

AGENDA

WORCESTER COUNTY COMMISSIONERS

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

The public is invited to view this meeting live online at - <https://worcestercountymd.swagit.com/live>
Meeting Attendees are required to wear face coverings and practice social distancing.

June 16, 2020

- | | <u>Item #</u> |
|--|-----------------|
| 9:00 AM - Vote to Meet In Closed Session in Commissioners' Conference Room - Room 1103
Government Center, One West Market Street, Snow Hill, Maryland | |
| 9:01 - Closed Session: Discussion regarding hiring a Maintenance Worker I for the Water and Wastewater Division and a Roads Worker II for the Roads Division of Public Works, a Deputy Director for Development Review & Permitting, a Sergeant at the Jail, and other personnel matters; receiving legal advice from Counsel; and performing administrative functions | |
| 10:00 - Call to Order, Prayer (Pastor Gary McCabe), Pledge of Allegiance | |
| 10:01 - Report on Closed Session; Review and Approval of Minutes of June 2, 2020 | |
| 10:10 - Chief Administrative Officer: Administrative Matters
(Pending Board Appointments; Board of Education FY21 Budget Certification, Transmittal Schedule, and Teacher Salary Incentive Grant; Proposed Bid Specifications for West Ocean City Commercial Harbor Boat Slip Leases, and Athletic Field Fence Improvements; Showell Park Concession and Bathroom Recommendation; Proposed Workforce Back to Business COVID-19 Assistance Grant Program; Statewide Special Transportation Assistance Program Funding Transition Plan; Wor-Wic Community College FY21 Spending Authority; Adoption of FY21 Enterprise Fund Budgets for Water and Wastewater, Solid Waste, and Liquor Control; Revised Fees for Application Processed by the Department of Development Review & Permitting and Environmental Programs; Findings of Fact and Resolution Approving Rezoning case No. 424; Letter of Support for Selsey Road Resiliency Project Construction Funding Grant Opportunity; Sewer Flow Calculations for Shell Buildings; and potentially other administrative matters) | 1-17 |
| 10:20 - | |
| 10:30 - Public Hearing: Amendment to Water and Sewerage Plan - EDU Allocations for Frontier Town | 18 |
| 10:40 - Public Hearing: Residential Planned Community - Shady Side Village - on Old Bridge Road | 19 |
| 10:50 - | |
| 11:00 - Legislative Session - Public Hearings on Bill 20-4 (Natural Resources - Forest Conservation Law) and Emergency Bill 20-5 (Zoning - Height of Manufactured and Mobile Homes) | 20 |
| - Introduction of Bills - (Zoning - Home Occupations in the E-1 Estate District) | 21 |
| | 22 |
| 11:10 - | |
| 11:20 - Public Hearing: Establishment of Sanitary Service Area - St. Martins by the Bay Water Service | 23 |
| 11:30 - | |
| 11:40 - Chief Administrative Officer: Administrative Matters | 1-17, continued |
| 11:50 - | |
| 12:00 - Questions from the Press; County Commissioner's Remarks | |
| Lunch | |
| 1:00 PM - Chief Administrative Officer: Administrative Matters (If Necessary) | 1-17, continued |
| 1:10 - | |
| 1:20 - | |
| 1:30 - | |

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

Hearing Assistance Units Available - see Weston Young, Asst. CAO.

Please be thoughtful and considerate of others.

Turn off your cell phones & pagers during the meeting!

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Minutes of the County Commissioners of Worcester County, Maryland

May 28, 2020

Emergency Meeting

Joseph M. Mitrecic, President
Theodore J. Elder, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Joshua C. Nordstrom
Diana Purnell

Due to the current COVID-19 pandemic, this meeting took place virtually via Zoom, for which the live stream could be viewed at <https://media.swagit.com/zoom/worcestercountymd>.

At 3:00 p.m. Commissioner Mitrecic called the emergency meeting to order to discuss Governor Larry Hogan's latest executive order and to receive briefings from County staff on this latest information and recommendations for expedited implementation of this next stage in the COVID-19 recovery efforts.

The Commissioners met with incoming Assistant Chief Administrative Officer Weston Young to review Governor Hogan's latest Executive Order and Associated Guidance, allowing the reopening of certain businesses and facilities, subject to local regulations, and to discuss Worcester County's response to the completion of stage one of the State's Roadmap to Recovery. Mr. Young stated that the new order includes allowing limited outdoor youth sports, youth camps, and swimming pools, and the reopening of bars and restaurants, for outdoor dining. He noted that this latest executive order complies with the Commissioners May 15, 2020 letter to Governor Hogan requesting an addition to stage one of the Roadmap to Recovery that authorizes bars and restaurants that are able to meet certain criteria to reopen and offer outdoor customer seating only. The Commissioners thanked Mr. Young for his ongoing leadership in this area and directed him to continue to serve as the point person on the County's response to the State's Roadmap to Recovery.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review and discuss the proposed Temporary Outdoor Seating Permit Application developed by County staff from DRP, Environmental Programs, Fire Marshal's Office, Health Department, and Board of License Commissioners (as applicable). Mr. Tudor stated that, about two weeks ago in anticipation of the Governor's latest executive order, County staff developed this application to allow them to quickly process applications for outdoor seating at no cost to the applicants. He stated that this application is only for those seeking to expand existing permitted or add new outdoor seating. He stated that businesses that currently have permitted outdoor seating do not need to reapply to the County, though the Health Department may have some additional requirements.

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In response to a question by Commissioner Mitrecic, Mr. Tudor stated that the County will allocate parking requirements based solely on outdoor seating, and County staff will enlist the assistance of area chambers of commerce and the Ocean City Hotel-Motel-Restaurant Association to help spread the word about this process to bars and restaurants within the unincorporated areas of the County.

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to open outdoor seating in the unincorporated areas of the County and approved the Temporary Outdoor Seating Permit Application.

In response to comments by Commissioner Mitrecic, Health Officer Becky Jones stated that health officials do not want to be a barrier to bars and restaurants obtaining the necessary permits to implement outdoor seating, and they have been working in partnership with County and Ocean City officials to expedite the permit process. She stated that, in addition to the County application, the Health Department has developed a very brief outdoor seating application, which is based on guidance from the Centers for Disease Control and Prevention (CDC).

With regard to recreational swimming pools, Ms. Jones stated that her staff is working with State officials to clarify gray areas regarding the reopening of these facilities. Commissioner Mitrecic stated that the Commissioners would like to get these places open as quickly as possible.

The Commissioners reviewed their May 27, 2020 letter to Governor Hogan requesting the start of Phase Two of the State's Roadmap to Recovery including the reopening of certain commercial activities, including outdoor and limited indoor restaurant and bar seating, certain attractions, like miniature golf, go-karts, and other stand-alone attractions, limited operation of the Ocean Downs Casino, outdoor open-air wedding venues, indoor gymnasiums, and the raising of the cap on social gatherings and certain activities. Commissioner Mitrecic stated that the Commissioners need to continue to encourage the Governor's Office to permit these activities in the beginning of phase two.

Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to send another letter to Governor Hogan that both reiterates and builds on their May 27 letter in an ongoing effort to resume normal business operations Countywide.

The Commissioners answered questions from the press, after which they adjourned to meet again on June 2, 2020.

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Minutes of the County Commissioners of Worcester County, Maryland

June 2, 2020

Joseph M. Mitrecic, President
Theodore J. Elder, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Joshua C. Nordstrom
Diana Purnell

With this meeting, the Commissioners resumed assembling in-person to conduct County business; however, due to the ongoing COVID-19 pandemic, all attendees were required to wear face coverings and adhere to social distancing. This and all future meetings may also be viewed in real time at <https://mcdia.swagit.com/zoom/worcestercountymd>.

The Commissioners convened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Father Matthew D’Amario, of St. Paul’s by-the-Sea in Ocean City, and the pledge of allegiance, announced the topics discussed during the afternoon May 19, 2020 closed session meetings.

The Commissioners approved the open and closed session minutes of their May 12 budget work session, their May 14 emergency meeting, and their May 19 open session, open budget session, and closed regular and budget session.

The Commissioners met with Housing Program Administrator Jo Ellen Bynum regarding a request by the Maryland Department of Housing and Community Development (DHCD) for Worcester County’s continued participation in the “On Behalf Of” (OBO) Maryland Mortgage Program, which provides low interest loans primarily to first-time home buyers as well as to those home buyers who have not owned their principal residence within the last three years, as well as the Maryland Home Credit Program.

Upon a motion by Commissioner Church, the Commissioners unanimously agreed to irrevocably transfer Worcester County’s full \$1,904,496 tax-exempt housing bond allocation to the DHCD Community Development Administration for use in issuing housing bonds or mortgage credit certificates on behalf of Worcester County, as set forth in the 2020 allocation of the Maryland State Ceiling for use under the Maryland Mortgage Program and the Maryland Home Credit Program.

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Mitrecic to sign a letter requesting a six-month extension to the FY19 Maryland Community Development Block Grant (CDBG) for Diakonia shelter renovations, which is set to expire in October 2020, due to project delays that resulted from the COVID-19 pandemic.

Pursuant to the request from Ms. Reynolds and upon a motion by Commissioner Purnell, the Commissioners unanimously authorized Commission President Mitreic to sign the application to the Maryland Department of Aging for funds of \$45,712, as a pass-through to the Commission on Aging (COA) to provide services for senior citizens activities centers through the Senior Citizens Activities Center Operating Fund. Ms. Reynolds advised that no County match is required.

Pursuant to the request from Economic Development Director Kathryn Gordon and upon a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to reallocate a portion of funds from the modified Worcester County Economic Development (WCED) STEM (science, technology, engineering, and math) Summer Program to the WCED Workforce Back to Business Grant Program. This program will make available one-time grants of \$500 to support workforce expenses incurred by small, county-owned businesses, as they comply with the guidelines in Maryland's Roadmap to Recovery and the Maryland Strong Back to Business pledge to mitigate the spread of COVID-19.

The Commissioners met with incoming Assistant Chief Administrative Officer Weston Young to discuss an invoice from NAI Coastal for \$1,440, which represents a 6% commission for orchestrating the one-year lease of the former Liquor Control warehouse in Snow Hill to Hardwire, LLC. Mr. Young stated that the lease runs from month-to-month and may be terminated prior to one year. Therefore, he suggested paying the commission on a monthly or quarterly basis.

Upon a motion by Commissioner Elder, the Commissioners unanimously agreed to pay the commission on a monthly basis at a cost of \$120 per month for a period of one year or upon the dissolution of the lease, whichever is less.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Nordstrom, the Commissioners unanimously awarded the best bid for the Bayside Road Bridge replacement project to Murtech Marine Division of Salisbury, Maryland at a total cost of \$1,847,714, contingent upon funding approval from the Maryland State Highway Administration (SHA). Mr. Tustin stated that JJID, Inc. of Bear, Delaware submitted the low bid of \$1,698,555; however, they did not use the correct bid form and submitted an incomplete bid package and should be considered non-responsive.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Nordstrom, the Commissioners unanimously agreed to schedule a public hearing on July 7, 2020 to receive public comment on the proposed \$2.1 million Newark spray irrigation project, as required by County Code PW5-307(b)(2). Mr. Tustin explained that the project, which includes constructing a spray irrigation facility on 42 acres of County-owned farmland located north of the Worcester County Developmental Center, will be funded by a combination of a \$1.05 million low-interest loan and a \$1.05 million grant through the Maryland Department of the Environment (MDE), and the project is required under a consent order with MDE.

The Commissioners conducted a public hearing on the proposed FY21 Water and Wastewater Enterprise Fund operating budgets, assessments, user charges, and other charges for

each of the 11 Sanitary Service Areas (SSA) and sub-areas operated by the Worcester County Department of Public Works, Water & Wastewater (W&WW) Division. Assistant Finance Officer Jessica Wilson reviewed the proposed budgets for the County's various service areas, advising that user charges cover the operation and maintenance of these facilities, and while an attempt is made to keep the rate structures similar among the service areas, these rates are SSA specific. In addition to user fees, a debt service assessment is levied to repay bonds and loans for capital improvements to the water and sewer infrastructure that is financed by the County, and all assessments are based per equivalent dwelling unit (EDU), with debt service charges in the Mystic Harbour, Ocean Pines, Newark, Oyster Harbor, Riddle Farm, and Snug Harbour service areas or sub-areas. Ms. Wilson stated that there are no proposed rate increases in the Lighthouse Sound and West Ocean City (WOC) SSAs. Ms. Wilson thanked the Water and Sewer Advisory Boards from Ocean Pines, Mystic Harbour, and WOC for their review and recommendations on their respective SSA budgets. She then reviewed the proposed rate increases in each SSA.

Assateague Point would increase from \$15 to \$25 per lot grinder pump flat surcharge.

