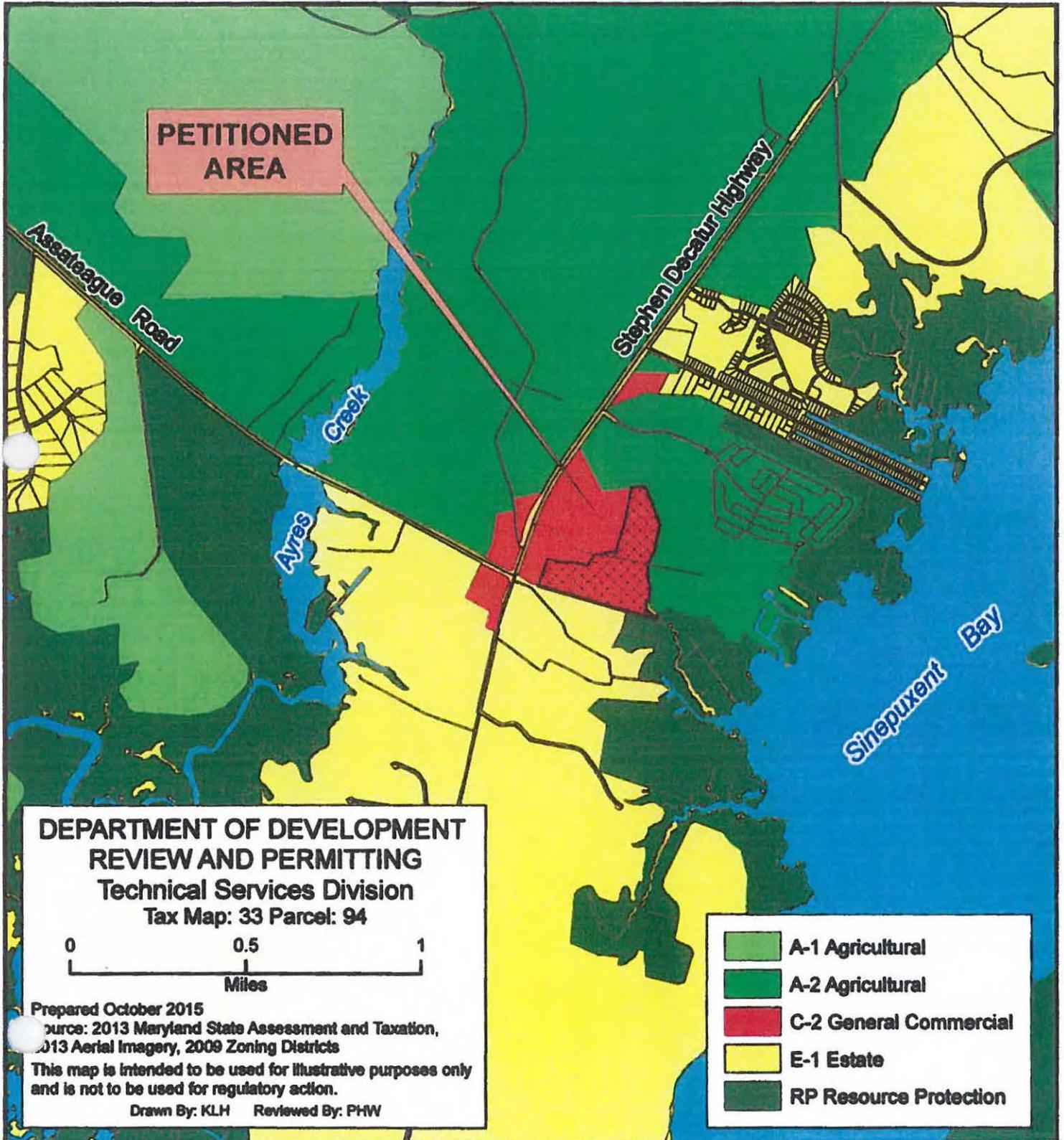
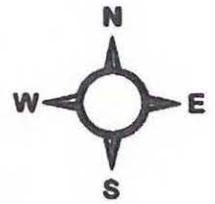
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 395