Bridgetown SSA would increase in commercial water base fee ranging from \$53 to \$441.50 at present to \$56.75 to \$472.50, based on total EDUs, and increase in water usage charge from \$9.19 to \$9.75 per thousand gallons. Edgewater Acres SSA would increase from \$160 to \$175 per EDU per quarter domestic water and sewer base fee, increase from \$98 to \$103 per EDU per quarter domestic water flat charge, increase from \$140 to \$150 per EDU per quarter domestic sewer flat charge, and decrease from \$25 to \$0 per EDU per quarter accessibility fee. The Landings SSA would increase from \$240 to \$250 per EDU per quarter domestic water and sewer base fee, increase from \$37 to \$39 per EDU per quarter Lewis Road domestic water base fee, increase in commercial water and sewer base fees ranging from \$275 to \$2,300 at present to \$295 to \$2,461 based on total EDUs, and increase from \$230 to \$240 per EDU per quarter accessibility fee. Mystic Harbour SSA would increase from \$173 to \$178 per EDU per quarter domestic water and sewer base fee, increase from \$172 to \$175.75 per EDU per quarter domestic sewer flat charge, and increase in commercial water and sewer base fees ranging from \$212 to \$1,766 at present to \$227 to \$1,890 based on total EDUs, decrease from \$54 to \$18 per EDU per quarter Oyster Harbor debt service, and increase from \$47.50 to \$48.75 per EDU per quarter Sunset Village domestic water flat charge. Newark SSA would include a new \$55 per EDU per quarter sewer debt service. Ocean Pines SSA would increase from \$175 to \$179 per EDU per quarter domestic water and sewer base fee, increase from \$161.75 to \$164.75 per EDU per quarter domestic sewer flat charge, increase White Horse Park domestic water and sewer flat charge from \$138 to \$141 per lot per quarter, and increase in commercial water and sewer base fees ranging from \$212 to \$1,766 at present to \$227 to \$1,890 based on total EDUs. Riddle Farm SSA would increase from \$190 to \$200 per EDU per quarter domestic water and sewer base fee, increase in commercial water and sewer base fees ranging from \$212 to \$1,766 at present to \$227 to \$1,890 based on total EDUs, and include a new \$35 per EDU per quarter effluent disposal charge. River Run SSA would increase from \$54.69 to \$56 per EDU per quarter domestic water base fee.

Commissioner Mitrecic opened the floor to receive public comment.

There being no public comment, Commissioner Mitrecic closed the public hearing.

Upon a motion by Commissioner Bertino, the Commissioners conceptually approved the proposed FY21 W&WW Enterprise Fund operating budgets, assessments, user charges, and other charges, and agreed to adopt the formal resolution at their next meeting on June 16, 2020.

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The Commissioners conducted a public hearing on the Solid Waste Enterprise Fund FY21 Requested Operating Budget of \$3,323,563, representing an increase of \$137,928 or 4.33% for the Central Landfill in Newark (this budget does not represent operating costs for the homeowner convenience centers (HOCCs) and Recycling, which were previously transferred from the Solid Waste Enterprise Fund to the General Fund). Ms. Wilson stated that this budget includes increases from \$70 to \$75 per ton for municipal waste and maintains the rate of \$80 per ton for construction and demolition debris. HOCC permits will remain at \$100 for the first two vehicles and \$100 for the third and additional vehicles within each household, as previously agreed by the Commissioners at their May 12 budget work session, and an optional Pay-As-You-Throw cost of \$1 per bag for each 33-gallon bag disposed at any HOCC. The proposed budget also includes an increased fee for disposal of house trailers from \$1,000 to \$1,500 per trailer and a new fee for disposal of propane tanks at a cost of \$10 each. Ms. Wilson thanked the Solid Waste Advisory Board members for their review during the budgeting process and for the input they bring from the community. Upon a question by Commissioner Elder, Solid Waste Superintendent Mike Mitchell advised that the new \$75 per ton tipping fee was higher than neighboring counties at \$60 per ton, but he understood that those counties were also considering increasing their rates.

Commissioner Mitreic opened the floor to receive public comments.

There being no public comments, Commissioner Mitreic closed the public hearing.

Upon a motion by Commissioner Bertino, the Commissioners conceptually approved the proposed FY21 Solid Waste Enterprise Fund Operating Budget and agreed to adopt the formal resolution at their next meeting on June 16, 2020.

The Commissioners conducted a public hearing to receive comment on the proposed Liquor Control Enterprise Fund FY21 Operating Budget of \$930,000. This is the last remaining facet of the former Department of Liquor Control (DLC), as wholesale operations ceased in 2016, and all of the other Shore Spirits Retail Liquor Stores (RLS) were transferred to private ownership. The proposed budget allows for continued operations of the Pocomoke retail liquor store until ownership is transferred to Kalpesh Patel at the conclusion of the license appeal process. Ms. Wilson explained that the proposed budget has increased by \$15,000 in FY21 based upon higher projected sales at the Pocomoke retail liquor store.

Commissioner Mitreic opened the floor to receive public comments.

There being no public comments, Commissioner Mitreic closed the public hearing.

Upon a motion by Commissioner Nordstrom, the Commissioners conceptually approved the proposed Liquor Control Enterprise Fund Requested FY21 Operating Budget and agreed to adopt the formal resolution at their next meeting on June 16, 2020.

The Commissioners conducted a public hearing on Rezoning Case No. 424 for an application submitted by Hugh Cropper, IV on behalf of Stockyard, Inc., property owner, which seeks to rezone approximately 0.25 acre of land located to the north of U.S. Rt. 50 and east of Golf Course Road in West Ocean City, and more specifically identified on Tax Map 27 as part of Parcel 569, from R-3 Multi-Family Residential District to C-2 General Commercial District. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearing. Development Review and Permitting Deputy Director (DRP) Phyllis Wimbrow

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reviewed the application, which received a favorable recommendation from the County Planning Commission. She then stated that according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there was a mistake in the existing zoning. She then entered the Planning Commission's Findings of Fact into the record and stated that the petitioned area has been used as needed for over 30 years for commercial purposes in conjunction with the adjacent restaurant and was commercially zoned until the 1992 comprehensive rezoning, when it was changed to R-3. She stated that the Planning Commission concluded that there has not been a change in the character of the neighborhood, but that there is an issue with the consistency of the petitioned area's zoning classification with its long-time use. Therefore, the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

Commissioner Mitreccic opened the floor to receive public comment.

Mr. Cropper stated that Pete and Royette Shepherd have owned the Hooper's property for over 30 years and utilized the upland portion of the property as needed for the restaurant for the same period of time. Therefore, it was a mistake to have zoned it R-3 in 2009. He urged the Commissioners to approve the rezoning request and advised that, if approved, the zoning district boundary will follow the revised property line of the recorded 2015 boundary line adjustment plat. He concurred with the Planning Commission's findings and asked the Commissioners to accept the findings as his testimony as well.

Surveyor Frank Lynch, Jr. advised that he completed a boundary survey in the early 2000s and a boundary line adjustment in 2015 and concurred that it was a mistake to have rezoned the property R-3.

There being no further public comment, Commissioner Mitreccic closed the public hearing.

Upon a motion by Commissioner Bunting, the Commissioners conceptually adopted the Planning Commission's Findings of Fact as their own and approved the rezoning from R-3 to C-2, based on a mistake in the existing zoning.

The Commissioners conducted a public hearing to obtain the views of citizens on community, economic development, and housing needs to be considered for submission of an application to the Maryland Community Development Block Grant (CDBG) Program for funds awarded through the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act. Senior Budget Accountant Kim Reynolds advised that the State of Maryland was awarded \$4,691,887 for non-entitlement counties to benefit low to moderate income persons in urgent need due to the COVID-19 pandemic. She stated that funds awarded to the County will be utilized by the Commission on Aging, the Worcester County Developmental Center, and Diakonia, Inc. to increase essential senior services, food programs, and homeless assistance due to the COVID-19 pandemic.

Commissioner Mitreccic opened the floor to receive public comment.

There being no public comment, Commissioner Mitreccic closed the public hearing.

Upon a motion by Commissioner Bertino, the Commissioners unanimously adopted Resolution No. 20-9, authorizing the filing of a CDBG application for funds of \$800,110.60 to fund senior services, food programs, and homeless assistance due to the COVID-19 pandemic in Worcester County.

Pursuant to the request of Public Information Officer Kim Moses and Recycling Manager Mike McClung and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the D3 Corp (D3) Television Advertising Campaign contract, selecting Option 2 - WBOC/WRDE with 48 primetime commercials for \$2,028 per month (510,879 possible impressions). This option will include airing two, thirty-second Keep Worcester Clean (KWC) commercials, one animated and one live action, from roughly June 5 through September 30, 2020. Ms. Moses advised that County staff worked closely with D3 Corp to craft scripts for the two commercials; however, the live action commercial, which is set to begin filming later this week, was postponed due to Governor Larry Hogan's stay-at-home order. The Commissioners then debuted the animated commercial at their meeting.

Pursuant to the request of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Bertinoc, the Commissioners unanimously agreed to schedule a public hearing on Rezoning Case No. 423 for July 7, 2020. This application was submitted by Attorney Hugh Cropper, IV, on behalf of Antique Woodwork, Inc. and Francis Scott Key Motel, LLC, property owners, and seeks to rezone approximately two acres of land located on the easterly side of Elm Street, to the south of U.S. Rt. 50 and north of Old Bridge Road in West Ocean City, and more specifically identified on Tax Map 27 as Parcels 200, 201, 203, 204, 207, and 577, from R-3 Multi-Family District to C-2 General Commercial District. The application received a favorable recommendation from the Planning Commission.

Upon a motion by Commissioner Bunting, the Commissioners unanimously adopted Resolution No. 20-10 approving the creation of the Gum Point Road Area Sanitary Service Area (SSA), as conceptually approved following the public hearing on the matter on May 19, 2020.

Chief Administrative Officer Harold Higgins reviewed the final proposed FY21 Operating Budget, noting that Section 4-201 of the County Government Article of the Code of Public Local Laws of Worcester County requires that the Commissioners by resolution adopt an expense budget and tax rates on or before the first Tuesday in June. He then advised that the FY21 budget, which the Commissioners conceptually approved following their May 19, 2020 budget work session, includes revenues for FY21 totaling \$204,320,631 and maintains the current real property tax rate of \$0.845 per \$100 of assessed value and the local income tax rate of 2.25%. However, there is still a revenue surplus of \$533,320. To provide a balanced budget, he recommended that this surplus be allocated to a new account, Account No. 1090.070.9010.060 - Capital Equipment Other, within Other General Government to provide funding to replace capital equipment that was cut from the budget requests due to COVID-19 adjustments, but which may fail during FY21. Mr. Higgins explained that use of these funds for individual capital projects would be subject to approval from the Commissioners. Remaining funds in this account will fall to surplus if not spent during FY21. He further stated that there was a total of \$2,435,310 in requested capital equipment expenses that were removed from the originally requested budget, as recommended in the Committee Reviewed COVID-19 budget and approved by the Commissioners. He concluded that establishing this new line item for the surplus funds will assure that contingency funding will be available to replace capital equipment that may fail during fiscal year 2021.

Upon a motion by Commissioner Elder, the Commissioners unanimously approved the

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FY21 Board of Education (BOE) budget of \$94,611,239 as presented.

Commissioner Elder opposed allocating surplus funds to the new account, Capital Equipment Other and suggested allocating those funds to budget stabilization to protect the County's AA bond rating. Commissioner Bunting concurred. Mr. Higgins advised that surplus funds can only be allocated to budget stabilization at the close of a fiscal year; therefore, doing so now would require them to reduce funding by this amount in another category to arrive at a balanced budget.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to convert one Deputy position from part-time to full-time within the Sheriff's Office at a cost of \$8,186 for personnel plus \$3,400 for equipment.

A motion by Commissioner Church to allocate grant funds of \$100,000 to Atlantic General Hospital (AGH) failed 3-4, with Commissioners Church, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, Elder, and Mitrecic voting in opposition.

Upon a motion by Commissioner Purnell, the Commissioners voted 5-2, with Commissioners Bunting and Elder voting in opposition, to increase the grant to the Maryland Food Bank by \$5,000.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to increase the grant to Furnace Town from \$20,000 to \$40,000.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to allocate additional grant funding of \$42,854 each to the towns of Snow Hill and Pocomoke (\$85,708) from Casino table games revenues to help cover the cost of infrastructure repair projects, as requested by both towns in their FY21 County grant requests.

A motion by Commissioner Elder to allocate an additional \$33,000 grant to each of the fire companies to match the additional grant funds allocated to the Stockton Volunteer Fire Department to fund one full-time equivalent (FTE) paramedic position died for lack of a second.

Budget Officer Kathy Whited advised that, after these revisions to the budget, the surplus to the new Capital Equipment Other account totaled \$414,426.

Commissioner Bertino thanked County staff for cutting \$15 million out of originally requested budget, but he could not vote for this budget in light of economic uncertainties resulting from COVID-19 that could result in revenue reductions that are not accounted for in the proposed FY21 budget. Commissioner Bunting concurred.

Commissioner Elder expressed disappointment with these last minute budget decisions after the Commissioners had already voted on these items at their previous budget work session.

Commissioner Mitrecic stated that he previously swore never to support a County budget that did not provide a tax set-off to Ocean City, but that he will vote for this budget, as it includes increased funding to cover the town's cost of providing emergency medical services (EMS) to the West Ocean City (WOC) area.

A motion by Commissioner Nordstrom to adopt the FY21 budget as amended failed 3-4, with Commissioners Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners

Bertino, Bunting, Church, and Elder voting in opposition.

In response to concerns raised by the Commissioners with regard to reconsidering motions, County Attorney Roscoe Leslie stated that the Commissioners may make as many motions as needed to arrive at a balanced FY21 budget, which must be adopted at this meeting in accordance with County law.

After some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to approve a County grant of \$100,000 to AGH. Commissioner Mitrecic stated that the proposed budget includes a lot of good and necessary expenditures, and while he does not support the grant to AGH, he was not willing to see the proposed FY21 budget fail based on this one grant request.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to conceptually approve the FY21 County General Fund Operating Budget as amended. Staff agreed to present the revised resolution for adoption once amended.

Commissioner Nordstrom thanked Information Technology staff for hosting virtual Commissioners' meetings throughout the COVID-19 crisis. He also thanked staff in the Roads Division of Public Works for resolving several complaints from constituents regarding road issues. He recognized the Food Bank and AGH for their services to the community during the COVID-19 pandemic.

Commissioner Purnell thanked both Assistant Chief Administrative Officer Kelly Shannahan and Health Officer Becky Jones for handling individual issues of concern.

Following a motion by Commissioner Elder, seconded by Commissioner Nordstrom, the Commissioners unanimously voted to meet in closed session at 11:21 a.m. to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7), and (8) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer (ACAO) Kelly Shannahan, incoming ACAO Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, and Human Resources Director Stacey Norton. Topics discussed and actions taken included hiring Delaney Dunnivant as a Plant Operator Trainee for the Water and Wastewater Division of Public Works and other personnel matters; discussing pending litigation; receiving legal advice from counsel; and performing administrative functions, including postponing their June 30, 2020 meeting with Maryland Association of Counties (MACo) representatives until June 2021.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 12:12 p.m.

After the closed session, the Commissioners resumed their open session. Commissioner Mitrecic announced the topics discussed in closed session.

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Upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioners Church, Mitrecic, Nordstrom, and Purnell voting in favor and Commissioners Bertino, Bunting, and Elder voting in opposition, to adopt Resolution No. 20-11, adopting the expense budgets and establishing tax rates for FY21, as amended and as conceptually approved prior to their closed session meeting.

The Commissioners adjourned to meet again on June 16, 2020.

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CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
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THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
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JOSHUA C. NORDSTROM
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
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21863-1195

May 29, 2020

TO: Worcester County Commissioners
FROM: Karen Hammer, Office Assistant IV
SUBJECT: Pending Board Appointments - Terms Beginning January 1, 2020

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (12) which have current or upcoming vacancies (20 total). They are as follows: Commission on Aging Board (2), Building Code Appeals Board (1), Ethics Board (1), Local Development Council for the Ocean Downs Casino (2), Lower Shore Workforce Development Board (1), Planning Commission (1), Social Services Board Advisory (2), Solid Waste Advisory Committee (4), Tourism Advisory Committee (1), Water and Sewer Advisory Councils - Mystic Harbour (2) and West Ocean City (2), and the Commission For Women (1). I have circled the members whose terms have expired or will expire on each of these boards.

Letter of Interest on page 14 - Tourism Advisory Committee
Letter of Interest - page 19

Most of these Boards and Commissions specify that current members' terms will expire 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 during June.

Pending Board Appointments - By Commissioner

District 1 - Nordstrom p. 10 - Social Services Advisory Board (Wayne Ayer) - 3 year

District 2 - All District Appointments Received. Thank you!

District 3 - Church p. 12 - Solid Waste Advisory Committee (Bob Augustine)- 4-year
p. 15 - Water and Sewer Advisory Council - Mystic Harbour (Joseph Weitzell -
Mystic Harbor and Bob Hunt - Deer Point) - 4-year
p. 16 - Water and Sewer Advisory Council - West Ocean City (Deborah Maphis
and Gail Fowler)- 4 year

District 4 - Elder All District Appointments Received. Thank you!

District 5 - Bertino p. 12 - Solid Waste Advisory Committee (James Rodenberg)- 4 yr.

District 6 - Bunting p. 13 - Tourism Advisory Committee (Isabel Morris) - 4-year
p. 17 - Commission for Women (Bess Cropper) - 4 year

District 7 - Mitrecic p. 5 - Building Code Appeals Board (Bill Paul) - 4-year
p. 6 - Ethics Board (Frank Knight) - 4-year
p. 7 - Local Development Council for Ocean Downs (Michael Donnelly) - 4-year
p. 9 - Planning Commission (Jay Knerr) 5 -year
p. 10 - Social Services Advisory Board (Maria Campione-Lawrence)- 3yr.

All Commissioners

p. 7 - (1) Local Development Council for Ocean Downs Casino (Mark Wittmyer - At-Large - business or
institution representative in immediate proximity to Ocean Downs) - 4-year
p. 8 - (1) Lower Shore Workforce Development Board (Business Representative - Berlin area) - 4-year
p. 12 - (2) Solid Waste Advisory Committee (Michael Pruitt - Town of Snow Hill and Jamey Latchum -
Town of Berlin) 4 yr.
p. 15 - (2) Water and Sewer Advisory Council - Mystic Harbour (Joseph Weitzell - Mystic Harbor and
Bob Hunt - Deer Point) - 4-year
p. 16 - (2) Water and Sewer Advisory Council - West Ocean City (Deborah Maphis and Gail Fowler)-
4yr

All Commissioners (Awaiting Nominations)

p. 3 - (2) Commission on Aging Board (Cynthia Malament- Berlin, Lloyd Parks - Girdletree) - self-
appointed by Commission on Aging & confirmed by County Commissioners- 3-year

COMMISSION ON AGING BOARD

Reference: By Laws of Worcester County Commission on Aging
- As amended July 2015

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, unless otherwise agreed by a majority vote of the Board

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>
Cynthia Malament	Berlin	07-10-13-16, 16-19
Lloyd Parks	Girdletree	08-11-14-17, 17-20
Clifford Gannett	Pocomoke City	*12-14-17, 17-20
James Covington	Pocomoke City	*18-20
Bonita Ann Gisriel	Ocean City	*18-20
Carolyn Dryzga	Ocean Pines	*18-20
Tommy Tucker	Snow Hill	09-12-15-18, 18-21
Tommy Mason	Pocomoke	15-18, 18-21
Helen Whaley	Berlin	*16-18, 18-21
Rebecca Cathell	Agency - Maryland Job Service	
Lou Taylor	Agency - Worcester County Board of Education	
Roberta Baldwin	Agency - Worcester County Department of Social Services	
Rebecca Jones	Agency - Worcester County Health Department	
Madison J. Bunting, Jr.	Worcester County Commissioners' Representative	
Fred Grant	Snow Hill	*15-16, 16-19, 19-22
Joyce Cottman	Berlin	*16, 16-19, 19-22

* = Appointed to fill an unexpired term

Prior Members:

Since 1972

Virginia Harmon	Mary Leister (89-95)
Maude Love	William Talton (89-95)
Dr. Donald Harting	Sunder Henry (89-95)
John C. Quillen	Josephine Anderson
Violet Chesser	Saunders Marshall (90-96)
William Briddell	Louise Jackson (93-96)
Harrison Matthews	Carolyn Dorman (93-98)
John McDowell	Constance Sturgis (95-98)
Mildred Brittingham	Connie Morris (95-99)
Maurice Peacock	Jerry Wells (93-99)
Father S. Connell	Robert Robertson (93-99)
Rev. Dr. T. McKelvey	Margaret Davis (93-99)
Samuel Henry	Dr. Robert Jackson (93-99)
Rev. Richard Hughs	Patricia Dennis (95-00)
Dorothy Hall	Rev. C. Richard Edmund (96-00)
Charlotte Pilchard	Viola Rodgers (99-00)
Edgar Davis	Baine Yates (97-00)
Margaret Quillen	James Shreeve (99-00)
Lenore Robbins	Tad Pruitt (95-01)
Mary L. Krabill	Rev. Walter Reuschling (01-02)
Leon Robbins	Armond Merrill, Sr. (96-03)
Claire Waters	Gene Theroux
Thelma Linz	Blake Fohl (98-05)
Oliver Williams	Constance Harmon (98-05)
Michael Delano	Catherine Whaley (98-05)
Father Gardiner	Wayne Moulder (01-05)
Iva Baker	Barbara Henderson (99-05)
Minnie Blank	Gus Payne (99-05)
Thomas Groton III	James Moeller (01-05)
Jere Hilbourne	Rev Stephen Laffey (03-05)
Sandy Facinoli	Anne Taylor (01-07)
Leon McClafin	Jane Carmean (01-07)
Mabel Scott	Alex Bell (05-07)
Wilford Showell	Inez Somers (03-08)
Rev. T. Wall	Joanne Williams (05-08)
Jeaninne Aydelotte	Ann Horth (05-08)
Richard Kasabian	Helen Richards (05-08)
Dr. Fred Bruner	Peter Karras (00-09)
Edward Phillips	Vivian Pruitt (06-09)
Dorothy Elliott	Doris Hart (08-11)
John Sauer	Helen Heneghan (08-10)
Margaret Kerbin	Jack Uram (07-10)
Carolyn Dorman	Robert Hawkins (05-11)
Marion Marshall	Dr. Jon Andes
Dr. Francis Ruffo	Lloyd Pullen (11-13)
Dr. Douglas Moore	John T. Payne (08-15)
Hibernia Carey	Sylvia Sturgis (07-15)
Charlotte Gladding	Gloria Blake (05-15)
Josephine Anderson	Dr. Jerry Wilson (Bd. of Ed.)
Rev. R. Howe	Peter Buesgens (Social Services)
Rev. John Zellman	Deborah Goeller (Health Dept.)
Jessee Fassett	George "Tad" Pruitt (05-17)
Delores Waters	Bonnie C. Caudell (09-17)
Dr. Terrance A. Greenwood	Larry Walton (13-18)
Baine Yates	
Wallace T. Garrett	
William Kuhn (86-93)	
Mary Ellen Elwell (90-93)	
Faye Thornes	

* = Appointed to fill an unexpired term

BUILDING CODE APPEALS BOARD

Reference: PGL - Public Safety Article - Section 12-501 - 12-508 - Annotated Code of Maryland
COMAR 05.02.07 (Maryland Building Performance Standards)
- International Building Code, International Residential Code

Appointed by: County Commissioners

Function: Quasi-Judicial
Hear and decide upon appeals of the provisions of the International Building Code (IBC) and International Residential Code for one- and two-family dwellings (IRC)

Number/Term: 7/4-year terms
Terms expire December 31

Compensation: \$50 per meeting (by policy)

Meetings: As Needed

Special Provisions: Members shall be qualified by reason of experience, training or formal education in building construction or the construction trades.

Staff Contact: Edward A. Tudor, Director
Development Review & Permitting (410-632-1200, ext. 1100)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Bill Paul	D-7 - Mitrecic	Ocean Pines	15-19
Kevin Holland	D-1 - Locklaw	Pocomoke	96-04-08-12-16, 16-20
James Spicknall	D-5 - Bertino	Ocean Pines	04-08-12-16, 16-20
Mike Poole	D-6 - Bunting	Bishopville	17-21
Mark Bargar	D-4 - Elder	Berlin	14-18, 18-22
Jim Wilson	D-3 - Church	Berlin	02-06-10-14-18, 18-22
Elbert Davis	D-2 - Purnell	Snow Hill	*03-03-07-11-15-19, 19-23

Prior Members:

Robert L. Cowger, Jr. (92-95)
Charlotte Henry (92-97)
Robert Purcell (92-98)
Edward DeShields (92-03)
Sumei Prete (97-04)
Shane C. Spain (03-14)
Dominic Brunori (92-15)
Richard P. Mueller (98-17)

* = Appointed to fill an unexpired term

ETHICS BOARD

Reference: Public Local Law, Section CG 5-103

Appointed by: County Commissioners

Function: Advisory
Maintain all Ethics forms; develop procedures and policies for advisory opinions to persons subject to the Ethics Law and for processing complaints alleging violations of the Ethics Law; conduct a public information program regarding the purpose and application of the Ethics Law; annually certify compliance to the State; and recommend any changes to the Commissioners in order to comply with State Ethics Law.

Number/Term: 7/4 years
Terms expire December 31st

Compensation: \$50 per meeting

Meetings: As Necessary

Special Provisions:

Staff Contact: Roscoe Leslie, County Attorney (410-632-1194)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Frank Knight	D-7, Mitrecic	Ocean City	*14-15, 15-19
Joseph Stigler	D-4, Elder	Berlin	16-20
Jeff Knepper	D-5, Bertino	Ocean Pines	16-20
Bruce Spangler	D-3, Church	Berlin	*02-05-09-13-17, 17-21
David Deutsch	D-6, Bunting	Ocean Pines	17-21
Faith Mumford	D-2, Purnell	Snow Hill	14-18, 18-22
Mickey Ashby	D-1, Nordstrom	Pocomoke	14-18, 18-22

Prior Members: (Since 1972)

J.D. Quillin, III	Wallace D. Stein (02-08)
Charles Nelson	William Kuhn (90-09)
Garbriel Purnell	Walter Kissel (05-09)
Barbara Derrickson	Marion Chambers (07-11)
Henry P. Walters	Jay Knerr (11-14)
William Long	Robert I. Givens, Jr. (98-14)
L. Richard Phillips (93-98)	Diana Purnell (09-14)
Marigold Henry (94-98)	Kevin Douglas (08-16)
Louis Granados (94-99)	Lee W. Baker (08-16)
Kathy Philips (90-00)	Richard Passwater (09-17)
Mary Yenney (98-05)	
Bill Ochse (99-07)	
Randall Mariner (00-08)	

* = 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
Roscoe Leslie, 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>
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
Gary Weber	Dist. 4 - Elder	Resident - Snow Hill	*19-20
Steve Ashcraft	Dist. 6 - Bunting	Resident - Ocean Pines	*19-20
Mayor Rick Meehan °	At-Large	Business - Ocean City	*09-12-16, 16-20
Mayor Gee Williams °	Dist. 3 - Church	Resident - Berlin	09-13-17, 17-21
Bob Gilmore	Dist. 5 - Bertino	Resident - Ocean Pines	*19-21
David Massey °	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Sample	Ocean Downs Casino	Ocean Downs Casino	17-indefinite
Cam Bunting °	At-Large	Business - Berlin	*09-10-14-18, 18-22
Matt Gordon	Dist. 1 - Nordstrom	Resident - Pocomoke	19-22
Mary Beth Carozza		Maryland Senator	14-18, 18-22
Wayne A. Hartman		Maryland Delegate	18-22
Charles Otto		Maryland Delegate	14-18, 18-22
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15-19, 19-23

Prior Members:

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)

Since 2009

Linda Dearing (11-15)
Todd Ferrante ° (09-16)
Joe Cavilla (12-17)
James N. Mathias, Jr. ° (09-18)
Ron Taylor ° (09-14)
James Rosenberg (09-19)
Rod Murray ° (*09-19)

Charlie Dorman (12-19)

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

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

Reference: Workforce Innovation and Opportunity Act of 2014, Section 107

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: 26 - 5 Worcester County, 11 At-Large (by Tri-County Council), 10 Other
2, 3, or 4-year terms; Terms expire September 30

Compensation: None

Meetings: Quarterly (March, June, September, December) 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
Becca Webster, Workforce Director (410-341-3835, ext 6)
American Job Center, 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>
(Vacant)	(Berlin area)	17-21	Business Rep.
Jason Cunha	Pocomoke	*16-19	Business Rep.
Walter Maizel	Bishopville	*12, 12-16, 16-20	Private Business Rep.
Robert "Bo" Duke	Ocean City	*17, 17-21	Business Rep.
Melanie Pursel	Ocean City	18-22	Business Rep.