MAP AMENDMENT REQUEST

C-2 General Commercial District to A-2 Agricultural District

ZONING DISTRICT MAP





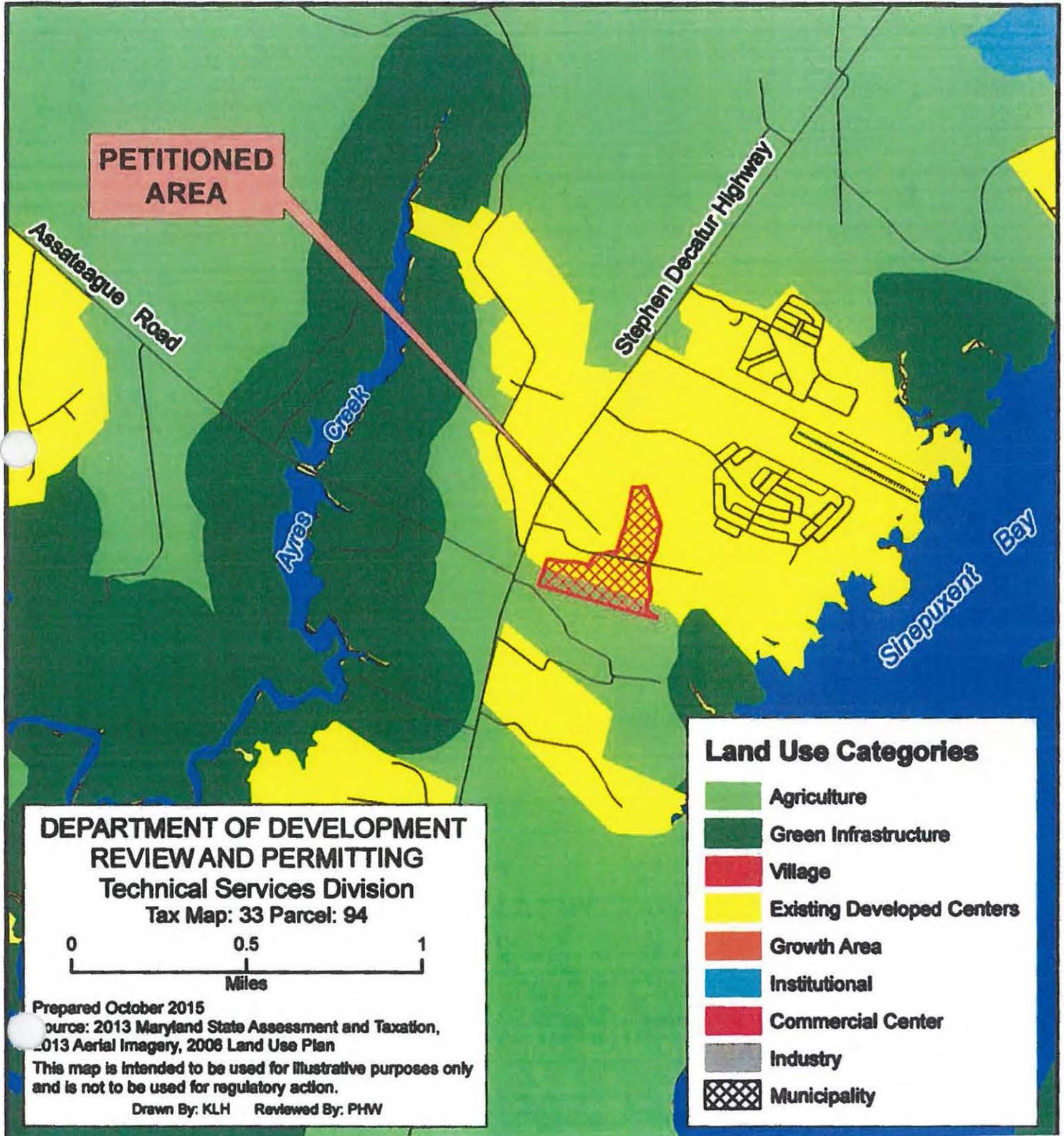
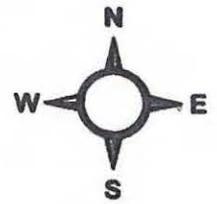
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 395