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) | Craig Davis (13-17) |
| Edward Lee (97-03) | Donna Weaver (08-17) |
| Joe Mangini (97-03) | Geoffrey Failla (15-18) |
| Linda Wright (99-04) | |
| Kaye Holloway (95-04) | |
| Joanne Lusby (00-05) | |
| William Greenwood (97-06) | |
| Gabriel Purnell (04-07) | |
| Walter Kissel (03-07) | |

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SOCIAL SERVICES BOARD
(Continued)

Prior Members: (Since 1972)

James Dryden	Naomi Washington (01-02)
Sheldon Chandler	Lehman Tomlin, Jr. (01-02)
Richard Bunting	Jeanne Lynch (00-02)
Anthony Purnell	Michael Reilly (00-03)
Richard Martin	Oliver Waters, Sr. (97-03)
Edward Hill	Charles Hinz (02-04)
John Davis	Prentiss Miles (94-06)
Thomas Shockley	Lakeshia Townsend (03-06)
Michael Delano	Betty May (02-06)
Rev. James Seymour	Robert "BJ" Corbin (01-06)
Pauline Robertson	William Decoligny (03-06)
Josephine Anderson	Grace Smearman (99-07)
Wendell White	Ann Almand (04-07)
Steven Cress	Norma Polk-Miles (06-08)
Odetta C. Perdue	Anthony Bowen (96-08)
Raymond Redden	Jeanette Tressler (06-09)
Hinson Finney	Rev. Ronnie White (08-10)
Ira Hancock	Belle Redden (09-11)
Robert Ward	E. Nadine Miller (07-11)
Elsie Bowen	Mary Yenney (06-13)
Faye Thornes	Dr. Nancy Dorman (07-13)
Frederick Fletcher	Susan Canfora (11-13)
Rev. Thomas Wall	Judy Boggs (02-14)
Richard Bundick	Jeff Kelchner (06-15)
Carmen Shrouck	Laura McDermott (11-15)
Maude Love	Emma Klein (08-15)
Reginald T. Hancock	Wes McCabe (13-16)
Elsie Briddell	Nancy Howard (09-16)
Juanita Merrill	Judy Stinebiser (13-16)
Raymond R. Jarvis, III	Arlette Bright (11-17)
Edward O. Thomas	Tracey Cottman (15-17)
Theo Hauck	Ronnie White (18-19)
Marie Doughty	
James Taylor	
K. Bennett Bozman	
Wilson Duncan	
Connie Quillin	
Lela Hopson	
Dorothy Holzworth	
Doris Jarvis	
Eugene Birckett	
Eric Rauch	
Oliver Waters, Sr.	
Floyd F. Bassett, Jr.	
Warner Wilson	
Mance McCall	
Louise Matthews	
Geraldine Thweat (92-98)	
Darryl Hagy (95-98)	
Richard Bunting (96-99)	
John E. Bloxom (98-00)	
Katie Briddell (87-90, 93-00)	
Thomas J. Wall, Sr. (95-01)	
Mike Pennington (98-01)	
Desire Becketts (98-01)	

* = Appointed to fill an unexpired term

SOLID WASTE ADVISORY COMMITTEE

Reference: County Commissioners' Resolution 5/17/94 and 03-6 on 2/18/03

Appointed by: County Commissioners

Function: Advisory
Review and comment on Solid Waste Management Plan, Recycling Plan, plans for solid waste disposal sites/facilities, plans for closeout of landfills, and to make recommendations on tipping fees.

Number/Term: 11/4-year terms; Terms expire December 31st.

Compensation: \$50 per meeting expense allowance, subject to annual appropriation

Meetings: At least quarterly

Special Provisions: One member nominated by each County Commissioner; and one member appointed by County Commissioners upon nomination from each of the four incorporated towns.

Staff Support: Solid Waste - Solid Waste Superintendent - Mike Mitchell - (410-632-3177)
Solid Waste - Recycling Coordinator - Mike McClung - (410-632-3177)
Department of Public Works - John Tustin - (410-632-5623)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Michael Pruitt	Town of Snow Hill		*15, 15-19
Bob Augustine	D-3, Church	Berlin	16-20
Granville Jones	D-7, Mitrecic	Berlin	*15-16, 16-20
Michelle Beckett-El Soloh	Town of Pocomoke City		*19-20
Vaughn White	D-2, Purnell	Berlin	*19-21
Jamey Latchum	Town of Berlin		*17, 17-21
Hal Adkins	Town of Ocean City		*20-21
George Linvill	D-1, Nordstrom	Pocomoke	14-18, 18-22
James Rosenberg	D-5, Bertino	Ocean Pines	*06-10-14-18, 18-22
George Dix	D-4, Elder	Snow Hill	*10-10-14-18, 18-22
Mike Poole	D-6, Bunting	Bishopville	11-15-19, 19-23

Prior Members: (Since 1994)

Ron Cascio (94-96)	Richard Malone (94-01)	John C. Dorman (07-10)
Roger Vacovsky, Jr. (94-96)	William McDermott (98-03)	Robert Hawkins (94-11)
Lila Hackim (95-97)	Fred Joyner (99-03)	Victor Beard (97-11)
Raymond Jackson (94-97)	Hugh McFadden (98-05)	Mike Gibbons (09-14)
William Turner (94-97)	Dale Pruitt (97-05)	Hank Westfall (00-14)
Vernon "Corey" Davis, Jr. (96-98)	Frederick Stiehl (05-06)	Marion Butler, Sr. (00-14)
Robert Mangum (94-98)	Eric Mullins (03-07)	Robert Clarke (11-15)
Richard Rau (94-96)	Mayor Tom Cardinale (05-08)	Bob Donnelly (11-15)
Jim Doughty (96-99)	William Breedlove (02-09)	Howard Sribnick (10-16)
Jack Peacock (94-00)	Lester D. Shockley (03-10)	Dave Wheaton (14-16)
Hale Harrison (94-00)	Woody Shockley (01-10)	Wendell Purnell (97-18)
		George Tasker (*15-20)
		Rodney Bailey *19
		Steve Brown *10-19

* = Appointed to fill an unexpired term

TOURISM ADVISORY COMMITTEE

Reference: County Commissioners' Resolution of May 4, 1999 and 03-6 of 2/18/03

Appointed by: County Commissioners

Function: Advisory
 Advise the County Commissioners on tourism development needs and recommend programs, policies and activities to meet needs, review tourism promotional materials, judge tourism related contests, review applications for State grant funds, review tourism development projects and proposals, establish annual tourism goals and objectives, prepare annual report of tourism projects and activities and evaluate achievement of tourism goals and objectives.

Number/Term: 7/4-Year term - Terms expire December 31st

Compensation: \$50 per meeting expense allowance

Meetings: At least bi-monthly (6 times per year), more frequently as necessary

Special Provisions: One member nominated by each County Commissioner

Staff Contact: Tourism Department - Lisa Challenger (410-632-3110)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)²</u>
Isabel Morris	D-6, Bunting	Bishopville	11-15, 15-19
Elena Ake	D-3, Church	West Ocean City	*16, 16-20
Josh Davis	D-5, Bertino	Berlin	*19-21
Lauren Taylor	D-7, Mitreic	Ocean City	13-17, 17-21
Gregory Purnell	D-2, Purnell	Berlin	14-18, 18-22
Michael Day	D-4, Elder	Snow Hill	*19
Barbara Tull	D-1, Nordstrom	Pocomoke	03-11-15-19, 19-23

Prior Members: Since 1972

Isaac Patterson ¹	Barry Laws (99-03)	Molly Hilligoss (15-18)
Lenora Robbins ¹	Klein Leister (99-03)	Denise Sawyer (*18-19)
Kathy Fisher ¹	Bill Simmons (99-04)	
Leroy A. Brittingham ¹	Bob Hulburd (99-05)	
George "Buzz" Gering ¹	Frederick Wise (99-05)	
Nancy Pridgeon ¹	Wayne Benson (05-06)	
Marty Batchelor ¹	Jonathan Cook (06-07)	
John Verrill ¹	John Glorioso (04-08)	
Thomas Hood ¹	David Blazer (05-09)	
Ruth Reynolds (90-95)	Ron Pilling (07-11)	
William H. Buchanan (90-95)	Gary Weber (99-03, 03-11)	
Jan Quick (90-95)	Annemarie Dickerson (99-13)	
John Verrill (90-95)	Diana Purnell (99-14)	
Larry Knudsen (95)	Kathy Fisher (11-15)	
Carol Johnsen (99-03)	Linda Glorioso (08-16)	
Jim Nooney (99-03)	Teresa Travatello (09-18)	

* = Appointed to fill an unexpired term
 1 = Served on informal ad hoc committee prior to 1990, Committee abolished between 1995-1999
 2 = All members terms reduced by 1-year in 2003 to convert to 4-year terms

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March 31, 2020

Dear Ms. Hammer,

Please accept this letter as a request to serve on the Tourism Advisory Commission. I live in District Six and have over 30 years of Tourism experience. I am the Director of Sales for the Harrison Group Resort Hotels and Restaurants and truly love living in Worcester County.

Some of the highlights of my career include:

- Assisting in bringing the OC Air Show to Ocean City from its inception
- Assisting in organizing the Harbor Day at the Docks from its inception
- Assisting in organizing the OC Film Festival from its inception
- Serving as president and a Director on the Board of the Ocean City Chamber of Commerce for 14 years
- Awarded Tourism Person for the State of MD by the Maryland Tourism Coalition
- Awarded Worcester County Travel Person of the Year
- Bringing up to 100 motorcoach tours per year to Ocean City and touring them around Worcester County
- Served on the Art League of Ocean City Board of Directors
- Oversee the sales effort for 11 hotels which include the Hilton, DoubleTree, Holiday Inn Oceanfront, Holiday Inn Suites, Quality Inn Boardwalk, Quality Inn Oceanfront, and 5 independent hotels.
- Live on the St. Martin River in District Six Northern District for 36 years

Please let me know if you would like references and I will gladly provide them.

Thank you for your time and I look forward to any opportunity you may afford me.

Sincerely,

Ruth Waters, CHSP

**WATER AND SEWER ADVISORY COUNCIL
MYSTIC HARBOUR SERVICE AREA**

Reference: County Commissioners' Resolutions of 11/19/93 and 2/1/05

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: 7/4-year terms
Terms Expire December 31

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

Meetings: Monthly or As-Needed

Special Provisions: Must be residents of Mystic Harbour Service Area

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

Current Members:

<u>Member's Name</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Joseph Weitzell ^C	Mystic Harbour	05-11-15, 15-19
Bob Hunt	Deer Point	*06-11-15, 15-19
David Dypsky	Teal Marsh Center	*10-12-16, 16-20
Stan Cygam	Whispering Woods	*18-20
Martin Kwesko	Mystic Harbour	13-17, 17-21
Richard Jendrek ^C	Bay Vista I	05-10-14-18, 18-22
Matthew Krauter	Ocean Reef	19-22

Prior Members: (Since 2005)

John Pinnero^C (05-06) Carol Ann Beres (14-18)
 Brandon Phillips^C (05-06)
 William Bradshaw^C (05-08)
 Buddy Jones (06-08)
 Lee Trice^C (05-10)
 W. Charles Friesen^C (05-13)
 Alma Seidel (08-14)
 Gerri Moler (08-16)
 Mary Martinez (16-18)

^C = Charter member - Initial Terms Staggered in 2005
^{*} = Appointed to fill an unexpired term

15

**WATER AND SEWER ADVISORY COUNCIL
WEST OCEAN CITY 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/ratepayers of West Ocean City Service Area

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

Current Members:

<u>Member's Name</u>	<u>Resides/Ratepayer of</u>	<u>Terms (Years)</u>
Deborah Maphis	West Ocean City	95-99-03-07-11-15, 15-19
Gail Fowler	West Ocean City	99-03-07-11-15, 15-19
Blake Haley	West Ocean City	*19-20
Todd Ferrante	West Ocean City	13-17, 17-21
Keith Swanton	West Ocean City	13-17, 17-21

Prior Members: (Since 1993)

Eleanor Kelly^c (93-96) Andrew Delcorro (*14-19)
John Mick^c (93-95)
Frank Gunion^c (93-96)
Carolyn Cummins (95-99)
Roger Horth (96-04)
Whaley Brittingham^c (93-13)
Ralph Giove^c (93-14)
Chris Smack (04-14)

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

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: Liz Mumford and Tamara White, Co-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>
Tamara White	D-1, Lockfaw	Pocomoke City	17-20
Vanessa Alban	D-5, Bertino	Ocean Pines	17-20
Terri Shockley	At-Large	Snow Hill	17-20
Laura Morrison	At-Large	Pocomoke	*19-20
Kelly O'Keane	Health Department		17-20
Kelly Riwniak	Public Safety - Sheriff's Office		*19-20
Darlene Bowen	D-2, Purnell	Pocomoke	*19-21
Elizabeth Rodier	D-3, Church	West Ocean City	18-21
Bess Cropper	D-6, Bunting	Berlin	15-18, 18-21
Kimberly List	D-7, Mitrecic	Ocean City	18-21
Gwendolyn Lehman	At-Large	Berlin	*19-21
Mary E. (Liz) Mumford	At-Large	Ocean City	*16, 16-19, 19-22
Coleen Colson	Dept of Social Services		19-22
Hope Carmean	D-4, Elder	Snow Hill	*15-16-19, 19-22
Windy Phillips	Board of Education		19-22

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)	Michelle Bankert *(14-18)
Dee Shorts (04-07)	Nancy Fortney (12-18)
Ellen Payne (01-07)	Cristi Graham (17-18)
Mary Beth Quillen (05-08)	Alice Jean Ennis (14-17)
Marge SeBour (06-08)	Lauren Mathias Williams *(16-18)
Meg Gerety (04-07)	Teola Brittingham *(16-18)
Linda Dearing (02-08)	Jeannine Jerscheid *(18-19)
Angela Hayes (08)	Shannon Chapman (*17-19)
Susan Schwarten (04-08)	Julie Phillips (13-19)
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)	
Dawn Cordrey Hodge (13-16)	
Carol Rose (14-16)	
Mary Beth Quillen (13-16)	
Debbie Farlow (13-17)	
Corporal Lisa Maurer (13-17)	
Laura McDermott (11-16)	
Charlotte Cathell (09-17)	
Eloise Henry-Gordy (08-17)	

Karen M. Hammer

From:
Sent: Sunday, March 22, 2020 5:17 PM
To: Karen M. Hammer
Subject: volunteer

to khammer, Since I am hunkered down in my condo during covid-19 now is a good time to send letter of interest/resume for board volunteers.

name- Arnold Dansicker phone retired
address email . currently volunteer at atlantic general hospital and believe in
tomorrow
dob-04/13/1950 full time ocean city resident

Clubs and organizations-- American Legion post 116-30 years Amicable- St Johns Masonic lodge-32 years
Elks #2645 22 years Grunwald Club of Balimore- 19 years
Ring 101 Veteran boxers association-21 YEARS
Md State Athletic Commission- 12 years 2 of those years as chairman

Graduate of Baltimore Polytechnic HS -1968

Owner of Cox Auto Parts in Dundalk md 1977-2014 During this time served on board and as president of Md Auto & Truck Recylers Assoc.

I feel I could use a lifetime of business and volunteer experience to be an asset to these boards.

Thank You ---feel free to contact me anytime---thanks-- Arnold "arnie" Dansicker

Administration

LOUIS H. TAYLOR
Superintendent of Schools

H. STEPHEN PRICE
Chief Safety Officer

DENISE R. SHORTS
Chief Academic Officer, Gr. PK-8

VINCENT E. TOLBERT, CPA
Chief Financial Officer

ANNETTE E. WALLACE, Ed.D.
Chief Operating & Academic Officer,
Gr. 9-12



Board Members

ERIC W. CROPPER, SR.
President

SARA D. THOMPSON
Vice-President

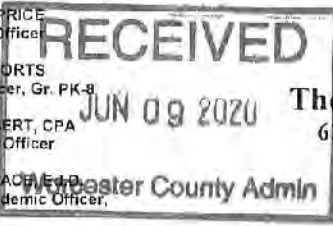
BARRY Q. BRITTINGHAM, SR.

WILLIAM E. BUCHANAN

TODD A. FERRANTE

WILLIAM L. GORDY

ELENA J. MCCOMAS



The Board of Education of Worcester County
6270 Worcester Highway | Newark, Maryland 21841
Telephone: (410) 632-5000 | Fax: (410) 632-0364
www.worcesterk12.org

2

June 8, 2020

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:

Attached is the Annual Budget Certification Statement, which the Board of Education must submit to the Maryland State Board of Education, detailing County funds appropriated for FY 2021. Since the state report utilizes a different format than our local budget, I have listed below the amounts approved by the County Commissioners that agrees to the total on this report.

Current Expense

Appropriation for Board of Education	\$93,692,139
Technology Program - Recurring	200,000
Technology Program - Non - Recurring	-0-
School Building Improvements	100,000
Total Current Expense	\$93,992,139

School Construction \$ 633,000

Debt Service \$12,494,881

Please have this form signed by Mr. Mitreic and return to me at your earliest convenience. Should you have any questions, please give me a call.

Sincerely,

Vincent E. Tolbert, CPA
Chief Financial Officer

WORCESTER
(Local Unit)

ANNUAL BUDGET

for the Fiscal Year Ending June 30, 2020

Authorized under §5-101, §5-102, and §5-111 of
Education Article of the Annotated Code of Maryland


Refer to the *Financial Reporting Manual for Maryland Public Schools*, Revised 2014
for definitions of accounts to be reported on this budget.

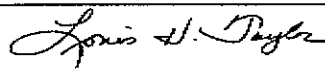
CERTIFICATION STATEMENT

To the Board of County Commissioners or the County/City Council:
In accordance with the requirements of the Acts of the General Assembly, and the rules and regulations of the State Board of Education, and on and with the advice of the State Superintendent of Schools, the Board of Education herewith submits the itemized school budget, showing the financial needs and estimated federal, state, local, and other revenue sources of the County/City for Current Expenses, School Construction, and Debt Service.

Agreeably, thereto you are hereby requested to provide from **County/City** sources the following appropriation, respectively:

Current Expense – Recurring Local Appropriation	\$93,992,139
Current Expense – Nonrecurring Local Appropriation	\$ -0-
Total Local Appropriation	\$93,992,139
School Construction	\$633,000
Debt Service	\$12,494,881
Duly submitted by:	Date: June 8, 2020

 , President

 , Secretary

The above appropriations from County/City sources have been approved.

Signature of President or Chair
of the County/City Council or County Commissioners

Preparer:
Vincent E. Tolbert, CFO

Telephone:
410-632-5062

Date:
June 8, 2020

Administration

LOUIS H. TAYLOR
Superintendent of Schools

H. STEPHEN PRICE
Chief Safety Officer

DENISE R. SHORTS
Chief Academic Officer, Gr. PK-8

VINCENT E. TOLBERT, CPA
Chief Financial Officer

ANNETTE E. WALLACE, Ed.D.
Chief Operating & Academic Officer,
Gr. 9-12



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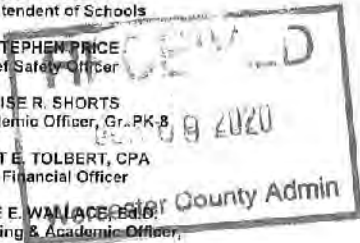
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TODD A. FERRANTE

WILLIAM L. GORDY

ELENA J. MCCOMAS



3

June 8, 2020

Mr. Harold Higgins
Office of County Commissioners
Worcester County Government Center
One West Main Street, Room 1103
Snow Hill, MD 21863

Dear Mr. Higgins,

Enclosed please find the proposed County Appropriation Transmittal Schedule for Fiscal Year 2021. This schedule follows the same plan as used in past years, which takes into consideration the months that state aid is received to balance the cash flow needs from the county.

Please contact me should there be any questions or concerns with this schedule.

Sincerely,

Vincent E. Tolbert, CPA
Chief Financial Officer

BOARD OF EDUCATION OF WORCESTER COUNTY
COUNTY APPROPRIATION TRANSMITTAL SCHEDULE
FISCAL YEAR 2021

MONTH	REQUISITION NUMBER	AMOUNT	DATE FUNDS TRANSMITTED
July	1	\$2,151,374	Wednesday, July 15, 2020
	2	2,151,374	Thursday, July 30, 2020
August	3	3,090,920	Thursday, August 13, 2020
	4	3,090,920	Friday, August 28, 2020
September	5	4,741,758	Tuesday, September 15, 2020
	6	4,741,758	Wednesday, September 30, 2020
October	7	4,741,758	Thursday, October 15, 2020
	8	4,741,758	Friday, October 30, 2020
November	9	4,741,758	Thursday, November 12, 2020
	10	4,741,758	Tuesday, November 24, 2020
December	11	3,390,920	Friday, December 11, 2020
	12	3,090,920	Tuesday, December 22, 2020
January	13	4,741,758	Tuesday, January 12, 2021
	14	4,741,758	Friday, January 29, 2021
February	15	3,090,920	Friday, February 12, 2021
	16	3,090,920	Friday, February 26, 2021
March	17	5,751,603	Friday, March 12, 2021
	18	4,741,758	Tuesday, March 30, 2021
April	19	3,090,920	Thursday, April 15, 2021
	20	3,090,920	Friday, April 30, 2021
May	21	4,741,758	Friday, May 14, 2021
	22	4,741,758	Friday, May 28, 2021
June	23	4,100,766	Tuesday, June 15, 2021
	24	2,650,324	Wednesday, June 30, 2021
TOTAL REQUISITIONS		\$93,992,139	
Appropriations:		\$93,692,139	Unrestricted
		200,000	Technology
		100,000	Capital Outlay
		\$93,992,139	

Approval _____



Administration

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Superintendent of Schools

H. STEPHEN PRICE
Chief Safety Officer

DENISE R. SHORTS
Chief Academic Officer, Gr. PK-8

VINCENT E. TOLBERT, CPA
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www.worcesterk12.org

June 9, 2020

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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:

Included in SB1030 – The Blueprint for Maryland's Future - was funding for the teacher salary incentive grant program. The portion of this grant allocated to Worcester County Public Schools is \$165,478 in FY20 and FY21. This funding is to be utilized to increase teacher salaries, specifically starting teacher salaries. Our Board and the Worcester County Teachers Association agreed in FY20 to increase steps 1-5 on the teacher salary scales by \$800 and steps 6-10 by \$650. The State required that in order to receive this grant for FY20 and FY21, a salary increase of at least 3% over the prior year must be negotiated and funded in FY20. The County met this requirement and approved the FY20 teacher salary incentive grant application form last year. Even though there are no additional requirements in FY21, a similar form must be approved by our County Commissioners in order for our school system to receive these grant funds.

Please have the attached form signed by Mr. Mitrecic and return to me at your earliest convenience. Should you have any questions, please give me a call.

Sincerely,

Vincent E. Tolbert, CPA
Chief Financial Officer

**CERTIFICATION STATEMENT
TEACHER SALARY INCENTIVE GRANT PROGRAM
FOR FISCAL YEAR 2020**

**Pursuant to Section 4 of Chapter 117 (SB1030) - Blueprint for Maryland's Future,
local applications for Teacher Salary Incentive:**

(d) (1) On or before June 30, 2019, and on or before June 30, 2020, a county board, including the Baltimore City Board of School Commissioners, may submit an application to the State Department of Education to receive a State grant for the immediately following fiscal year as specified in subsection (f) of this section.

(2) (i) The application shall include:

1. The estimated teacher salary base for the county board for the current fiscal year;

Teacher Salary Base - FY 2020: 50,349,081

2. Except as provided in subparagraph (ii) of this paragraph, the negotiated salary increase for teachers for the current and next fiscal year, expressed in total dollar amounts and as a percentage, broken out between cost-of-living adjustment, steps or increments, interval movements, pathway movements, and other increases;

3. Documentation that a total salary increase for teachers of at least 3% over the current fiscal year was negotiated and funded in fiscal year 2020;

Note that an additional 3% increase is not required over the fiscal year 2020 base. The required funding in FY 2021 is what is necessary to continue the increase over the FY 2019 base that was negotiated and funded in fiscal year 2020.

4. The proposed additional salary increase for teachers, expressed in dollar amounts and as a percentage, broken out between cost-of-living adjustment, steps or increments, interval movements, pathway movements, and other increases, if the State grant amount specified in subsection (f) of this section is received;

	FY 2020		FY 2021		Additional Salary Increase	
	Dollar Amt	Percent	Dollar Amt	Percent	Dollar Amt	Percent
Cost-of-Living Adjustment	976,027	2.00%	1,005,876	2.00%		
Steps or Increments	784,887	1.61%	723,859	1.44%		
Interval Movements*						
Pathway Movements*						
Other Increases (list individually)						
Totals **	1,760,914	3.61%	1,729,735	3.44%		

(ii) For a school system that has a personnel system with interval movements and pathway movements for teachers, the application shall include the planned and funded salary increases for the current and next fiscal years.

**

To be eligible for the FY 2021 State Grant, the required salary increase in fiscal year 2020 must be funded in fiscal year 2021.

5. Any other information necessary to determine eligibility

Provide any additional information as attachments to this form.

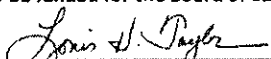
Worcester added \$800 to each of our teacher salary steps 1-5 and \$650 to each of our teacher salary steps 6-10 in FY20. Distributing the teacher salary incentive funding on steps 1-5 only, would not have allowed us to maintain the integrity of our scale. However, we did follow the intent of the grant by placing the larger increases on steps 1-5. These increases were maintained in FY21. A copy of our FY21 teacher salary scale is attached.