MAP AMENDMENT REQUEST

C-2 General Commercial District to A-2 Agricultural District

LAND USE MAP





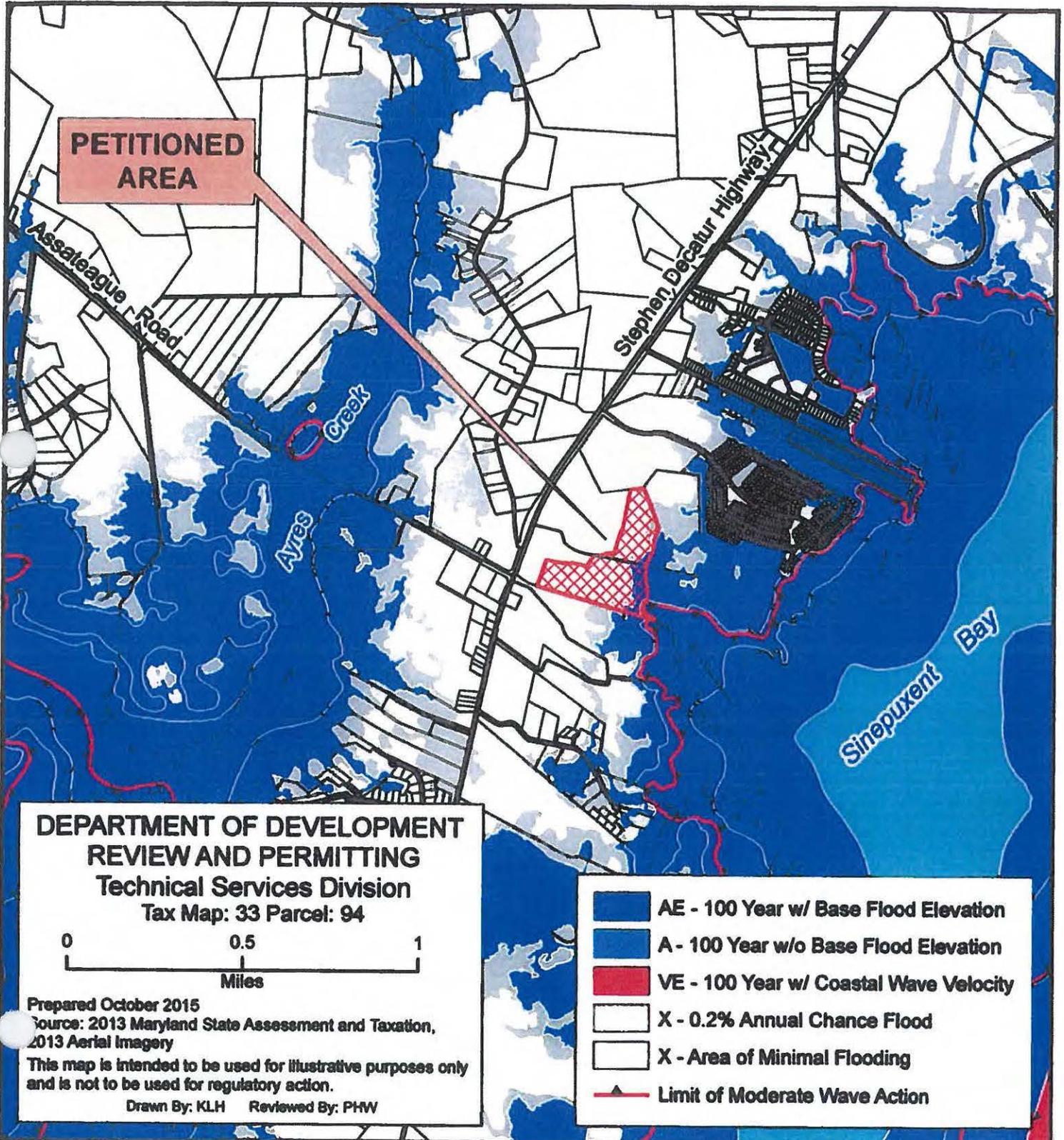
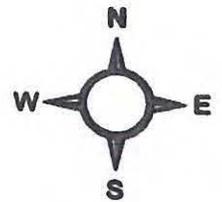
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 395

MAP AMENDMENT REQUEST

C-2 General Commercial District to A-2 Agricultural District

FLOODPLAIN MAP





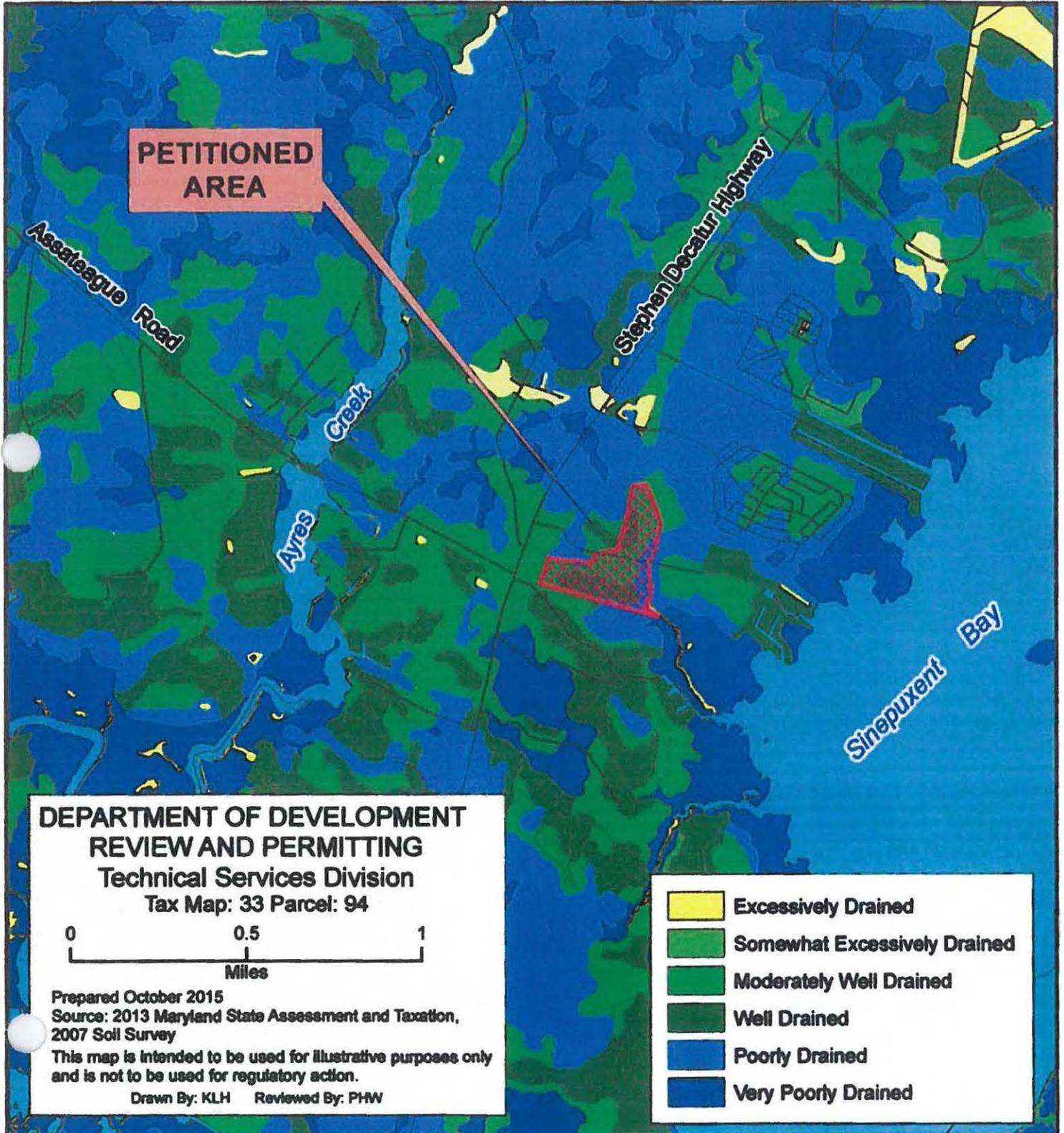
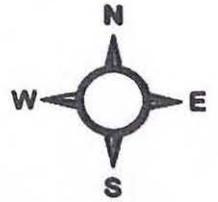
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 395