(4) (i) For a county that receives a State grant in fiscal year 2020, in order to continue to receive the grant in fiscal year 2021, a county board must submit documentation to the Department that the required salary increase in paragraph (2) of this subsection is funded in fiscal year 2021.

Provide documentation that the FY 2020 salary increase continues to be funded in FY 2021

A copy of our FY21 teacher salary scale is attached.

In accordance with the above requirements of SB1030, I hereby certify that the above information is correct and that a teacher salary increase of at least 3% over fiscal year 2019 has been negotiated and continues to be funded for the Board of Education for the fiscal year beginning July 1, 2020.



Superintendent of Schools

6/9/20

Date

County Commissioner / County Executive

Date

This Certification is to be submitted to the Maryland State Department of Education no later than June 30, 2020.

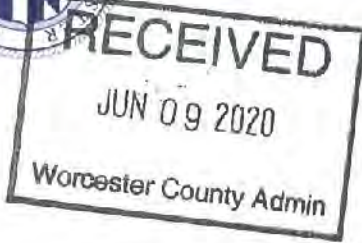
The Commissioners met with Mr. Tolbert to discuss the BOE's plans to use teacher salary incentive grant funds of \$165,478, to be allotted to Worcester County under Senate Bill 1030 - The Blueprint for Maryland's Future, to increase starting teacher salaries for steps 1-5 by \$800 and steps 6-10 by \$650. Commissioner Bertino stated that he has strong reservations about accepting these grant funds based on the uncertainty of this funding going forward and the likelihood that future funding to maintain the salary increases will be baked into the County's annual Maintenance of Effort (MOE) formula beginning in the third year when the State grant funds disappear. He clarified that he has no reservations about how the BOE plans to allocate local funds, but that the Eastern Shore will have no representation on the Kirwan work group or its recommendations regarding how future funding to maintain teachers' salary increases will be determined and the likelihood that Worcester County will continue to be treated unfairly by the State with respect to education funding. In response to questions by Commissioner Bertino, Mr. Tolbert advised that this is a two-year State grant that will be funded through FY21, and the Kirwan Commission Work Group will be meeting this summer to make recommendations to the overall Kirwan Commission on future funding. He advised that 20 teachers are currently at Step 1; however, next year the BOE is likely to hire 20 to 40 new teachers at various levels depending on their years of experience. He advised that the BOE shares the Commissioners' concerns, as there are no Eastern Shore representatives, finance officers, or superintendents represented on the work group. He urged that they should continue to push for increases, not necessarily for the funding formula that is based on wealth, but for boosting funding for the needs of special education students, free and reduced meal students, and English as a second language students, which should boost funding overall because those needs are there no matter the wealth formula.

Commissioner Mitreic stated that if the County does not accept these grant funds, the State may perceive that the County does not need additional funding when they revisit the wealth formula used to determine the amount of State funding to be allocated to Worcester County public schools. Furthermore, he advised that Senator Mary Beth Carozza will be sitting on the Kirwan Commission and will certainly make her voice heard.

In response to a question by Commissioner Bunting, Mr. Tolbert advised that the State awarded \$1.8 million to Wicomico County, \$400,000 to Somerset County, and almost \$500,000 to Dorchester County to increase starting teachers' salaries to more than \$47,000 beginning in the next school year; however, State funds will only help Worcester County boost starting teachers' salaries to \$46,394.

Commissioner Bunting stated that Worcester County spends more per pupil for student funding than any County in the State, but that if they do not accept this money it will be allocated elsewhere; however, these grant funds are not addressing the need for equitable funding.

Following much discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-0-1, with Commissioner Bertino abstaining, to authorize Commission President Purnell to sign the Certification Statement - Worcester Teacher Salary Incentive Grant Program for FY20 certifying that a salary increase of at least three percent over FY19 has been negotiated and funded for the BOE for FY20, including increasing starting teacher salaries as previously outlined.



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MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
Kelly Shannahan, Assistant Chief Administrative Officer
FROM: Tom Perlozzo, Director of Recreation, Parks, Tourism & Economic Development
DATE: June 8, 2020
SUBJECT: West Ocean City Harbor Bid Request

The Recreation and Parks Department is requesting permission to bid the West Ocean City Harbor boat slips. The two year leases will expire this September. Sealed bids for three (3) 100-foot and five (5) 75 foot dock spaces will be advertised. In addition, per the February 25, 2020 directive, the bids include a 2% escalator during years two (2) through five (5).

Please feel free to contact me should have any questions. Thanks again!

cc: Kelly Rados
Debbie Perez

WORCESTER COUNTY COMMISSIONERS
West Ocean City Harbor Boat Slips
Instructions to Bidders

Sealed Bids will be accepted for three (3) 100-foot and five (5) 75-foot boat slips. The five-year lease period begins September 23, 2020 and ends September 22, 2025.

All bids will be accepted until 1:00 p.m., Monday, July 13, 2020 in the Office of the County Commissioners at which time they will be opened and publicly read aloud. Results will be published on the Worcester County website at www.co.worcester.md.us following the bid opening.

Tie bids will be resolved by a coin toss. The highest bidder for each slip size will be given preference as to slip number. Each bidder may only be awarded one slip for the lease period, no other bids will be considered from a successful bidder. The County Commissioners of Worcester County will make all determinations as to whether or not a bidder is a bona fide commercial fisherman. The County Commissioners will notify all successful bidders in writing following bid approval. Deposits of unsuccessful bidders will be refunded at such time as all dock license agreements have been executed. The deposit of the successful bidder will be credited toward the fifth year's rent payment.

All bidders must:

1. Certify s/he is a bonafide commercial fisherman as defined by the Worcester County Code of Public Local Laws CG 4-405;
2. Be the sole owner of a commercial fishing vessel or own at least fifty percent (50%) of the stock or partnership which owns such vessel;
3. Operate from the West Ocean City Harbor;
4. Use the dock space for commercial fishing for at least 270 days of each lease year;
5. Provide proof of liability and pollution insurance upon bid approval;
6. Complete and return the enclosed bid form to the Office of the County Commissioners, One West Market Street, Government Center – Room 1103, Snow Hill, MD 21863;
7. Submit the bid form in the sealed envelope and appearing on the exterior of the envelope list the Name of the bidder, "West Ocean City Boat Slip Bid", and size of space bid (100' or 75') by 1:00 p.m. on July 13, 2020;
8. Include a ten percent (10%) bid deposit with each bid. If you are awarded a slip, the deposit will be applied to your fifth year's rent payment;
9. 3rd Party Vessel Registration forms (for vessels tied up more than 7 days) must be forwarded to County Commissioners office for approval and copy of fees paid to Licensee; and
10. No more than two (2) boats shall use dock space at any one time.

The Commissioners of Worcester County reserve the right to reject any and all bids and/or waive any formalities, informalities and technicalities therein. All inquiries should be directed to Tom Perlozzo, Director of Recreation, Parks, Tourism and Economic Development, at (410) 632-2144.

West Ocean City Harbor Boat Slip Bid

The undersigned hereby submits a bid for the FIRST YEAR, from September 23, 2020 through September 22, 2021, of a total FIVE-YEAR lease period beginning September 23, 2020 and ending September 22, 2025 on a [] 100 foot OR [] 75 foot dock space in the West Ocean City Harbor. I understand that an annual 2% escalator will be applied to my FIRST YEAR bid each year for the duration of the FIVE YEAR lease period.

TOTAL FIRST YEAR BID (9/23/20 – 9/22/21) \$ _____

Deposit (10% of FIRST YEAR BID) \$ _____

Bidder understands that an annual 2% escalator will be applied to their FIRST YEAR bid each year for the duration of the FIVE YEAR lease period through September 22, 2025. Bidder further understands that the 10% Deposit will be held by the County and applied to the Rent Payment in Year 5 covering the period beginning September 23, 2024 and ending September 22, 2025.

Bidder warrants and represents that s/he is, a bona fide commercial fisherman as defined by the Worcester County Code of Public Local Laws, Section CG 4-405 and, the owner of a commercial fishing vessel that operates from the West Ocean City Harbor.

The vessel to be docked would be used for the following purposes: _____

The primary vessel(s) to be tied at the dock space should the bid be accepted are:

Vessel Name:	USCG Doc. Number:
Owner:	Length:
Vessel Description:	

This bid shall be binding upon the bidder and may not be withdrawn for a period of thirty (30) days following the bid opening.

- Bids and licenses are not assignable.
- Bidder, if successful, agrees to pay annual lease payment with an annual escalator of 2% that will be applied to the annual lease payments for a 5 year term.
- Bidder understands and agrees that only one space will be awarded for each successful bidder. Bids will be opened in the following order, 100-foot then 75 foot dock space. Once a bidder has been determined to be successful, no other bids from that individual will be considered.

PLEASE NOTE: Certain bulkhead work may be done in the West Ocean City Harbor during the term of any lease, and the Licensee may be required to vacate the slip temporarily. Abatement of the rent will not be permitted in such instance.

Bidder has read and agrees to all statements contained herein as well as the Instructions to Bidders.

Signature: _____ Date: _____

Print Name: _____

Address: _____

Telephone Number(s): (Cell) _____ (home) _____

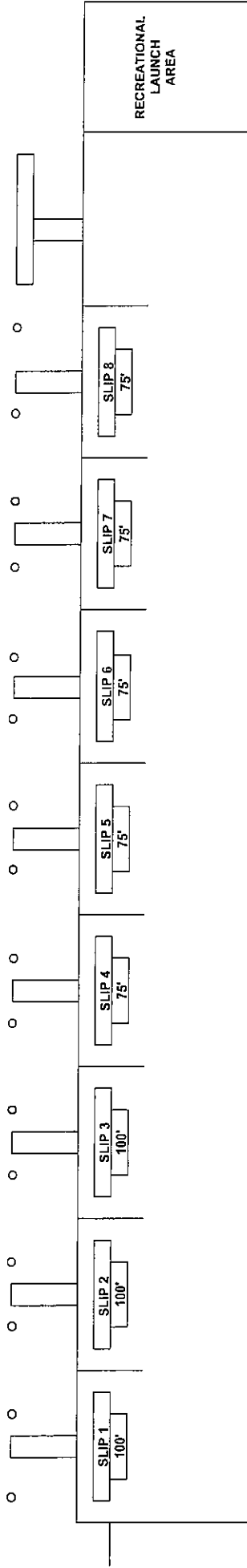
Email address: _____

Vehicle Make _____ Model _____ License Plate No. _____

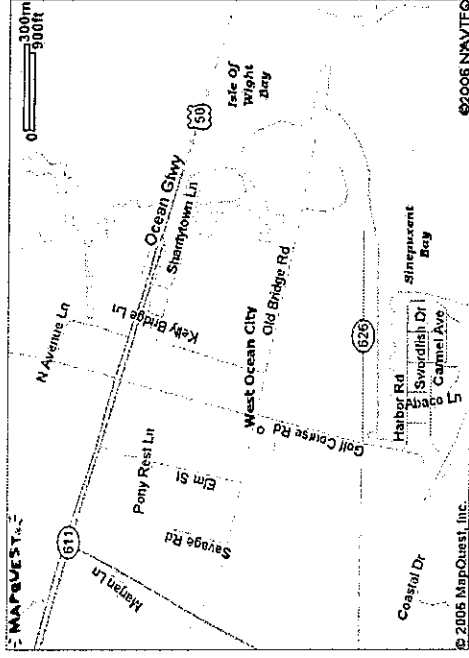
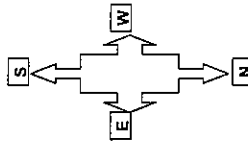
EMERGENCY CONTACT (Should be available 24 hrs): Contact Phone Number: _____

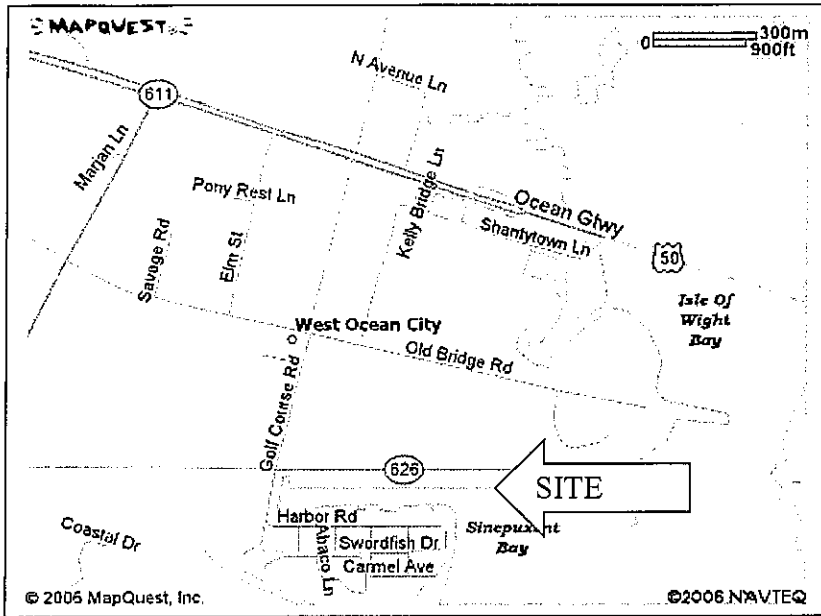
Contact Name: _____

WEST OCEAN CITY HARBOR



NORTH HARBOR ROAD





VICINITY MAP

West Ocean City Boat Bid List

Jeffrey S. Eutsler
12412 Blueberry Rd
Whaleyville, MD 21872

John R. Martin
10134 Waterview Drive
Ocean City, MD 21842

Earl (Sonny) R. Gwin
10448 Azalea Road
Berlin, MD 21811

Mr. William A. Fooks
304 William Street
Berlin, MD 21811

David Trader
8520 Newark Road
Newark, MD 21841

Mr. Joseph W. Letts
8949 Clark Road
Berlin, MD 21811

Mr. Clifford R. Wilson
21292 Phillips Road
Tilghman, MD 21671

Mr. John W. Gourley
13 Vince Street
Berlin, MD 21811

Mr. Jimmy Hahn
5527 Indian Town Road
Rhodesdale, MD 21659

Chester Townsend
32523 Falling Point Rd
Dagsboro, DE 19939

Mr. Andy Jackson
8661 Langmaid Rd
Newark, MD 21841

Mr. Joe Beck
Sukasa Fish Co. Inc.
1419 Runnymede Road
Norfolk, VA 23505

Mr. Bruce McGuigan
13 Vine Street
Berlin, MD 21811

Scott Disharoon
438 Mill Street
Salisbury, MD 21801

Edward Lynch
6941 Boxiron Road
Girdletree, MD 21829

Mr. Sam Martin
985 Ocean Drive
Cape May, NJ 08204

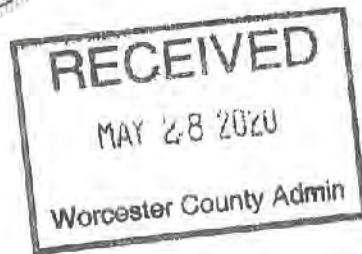
H. Drexel Harrington
12928 Swordfish Drive
Ocean City, MD 21842

Merrill T. Campbell, Jr.
101 Division St.
Snow Hill, MD 21863

Ray Milford
9021 Arden Station Road
Westover, MD 21871

Karl Otto
14 Windsor Road
Wilmington, DE 19809

Micah Fooks
8 East Wind Drive
Berlin, MD 21811



MEMORANDUM

6

TO: Harold L. Higgins, Chief Administrative Officer
Kelly Shannahan, Assistant Chief Administrative Officer
FROM: Tom Perlozzo, Director of Recreation, Parks, Tourism & Economic Development
DATE: May 28, 2020
SUBJECT: Fence Improvements

9

The Recreation and Parks Department is requesting permission to bid additional fence improvements at John Walter Smith Park, Newtown Park and Showell Park as approved within the 2020-21 budget. Keep in mind those projects are approved by Program Open Space at a 90% - 10% rate. The 10% will be provided again through in-kind services via the Parks Department.

We do have an additional option of working with the prior low bidder, Long Fence, who was the successful bidder this past winter. This could expedite the process and save county funds for the project.

Please feel free to contact me should have any questions. Thanks again!

cc: Kelly Rados
Bill Rodriguez

PARK FENCE BID SPECIFICATIONS

A. SCOPE

1. The Worcester County Department of Recreation & Parks is seeking bids from qualified vendors to install fences on its baseball/softball fields located within the county parks in accordance with the terms and conditions and specification set forth in this solicitation. (Showell Park, John Walter Smith Park and Newtown Park)

B. PRICING

1. Pricing must include all labor, materials, tools and equipment to perform work unless otherwise stated within.

C. SUMMARY

1. This project includes the supply and installation of the necessary fencing around baseball/softball fields.
2. This project will include backstops, line fencing, homerun fence, gates, perimeter fencing, etc.
3. The projects are John Walter Smith located at 6022 Public Landing Road, Snow Hill Maryland 21863, Showell Park located at 11281 Racetrack Road, Berlin, Maryland 21811 and Newtown Park located at 1721 Newtown Park, Pocomoke City, Md 21851.
4. A Pre-Bid Conference has been set for Wednesday, July 1, 2020 at 10:00 am at Showell Park located at 11281 Racetrack Road, Berlin, Maryland 21811.
5. Work Scope Diagrams have been attached providing the requested heights and estimated linear footage for each section of fencing and gate placement defining the anticipated scope of the project.

D. BACKSTOP and BACKSTOP WINGS – ALL FIELDS

1. The backstop for the JWS field is to be thirty (30) foot wide and twenty-four (24) foot high. Both backstop wings are to be ten (10) foot wide and twenty-four (24) foot high. The backstop and backstop wings will have no canopy as indicated on attached diagram or as determined by site inspection/pre-bid meeting.
2. **Fabric**
 - a. The fabric shall be No. 6 gauge black coated chain link woven in a two (2) inch mesh.
 - b. Top and bottom salvages are to have a knuckle finish.
3. **Posts**
 - a. Line posts for fences shall be black coated 4" O.D. Schedule 40 or SS40. No used, rolled or open seamed material will be permitted in posts or rails.
 - b. The terminal posts shall be black coated 4" O.D. Schedule 40 or SS40. No used, rolled or open seamed material will be permitted. The terminal posts shall include the needed tension rods and bands.
 - c. The line posts shall be spaced no further than ten (10) foot on center. Sleeving of existing posts is permitted where applicable.

- d. Tops of all posts are to be securely fitted with black coated tops. The base of the top is to carry the apron around the outside of the post and is to be designed to exclude moisture from the interior of the posts.
 - e. Posts for the backstop and backstop wings are to be set at a depth consistent with post sizing with concrete footings of proper size and shape so as to furnish a foundation and support sufficient to withstand any strain or shock ordinarily brought to bear onto a fence of this character. Concrete for these footings shall be no less than twelve (12) inches in diameter and shall contain no less than six (6) bags of Portland cement per cubic yard of concrete. Excess concrete shall be removed from the site. Sleeving of posts is permitted where applicable.
4. **Rails**
- a. All rails shall be black coated and shall be 1 5/8" O.D Schedule 40 or SS40.
 - b. Rails shall provide couplings every ten (10) feet.
 - c. The horizontal rails shall be placed every four (4) feet. This will require seven (7) rails to be installed on each backstop and backstop wing which includes the bottom rail in place of a bottom wire.
5. **Fittings and Fastening Devices**
- a. Fittings are to be black coated.
 - b. The fabric is to be securely fastened to all terminal posts by 1/4" x 3/4" black coated tension bars with heavy No. 9 gauge pressed steel bands spaced approximately fourteen (14) inches apart.
 - c. The fabric is to be fastened to line posts with No. 6 gauge wire clips spaced approximately fourteen (14) inches apart to a top and bottom rail with No. 9 gauge wire on twenty-four (24) inch centers.

E. BACKSTOP WING EXTENSIONS – ALL FIELDS

- 1. Each backstop wing extension for the JWS field is to be 12' high extending from the backstop wing to edge of existing dugout as indicated on attached diagram or as determined by site inspection/pre-bid meeting.
2. **Fabric**
- a. The fabric shall be No. 6 gauge black coated chain link woven in a two (2) inch mesh.
 - b. Top and bottom salvages are to have a knuckle finish.
3. **Posts**
- a. Line posts for fences shall be black coated 4" O.D. Schedule 40 or SS40. No used, rolled or open seamed material will be permitted in posts or rails.
 - b. The terminal posts shall be black coated 4" O.D. Schedule 40 or SS40. No used, rolled or open seamed material will be permitted. The terminal posts shall include the needed tension rods and bands.
 - c. The line posts shall be spaced no further than ten (10) foot on center. Sleeving of existing posts are permitted where applicable.
 - d. Tops of all posts are to be securely fitted with black coated tops. The base of the top is to carry the apron around the outside of the post and is to be designed to exclude moisture from the interior of the posts.
 - e. Posts for the backstop wing extensions are to be set at a depth consistent with post sizing with concrete footings of proper size and shape so as to furnish a

foundation and support sufficient to withstand any strain or shock ordinarily brought to bear onto a fence of this character. Concrete for these footings shall be no less than twelve (12) inches in diameter and shall contain no less than six (6) bags of Portland cement per cubic yard of concrete. Excess concrete shall be removed from the site. Sleeving of posts is permitted where applicable.

4. **Rails**

- a. All rails shall be black coated and shall be 1 5/8" O.D Schedule 40 or SS40.
- b. Rails shall provide couplings every fifteen (15) feet. Couplings are to be outside sleeve type and at least six (6) inches long.
- c. The horizontal rails shall be placed every five (5) feet. This will require seven (7) rails to be installed on each backstop.
- d. There will be a bottom rail in place of the bottom wire.

5. **Fittings and Fastening Devices**

- a. Fittings are to be black coated.
- b. The fabric is to be securely fastened to all terminal posts by 1/4" x 3/4" black coated tension bars with heavy No. 9 gauge pressed steel bands spaced approximately fourteen (14) inches apart.
- c. The fabric is to be fastened to line posts with No. 6 gauge wire clips spaced approximately fourteen (14) inches apart to a top and bottom rail with No. 9 gauge wire on twenty-four (24) inch centers.

F. **DUGOUT and BULLPEN FENCING - ALL FIELDS**

1. The dugout and bullpen fencing will be composed of a combination of twelve (12) foot high, eight (8) foot high and six (6) foot high sections. The twelve (12) foot high section will be placed per diagram at the spectator end of the bullpen to ensure adequate safety. The eight (8) foot high sections will be placed in front of the dugout. The remainder of the bullpen will be composed of six (6) foot high sections as indicated on attached diagram or as determined by site inspection/pre-bid meeting.
2. **Fabric**
 - a. The fabric shall be six (6) gauge black coated chain link woven in a two (2) inch mesh.
 - b. Top and bottom salvages are to have a knuckle finish.
3. **Posts**
 - a. Line posts for fences shall be black coated 4" O.D. Schedule 40 or SS40. No used, rolled or open seamed material will be permitted in posts or rails.
 - b. The terminal posts shall be black coated 4" O.D. Schedule 40 or SS40. No used, rolled or open seamed material will be permitted. The terminal posts shall include the needed tension rods and bands.
 - c. The line posts shall be spaced no further than ten (10) foot on center. Sleeving of existing posts are permitted where applicable.
 - d. Tops of all posts are to be securely fitted with black coated tops. The base of the top is to carry the apron around the outside of the post and is to be designed to exclude moisture from the interior of the posts.
 - e. Posts for these sections are to be set at a depth consistent with post sizing with concrete footings of proper size and shape so as to furnish a foundation and support sufficient to withstand any strain or shock ordinarily brought to bear onto

a fence of this character. Concrete for these footings shall be no less than twelve (12) inches in diameter and shall contain no less than six (6) bags of Portland cement per cubic yard of concrete. Excess concrete shall be removed from the site. Sleeving of posts is permitted where applicable.

4. **Rails**

- a. All rails shall be black coated and shall be 1 5/8" O.D Schedule 40 or SS40.
- b. Rails shall provide couplings every twenty (20) feet. Couplings are to be outside sleeve type and at least six (6) inches long.
- c. The twelve (12) and eight (8) foot high sections will require a bottom rail and the six (6) foot section will be secured with a bottom wire.

5. **Fittings and Fastening Devices**

- a. Fittings are to be black coated.
- b. The fabric is to be securely fastened to all terminal posts by 1/4" x 3/4" black coated tension bars with heavy No. 9 gauge pressed steel bands spaced approximately fourteen (14) inches apart.
- c. The fabric is to be fastened to line posts with No. 6 gauge wire clips spaced approximately fourteen (14) inches apart to a top and bottom rail with No. 9 gauge wire on twenty-four (24) inch centers.

6. **Swinging Gates/Dugouts/Bullpen**

- a. Gates shall match installed new fencing (Refer to diagram for locations).
- b. Gateposts shall be black coated pipe three (3) inch O.D. Schedule 40 or SS40.
- c. The gates shall be constructed in a standard fashion to permit player field access.
- d. Gate frames are to be made of 1 5/8" black coated pipe Schedule 40 or SS40.
- e. Corner fittings shall be heavy pressed steel or steel malleable iron casting securely riveted.
- f. The fabric is to match the fence and shall be installed in the frame by means of tension bars and hook bolts.
- g. Each frame is to be equipped with 3/8" diameter adjustable truss rods. The bottom hinges are to be wrap around adjustable type.
- h. All gates are to be equipped with positive-type latching devices with provisions for padlocking the gate.
- i. The fabric shall be No. 9 gauge galvanized coated chain link woven in a two (2) inch mesh. Top and bottom salvages are to have a knuckle finish.

G. HOME RUN FENCE – ALL FIELDS

1. The home run fence is to be six (6) foot high No. 9 gauge chain link fence.
2. **Fabric**
 - a. The fabric shall be No. 9 gauge black coated chain link woven in a two (2) inch mesh. Top and bottom salvages are to have a knuckle finish.
3. **Posts**
 - a. Line posts for fence shall be black coated 2" inch O.D. Schedule 40 or SS40. No used, rolled or open seamed material will be permitted in posts or rails.
 - b. The terminal posts shall be black coated 2 1/2" O.D. schedule 40 or SS40. No used, rolled or open seam material will be permitted.
 - c. The line posts shall be spaced no further than ten (10) foot on center.