MAP AMENDMENT REQUEST

C-2 General Commercial District to A-2 Agricultural District

SOILS MAP





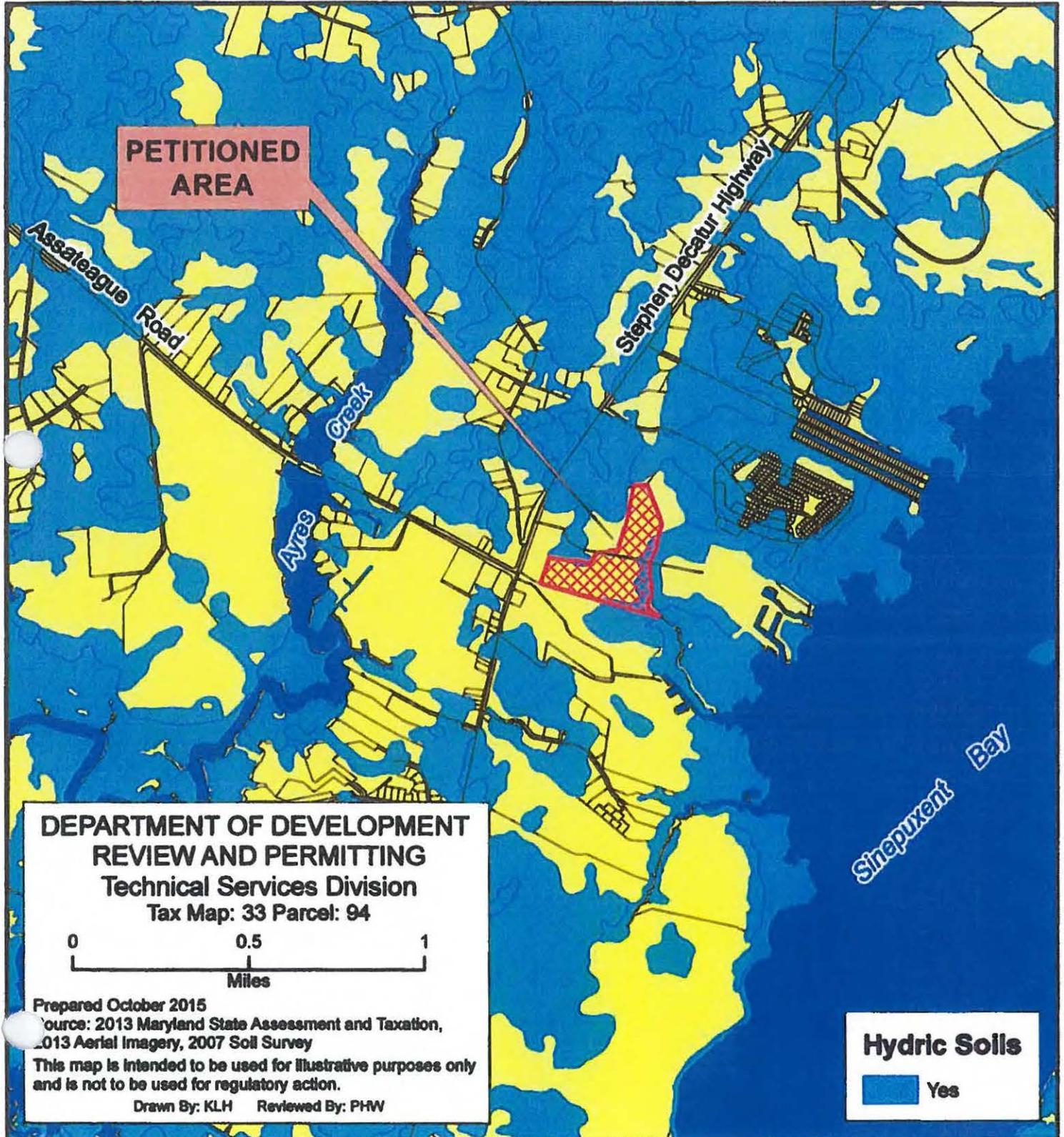
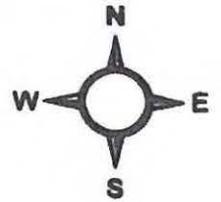
WORCESTER COUNTY, MARYLAND

REZONING CASE NO. 395

MAP AMENDMENT REQUEST

C-2 General Commercial District to A-2 Agricultural District

HYDRIC SOILS MAP



**PETITIONED
AREA**

**DEPARTMENT OF DEVELOPMENT
REVIEW AND PERMITTING
Technical Services Division**
Tax Map: 33 Parcel: 94

0 0.5 1
Miles

Prepared October 2015
Source: 2013 Maryland State Assessment and Taxation,
2013 Aerial Imagery, 2007 Soil Survey
This map is intended to be used for illustrative purposes only
and is not to be used for regulatory action.
Drawn By: KLH Reviewed By: PHW

Hydric Soils

 Yes

Minutes of the County Commissioners of Worcester County, Maryland

February 16, 2016

Madison J. Bunting, Jr., President
Merrill W. Lockfaw, Jr., Vice President
Anthony W. Bertino, Jr.
James C. Church
Theodore J. Elder
Joseph M. Mitrecic
Diana Purnell

Following a motion by Commissioner Lockfaw, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; Stacey Norton, Human Resources Director; and Beau Oglesby, State's Attorney. Topics discussed and actions taken included: hiring Brandon Conquest as a Welcome Center Greeter for Tourism; hiring Breiel Brown and Tashana Phillips as Correctional Officer Trainees at the Jail; approving one additional Assistant State's Attorney position within the State's Attorney's Office, and afterward acknowledging the hiring of Ryan Bodley, Erienne Sutherell, and Valle Nicole Hauspurg as Assistant State's Attorneys; promoting John Azzolini from Retail Operations Manager within the Department of Liquor Control to Deputy Director of Economic Development; reclassifying the position of Natural Resources Inspector to Natural Resources Planner II in Environmental Programs and transferring Janelle Irwin from Natural Resources Inspector to the Natural Resources Planner II position; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Bunting called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their February 2, 2016 open and closed session meetings as presented.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the rehabilitation of a single-family home in the Berlin area, which is to be funded through the County's current Community Development Block Grant (CDBG) Housing Rehabilitation grant.

The Commissioners met with Volunteer Services Manager Kelly Brinkley to discuss her request to approve a proposed Volunteer Connection logo recognizing Worcester County Volunteer Services (WCVS) as a designated volunteer center in Maryland to include on the updated Volunteer Services brochure and other WCVS materials going forward. Ms. Brinkley advised that the new logo would distinguish WCVS as the one stop shop for volunteer opportunities in the County. Upon a motion by Commissioner Bertino, the Commissioners unanimously approved the new logo for use by WCVS in all its outreach programs and materials.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by the Commission on Aging Board of Directors and upon a motion by Commissioner Purnell, the Commissioners unanimously agreed to appoint Joyce Cottman to the Commission on Aging to fill the remainder of a three-year term expiring September 30, 2016 to fill the vacancy created by the resignation of Gloria Blake.

Upon a nomination by Commissioner Purnell, the Commissioners unanimously agreed to appoint Teola Brittingham to the Commission for Women for the remainder of a three-year term expiring December 31, 2018 to fill the vacancy created by the resignation of Shirley Dale.

Upon a nomination by Commissioner Church, the Commissioners unanimously agreed to appoint Elena Ake to the Tourism Advisory Committee for the remainder of a four-year term expiring December 31, 2016 to fill the vacancy created by the resignation of Linda Glorioso.

Upon a nomination by Commissioner Elder, the Commissioners unanimously agreed to appoint Jason Cunha as a Business Representative member of the Lower Shore Workforce Investment Board for a four-year term expiring September 30, 2019 to replace John Ostrander whose term had expired.

The Commissioners met with County Attorney Maureen Howarth to review two bills introduced by the Eastern Shore Delegation related to the Department of Liquor Control (DLC) exit strategy. On December 1, 2015, the Commissioners asked the Eastern Shore Delegation to introduce and seek passage of legislation for consideration during the 2016 Maryland General Assembly Session to amend State law to allow a Class A, Beer, Wine and Liquor License (Package Store) in Worcester County, with the restriction that no license can be issued within a 10-mile radius of an existing County retail store, without the permission of the County Commissioners, to help them implement an exit strategy that includes ceasing wholesale operations on September 30, 2016, except for those necessary to continue stocking the County retail stores and to liquidate remaining inventory that can't be used in the retail stores, and ceasing all remaining wholesale operations and retail operations by June 30, 2017.

Ms. Howarth reviewed the two bills. She advised that House Bill 697, sponsored by Delegates Mary Beth Carozza and Charles Otto, mirrors the Commissioners' request and would amend Article 2B of the Maryland Annotated Code to allow class A, Beer, Wine and Liquor Licenses (off-sale) in Worcester County, with certain restrictions - specifically the Class A beer, wine and liquor license may only be issued for an establishment that is outside a 10-mile radius of a County-owned or County-operated dispensary without approval from the County Commissioners. She stated that Senate Bill 967, sponsored by Senator Mathias, authorizes a Class A Beer, Wine and Liquor License in Worcester County; however, unlike HB 697, it does not impose the requested 10-mile radius restriction. She further advised that, with a 10-mile

radius restriction in place, the DLC dispensaries are a significant asset that can be sold or sub-let to private operators. Without the restriction, a new Class A license holder could open a store in any location, to include being only blocks away from DLC retail liquor stores, which would then reduce the County's ability to sub-lease these dispensaries. Ms. Howarth advised that, if the County is unable to sell or sub-lease the dispensaries, the additional liability to the County for remaining lease payments would be approximately \$804,000, and this is in addition to the projected \$1 million loss to the County under the best case scenario presented on December 1, 2015. Therefore, the revised projected County loss could increase to \$1.8 million. Ms. Howarth advised that the Commissioners have three options: write a letter of support for HB 697, which includes the 10-mile radius restriction, and encourage Senator Mathias to amend SB 967 to mirror HB 697; write a letter of support for SB967, which excludes the 10-mile radius provision, and encourage Delegates Carozza and Otto to amend HB 697 to mirror SB 967; or meet with Senator Mathias and Delegates Carozza and Otto to develop a compromise between the two bills that they can all three support.

Commissioner Lockfaw stated that the Commissioners and County staff invested substantial time and attention into developing an exit plan that would best serve the needs of Worcester County taxpayers and mitigate financial losses, and stated that Senator Mathias should support their request. Commissioner Church concurred and stated that Senator Mathias does not seem to be very sympathetic to Worcester County, the district he represents. In response to a question by Commissioner Bunting, Ms. Howarth advised that if the bills do not match they will be sent to the Rules Committee where the differences may be reconciled or more likely both bills would fail.

Upon a motion by Commissioner Lockfaw, the Commissioners unanimously agreed to send a letter to the Eastern Shore Delegation supporting HB 697 as presented and requesting SB 967 be amended to include the 10-mile radius restriction to match HB 697.

Pursuant to the recommendation of Ms. Howarth and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to change the applicant's name on the tidal wetlands license for a force main built under Turville Creek from Ocean Enterprises 589, LLC to the County Commissioners of Worcester County, Maryland, as requested by the State of Maryland Board of Public Works. Ms. Howarth advised that Ocean Enterprises 589, LLC built the six-inch diameter force main under Turville Creek in Ocean Pines to extend sewer service from the Ocean Pines Sanitary Service Area (SSA) to the newly expanded Ocean Downs Casino, and turned the Deed of Sale over to the County on March 13, 2015 upon completion of the project. She further stated that Public Works officials concur with this recommendation.

Pursuant to the request of Jennifer LaMade, Director of Planning, Quality, and Core Services for the Health Department, and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the bid to replace the existing front automatic sliding door assemblies at the Health Department in Snow Hill, with a substitution of Stanley Magic Force door operators in lieu of the specified Horton door operators at a total installed price of \$14,790 to Walker & Laberge Co., Inc. of Delmar, Maryland.

Pursuant to the request of Public Works Director John Tustin and upon a motion by

Commissioner Lockfaw, the Commissioners unanimously awarded the bid for the blacktop resurfacing of approximately 4.10 miles with approximately 4,342 tons of Superpave 9.5 mm Bituminous Concrete at 1 ½ inches compacted depth at a fixed per ton price of \$69.94 for a total estimated cost of \$303,679.48 to Allan Myers of Dover, Delaware. They further agreed to add an additional 1,939 tons of blacktop to the contract at an additional cost of \$135,613.66 for a revised total of \$439,293.14 to complete three additional roads as follows: Shire Drive (616 tons for .63 mile), Cash Road (200 tons for .24 mile), Cash Road intersection (30 tons), and Evans Road from Ironshire Station Road towards Cedar Lane (1,093 tons for 1.04 mile). Mr. Tustin advised that funding in the amount of \$1 million is available within the FY16 County Operating Budget to complete road resurfacing projects, including blacktop, chip seal, and slurry seal surfacing projects.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the sole bid for chip seal surfacing of approximately 27.86 miles of County roads (293,619 square yards of 7 RC Chip Seal) at a cost per square yard of \$1.45 for a total estimated cost of \$425,747.55 to American Paving Fabrics, Inc. of Hanover, Maryland. Mr. Tustin stated that American Paving Fabrics, a company the County has done significant business with in the past and been very pleased with the work, offered the County a very good price.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for slurry seal surfacing of approximately 3.45 miles of County roads and 11,172 square yards of parking area at the Snow Hill Public Works Roads Division facility for a total of 80,009 square yards of slurry seal at a total estimated cost of \$134,415.12 to Asphalt Paving Systems, Inc. (APS) of Hammonton, New Jersey. Mr. Tustin stated that this will be the first time slurry seal will be applied to County roads, but that APS has an outstanding reputation, and he feels confident they will do a good job. In response to a question by Commissioner Bunting, Mr. Tustin stated that slurry is cold application that is applied over blacktop to seal it for up to seven years. He further advised that APS's work is backed by a one-year warranty.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the proposal for design of the Ocean Pines Wastewater Treatment Plant (WWTP) Operations Building at a total fee of \$30,850 to be performed by George, Miles and Buhr, LLC (GMB) of Salisbury, Maryland. Mr. Tustin stated that GMB is very familiar with the Ocean Pines WWTP and the operational needs in that facility, as they were the design engineers for the most recent plant expansion, recently completed a design contract to replace the sludge drying greenhouses, and assisted in conceptual development of the Operations Center floor plan in 2010.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications to upgrade Pump Stations A and F in the Ocean Pines Sanitary Service Area (SSA). Mr. Tustin stated that funding for the project is included in the 2014 bond issue.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved out-of-state travel for Andy Stinson, Supervisory Control and Data Acquisition (SCADA) Technician within the Water and Wastewater Division of Public Works, to attend a two-day SCADA training session in July 2016 and a one-day training session in August 2016, both in Rochester, New York at a total cost of \$2,900, which includes tuition, travel, meals and lodging.

The Commissioners met with Mr. Tustin to review the results of Household Hazardous Waste (HHW) and Electronics Recycling (E-Cycle) Collection Day on Saturday, October 10, 2015. Mr. Tustin advised that the total advertising cost for this event was \$2,716, which included radio advertisements aired several times per day for a one-week period prior to the event and newspaper advertisements in several area newspapers for two consecutive weeks prior to the event. He stated that electronics collected totaled 16.43 tons or 32,860 pounds, with a disposal fee of \$7,700, and HHW totaled 4.62 tons or 9,240 pounds, with a disposal fee of \$13,078. He concluded that the total cost for this event was \$23,494.33. Commissioner Bertino praised the Recycling Division staff for their friendly and professional manner while assisting residents at the event.

Mr. Tustin informed the Commissioners that the next E-Cycle and Household Hazardous Waste Collection Day will take place Saturday, April 23, 2016, from 10:00 a.m. to 2:00 p.m. at the Park and Ride in West Ocean City. The County, in cooperation with the Maryland Department of the Environment (MDE) and Maryland Environmental Service (MES), sponsors this program. Mr. Tustin advised that the County-incurred expense for this event is approximately \$20,000 and is available in the FY15 budget.

Pursuant to the recommendation of Mr. Tustin and upon motions by Commissioner Lockfaw, the Commissioners unanimously declared the proposed list of County equipment and vehicles to be surplus property and agreed to notify the public of their intent to dispose of the surplus property by auction on GovDeals.com, with the caveat that lower mileage vehicles, with around 100,000 miles and no serious performance issues, be retained by the County and included in the fleet of pool vehicles.

Pursuant to the written request of William Gregory, Governor of the Lower Eastern Shore Moose Family Center No. 2431 and the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized the Moose Lodge to use and mark Worcester County roads as part of the Third Annual "Our House/Our Kids Half Century Bike Ride and Festival" on Saturday, March 19, 2016.

The Commissioners reviewed and discussed a letter from Heather Harmon Disque, Regional Entomologist for the Maryland Department of Agriculture (MDA) Office of Plant Industries and Pest Management, stating that her office has identified two areas of gypsy moth populations that may cause defoliation in Worcester County and asking if the County is interested in participating in a gypsy moth aerial suppression project in spring 2016. She further noted that the County's estimated cost share for the aerial suppression project is estimated to be

\$825 if federal grant funds are secured or \$1,375 if no federal money is provided. This cost estimate does not include the cost of surveys. Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to participate in the gypsy moth aerial suppression project as requested.

The Commissioners met with Environmental Programs Director Bob Mitchell to review a proposed implementation policy for the sale, allocation and use of the additional sewage treatment capacity in the Mystic Harbour Sanitary Service Area (SSA) following the completion of the new Mystic Harbour Wastewater Treatment Plant (WWTP), and specifically within the overlay area of the Mystic Harbour SSA and the West Ocean City (WOC) SSA, as adopted in the Worcester County Water and Sewerage Master Plan. Mr. Mitchell reviewed the proposed policy, which was developed by the County Water and Sewer Committee. He also advised that the committee recently reviewed correspondence from Attorneys Hugh Cropper and Mark Cropper on behalf of their clients requesting that the Commissioners adopt a policy to allow the private sale and transfer of Equivalent Dwelling Units (EDUs) of water and sewer capacity within the Mystic Harbour SSA, similar to that which has been permitted in the WOC SSA since 1997. Mr. Mitchell concluded that the committee strongly recommends against adoption of an EDU Transfer Policy in the Mystic Harbour SSA due to conflicts with the proposed County policy and the negative impact that such a transfer policy would have on the financing plan to repay the debt on the Mystic Harbour WWTP upgrade and expansion project.

Commissioner Mitrecic made a motion, seconded by Commissioner Lockfaw, to approve the policy developed by staff and to deny the request for establishment of an EDU Transfer Policy in the Mystic Harbour SSA.

Commissioner Church stated that the proposed plan developed by staff would impact his district, and he requested an opportunity for both Hugh and Mark Cropper, who were in attendance at the meeting, to speak on behalf of their clients. In response to a question by Commissioner Bunting, Ms. Howarth advised that the Commissioners could deny the request, since this is an administrative matter and not a public hearing; receive comment from the two attorneys today; or postpone further discussion until the next meeting to give interested parties an opportunity to share their concerns with Commissioner Church. She noted, however, that this is not a public hearing, and the Commissioners are not obligated to receive public comment. In response to a question by Commissioner Bertino, Mr. Mitchell confirmed that this issue is time sensitive, as projects awaiting this capacity cannot move forward until the policy is adopted. Commissioner Bertino stated concern that there may be individuals impacted by this decision who are not here today and would like the opportunity to share their concerns; therefore, he thought further discussion should be postponed to give Commissioner Church an opportunity to speak to his constituents and share their concerns at the next meeting. Commissioner Church suggested conducting a public hearing on both the staff policy and the proposed EDU Transfer Policy in the Mystic Harbour SSA. Assistant Chief Administrative Officer Kelly Shannahan stated that the staff policy was an internal procedure only and suggested that the Commissioners endorse the staff policy and only consider the proposed EDU Transfer Policy at the public hearing, since that was a separate matter independent of staff policy. Commissioner Church reiterated that the public hearing should address both the staff policy and the proposed EDU Transfer Policy.

Commissioner Mitrecic stood by his motion to approve the staff recommendations. However, Commissioner Lockfaw retracted his second to Commissioner Mitrecic's motion. Commissioner Mitrecic's original motion, therefore, failed for lack of a second.

Following some discussion and upon a motion by Commissioner Church, the Commissioners voted 6-0-1, with Commissioner Bunting abstaining from the vote, to schedule a public hearing to receive public comment on both the staff policy and the proposed EDU transfer policy in the Mystic Harbour SSA on March 15, 2016.

Pursuant to the recommendation of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on Rezoning Case No. 398 for March 15, 2016. This application was submitted by Attorney Hugh Cropper, IV on behalf of Salt Grass Bali Hi, LLC for an amendment to the Official Zoning Maps to rezone approximately 24.031 acres of land located on the southerly side of St. Martins Neck Road at the westerly side of Salt Grass Point Road from E-1 Estate District to A-2 Agricultural District. Mr. Tudor advised that the application received a favorable recommendation from the County Planning Commission.

The Commissioners met in legislative session.

The Commissioners met with Mr. Tudor to review a proposed text amendment application submitted by Attorney Mark Cropper that seeks to amend the Zoning and Subdivision Control Article to amend various sections of the CA Commercial Airport District regulations and Lot Requirements to permit commercial marine yards and associated uses in the CA District and to exempt structures in the CA District from height limits, except those limits of the AP Airport Protection District. Following some discussion, Commissioners Bertino, Church, Elder and Mitrecic introduced the aforementioned bill as Bill 16-1 (Zoning - Commercial Marine Yards in the CA Commercial Airport District) and agreed to schedule a public hearing on the bill for March 15, 2016.

The Commissioners met with Fire Marshal Jeff McMahon to review a proposed text amendment application drafted by staff at the request of Commissioner Church seeking to amend the Public Safety Article to modify the requirements with regard to automatic fire sprinklers in townhouse units. Mr. McMahon stated that the bill has been drafted as emergency legislation and would allow townhouses in a group of three or more townhouse units to be equipped with automatic fire sprinkler systems compliant with a National Fire Protection Association (NFPA) 13D system (for one and two-family dwellings and manufactured homes), rather than an NFPA 13R system (for low-rise residential, multi-family occupancies). Following some discussion, Commissioners Bertino, Bunting, Church, Elder, Lockfaw, Mitrecic and Purnell introduced the aforementioned bill as Emergency Bill 16-2 (Public Safety - Townhouse Fire Sprinkler Systems) and agreed to schedule a public hearing on the bill for March 15, 2016. Mr. Shannahan advised that Section 2 of draft Emergency Bill 16-2 had been amended slightly to include the additional language, "...in which case the townhouse units shall be considered as one- and two-family dwellings for the purpose of determining the applicable automatic fire sprinkler requirements." Commissioner Church thanked staff for their quick work on this draft bill.

The Commissioners adjourned their legislative session.

The Commissioners answered questions from the press, after which they adjourned to perform administrative functions.

The Commissioners adjourned to meet again on March 1, 2016.