- d. Tops of all posts shall be securely fitted with black coated malleable cast iron or pressed steel tops. The base of the top is to carry the apron around the outside of the post and is to be designed to exclude moisture from the interior of the posts.
 - e. Posts for the fences are to be thirty-six (36) inches into the ground in concrete footings of proper size and shape so as to furnish a foundation and support sufficient to withstand any strain or shock ordinarily brought to bear onto a fence of this character. Concrete for these footing shall be no less than twelve (12) inches in diameter and shall contain no less than six (6) bags of Portland cement per cubic yard of concrete. Excess concrete shall be removed from the site. Fence post sleeves are permitted where applicable.
4. **Rails**
- a. All rails shall be black coated and shall be 1 5/8" O.D. Schedule 40 or SS40.
 - b. Rails shall provide couplings every twenty (20) foot. Couplings are to be outside sleeve-type and at least six (6) inches long.
 - c. The bottom wire should be No.9 black coated.
5. **Fittings and Fastening Devices**
- a. Fittings are to be black coated malleable cast iron or pressed steel.
 - b. The fabric is to be securely fastened to all terminal posts by 1/4"x 3/4" black coated tension bars with heavy No. 9 gauge pressed steel bands spaced approximately fourteen (14) inches apart.
 - c. The fabric is to be fastened to line posts with No. 6 gauge wire space approximately fourteen (14) inches apart to a top and bottom rail with No. 9 gauge tie wire on twenty-four (24) inch centers.

H. SIDE FENCING – ALL FIELDS

1. This fencing is the same on each side of the field and the length of fencing diagram is attached. This is broken down in the following sections. Each side shall have:
2. **Fabric**
 - a. Six (6) foot high No. 9 gauge black coated fabric. Located from end of dugout to homerun fence as indicated from site visit and plans. Top and bottom salvages are to have a knuckle finish.
3. **Post**
 - a. Line posts for fence shall be black coated 2" O.D. Schedule 40 or SS40.
 - b. The Terminal and corner post shall be black coated 2 1/2 inch O.D. Schedule 40 or SS40. No used, rolled or open seam material will be permitted.
 - c. The line posts shall be spaced no further than ten (10) foot on center.
 - d. Tops of all posts are to be securely fitted with black coated malleable cast iron or pressed steel tops. The base of the top is to carry the apron around the outside of the posts and is to be designed to exclude moisture from the interior of the posts.
 - e. Posts for the fences are to be thirty-six (36) inches into the ground in concrete footings of proper size and shape so as to furnish a foundation and support sufficient to withstand any strain or shock ordinarily brought to bear onto a fence of this character. Concrete for these footings shall be no less than twelve (12) inches in diameter and shall contain no less than six (6) bags of Portland cement

per cubic yard of concrete. Excess concrete shall be removed from the site. Post sleeves are permitted.

4. **Rails**

- a. All rails shall be pipe and shall be 1 5/8" O.D Schedule 40 or SS40.
- b. Rails shall provide couplings every twenty (20) foot. Couplings are to be outside sleeve-type and at least six (6) inches long.
- c. The bottom wire should be No. 9 gauge galvanized steel.

5. **Fittings and Fastening Devices**

- a. Fittings are to be malleable cast iron or pressed steel.
- b. The fabric is to be securely fastened to all terminal posts by 1/4" x 3/4" tension bars with heavy No. 9 gauge pressed steel bands spaced approximately fourteen (14) inches apart. The Fabric is to be fastened to line posts with No. 6 gauge wire clips spaced approximately fourteen (14) inches apart to a top and bottom rail with No. 9 gauge wire tie on twenty-four (24) inch centers.

6. **Gates on Side Fence**

- a. The field should have a six (6) foot high by twelve (12) foot long swing gate, No. 9 gauge fabric located on the first base side. (See diagram for location).
- b. Gateposts shall be black coated pipe three (3) inches O.D. Schedule 40 or SS40.
- c. The gate shall be constructed to half two (2) sides that are equal in width and meet in middle to form a closed unit.
- d. Gate frames are to be made of 1 5/8" pipe Schedule 40 or SS40,
- e. Corner fittings shall be heavy pressed steel or steel malleable iron casting securely riveted.
- f. The fabric to match the fence shall be installed in the frame by means of tension bars and hook bolts.
- g. Each frame is to be equipped with 3/8" diameter adjustable truss rods. The bottom hinges are to be wrap around adjustable type.
- h. All gates are to be equipped with a positive type latching device with provisions for padlocking the gate.
- i. The fabric shall be No. 9 gauge coated chain link woven in a two (2) inch mesh

I. ATTACHMENTS

1. John Walter Smith Park, Showell Park and Newtown Park Work Scope Diagram.

J. PRE-BID CONFERENCE

1. The Pre-Bid Conference will be held on Wednesday, July 1, 2020 at 10:00 am at Showell Park located at 11281 Racetrack Road, Berlin, Maryland 21811.

K. PAYMENT

1. The County will make payment to the Successful Vendor within thirty (30) calendar days from the final acceptance of the project.

L. AWARD

1. The County intends to award to the lowest Responsive and Responsible Vendor meeting the specifications.

CONTACTS

Tom Perlozzo 6030 Public Landing Road, Snow Hill, Maryland 21863
410.632.2144 ext. 2505
tperlozzo@co.worcester.md.us

Bill Rodriguez 6030 Public Landing Road, Snow Hill, Maryland 21863
410.632.2144 ext. 2521
wrodriguez@co.worcester.md.us

Darcy Billetdeaux 6022 Public Landing Road, Snow Hill, Maryland 21863
410.632.3173
dbilletdeaux@co.worcester.md.us

**WORCESTER COUNTY RECREATION & PARKS DEPARTMENT
JWS, SHOWELL AND NEWTOWN BASEBALL/SOFTBALL FIELD FENCING**

BID FORM

I/we have reviewed the specifications and provisions for furnishing fencing solutions for each field identified within the bid specifications. I/we propose to furnish all labor and materials sufficient to meet stated specifications. The price quoted shall include itemized cost associated with removal and disposal of existing fencing, and installation of new fencing.

Itemized Cost	JWS L.L. FIELD	SHOWEL FIELD	NEWTOWN FIELD	TOTAL
Existing Fence Removal	\$	\$	\$	\$
Existing Fence Disposal	\$	\$	\$	\$
New Fence Installation	\$	\$	\$	\$
Cost Per Field =	\$	\$	\$	\$

Any exceptions or deviations from the specifications must be clearly noted on bid form.

Exceptions or deviations from the specifications are as follows:

Above described work will be delivered and within ____ calendar days from receipt of written order.

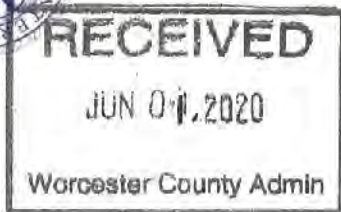
TOTAL COST (Sum of JWS, NEWTOWN, SHOWELL) \$ _____.

BID MUST BE SIGNED TO BE CONSIDERED

Signature: _____
 Date: _____
 Name: _____
 Firm: _____
 Address: _____
 Telephone: _____

**WORCESTER COUNTY RECREATION & PARKS DEPARTMENT
FIELD FENCING CONTRACTORS**

Grasso Fence Inc. 200 N Dulany Ave. Fruitland, MD 21826 Phone: (410) 860-2146 Fax: (410) 860-0479	Nanticoke Fence LLC. 23464 Sussex Highway Seaford, DE 19973 Phone: (302) 628-7808 FAX : (302) 629-4926
Anderson Fence Inc. 30200 Rehobeth Road Marion, MD 21838 Phone : (800) 722-0929 Fax: (410) 623- 3063	Seagull Fence & Concrete, LLC. 30143 Discount Land Rd. Laurel, DE 19956 Phone (302) 956- 0417
McGee Fence 376 Dueling Way, Berlin, MD 21811 Phone: (410) 641-0910	Long Fence Company 8545 Edgeworth Drive Capitol Heights, MD 20743 (301) 350-2400



MEMORANDUM

7

1

TO: Harold L. Higgins, Chief Administrative Officer
Kelly Shannahan, Assistant Chief Administrative Officer
FROM: Tom Perlozzo, Director of Recreation, Parks, Tourism & Economic Development
DATE: June 1, 2020
SUBJECT: Showell Park Concessions and Bathroom Update

As you are aware, the Recreation and Parks Department opened bids for the Showell Park Concessions and Bathroom on March 9, 2020 for the design build project consisting of a 720 square foot facility to house a small concession stand and permanent restrooms. All bids were rejected. They were as follows:

AJT Homes, LLC	\$279,699
Whayland	\$246,000
APEX Business Solutions	\$299,856
Dclmarva Veteran Builders	\$298,700

After researching the bids and consulting with several home builders within the county, I have value engineered the items resulting in the same construction perimeters as bid in February. The department has developed two options for consideration.

Option 1: The following represents the hiring of a project manager with the following breakdowns.

Clear site for slab work, code compliant base, 5" concrete slab stained and sealed	\$15,800
Framing Labor, Material Package including Trusses and Windows	\$21,500
Roofing is to be Pac clad Aluminum 16" standing seam roofing	\$17,850
Plumbing and Electrical	\$17,800
Heating, Hood, Exhaust Fan, ANSI System and all bathroom partitions (painted steel)	\$16,500
Insulation, Drywall, FRP and Painting	\$12,800
Siding, Soffit, Gutters, Metal Doors, Azek, Post Sleeves, Stainless Counter, Roll Down	\$17,700
Dumpster and Final Clean-Up	\$ 2,000
Project Management	<u>\$10,000</u>
Sub Total	\$132,000
Water (Performed by County Water/Waste Water Division)	\$19,500
Sewer (Preformed by County Water/Waste Water Division)	\$22,000
Design Stamped and Engineered Plans for Permitting	<u>\$17,000</u>
Grand Total	\$190,500

Option 2:

In reviewing the department's effort to engage special events, the option of provide a concession trailer is valued for consideration and comes with considerable cost savings. The Department can secure a mobile concession trailer for roughly \$75,000 +/- . Having this opportunity could allow the use at various locations within the county. Unfortunately, this would not address any additional bathroom space and the department would continue to use the port-a-lets for events, etc.

I have attached two examples of concession trailers that could be used. **We would recommend this option versus option #1 above to save costs and allow use throughout the county.** We have vetted the proposal with Program Open Space and this is an eligible project reimbursing the county 90% of the cost.

The current budget for Showell is \$200,000. The department has spent \$23,426 on fencing near the concession location. **I have addressed the overage with Program Open Space and secured the additional funds to allow our reimbursement should you pick option 1.** As always, the department will do whatever we can to reduce the costs and provide any in-kind services to offset the 10% split with the state.

Should you have any questions, please feel free to contact me at your earliest convenience.

cc: Bill Rodriguez
Kelly Rados



CUSTOM TRAILER PROS

800-859-5405

\$66,595

8.5x24 Equipped Concession Trailer

8.5X24HW131



RANGE HOOD SIZE: 11'
GRIDDLE SIZE: 48"
FRYER SIZE: (2) 40lb Fryers
WARMING: Full-Size Insulated Warming Box
OTHER EQUIPMENT: Fry Warmer
REACH IN FRIDGE: 42 Cu Ft
REACH IN FREEZER: 23 Cu Ft Freezer
OTHER REFRIGERATION: 52" Chef-Base Refrigerator
GAS LINES: Yes
FIRE SUPPRESSION: No
SERVING WINDOW: 3x8 (with Glass and Screens)
PLUMBING: 3 sink package + hand washing station
ELECTRICAL: 100Amp Electrical Package, 110V Outlets, LED Ceiling Lights, 50A Power Cord
AIR CONDITIONING: 15,000 BTU Air Conditioner with Heat Strip

Virtual
Tour

Customize
Trailer

- White
- .030 Exterior Skin (Choose any color at no additional cost)
- 10' Exterior Fold Down Shelf
- 60" Triple Tube Tongue
- Generator Box on Tongue with Slide Out Tray
- (2) Propane Cage(s) for 100lb Bottle
- Covered Trim from Floors 6" up Walls
- Upgrade Plywood Walls to 1/2" Walls
- (7) LED Flood Lights (each)
- 7000lb Leaf Spring Axles w/ EB & Triple Tube Tongue
- Silver Mod Wheels with Radial Tires
- Scissor Jacks (Pair)
- LED Lighting on 3 Sides to Interior Window
- 7'6" Interior Height
- Mill Finish - Stainless Aluminum
- Rubber Coin Floor
- Outlets wired separately
- Insulate water pipes and water heater
- Upgrade to 40 gal fresh, 50 gal waste
- 20' Awning
- 24" Deep Stainless Steel Table
- 30" Deep Stainless Steel Table
- Overhead Cabinets above sinks
- 2 Drawer Warmer
- **Add Fire Suppression System for \$3,500**

Available Options

- ✓ Additional electrical outlets
- ✓ Additional interior height
- ✓ Any exterior color at no additional cost
- ✓ Fire suppression system
- Flood lights
- Generator
- Hundreds of pieces of cooking equipment
- Many more options available
- Nationwide Delivery
- Scissor Jacks
- Spare tire
- Storage Cabinets

Financing



PERSONAL BANK

- Personal relationships
- Competitive rates
- Borrow against assets
- Lower cost loans
- Many loan structures possible



- Commercial leases
- Potential tax benefits
- Lease to own
- Easy application
- No set maximums

APPLY NOW

Did you know your custom-built food trailer can be pre-approved by your health department before construction even begins? Are you aware the fire marshal will also need to approve your trailer? That's why Custom Trailer Pros works with each one of our customers to provide floor plans, spec sheets and any other requested details needed for the plans to be pre-approved. Although pre-approval does not guarantee a trailer will be passed when an Inspector goes through it in person, it dramatically improves this likelihood. This process also helps our customers establish good relationships with their local agencies. The sooner you can pass these inspections, the sooner you can start making money.



MEMORANDUM

8

TO: Harold L. Higgins, Chief Administrative Officer
 Kelly Shannahan, Assistant Chief Administrative Officer
 Weston Young, Assistant Chief Administrative Officer

FROM: Tom Perlozzo, Director of Recreation, Parks, Tourism & Economic Development

DATE: June 9, 2020

SUBJECT: Workforce Back to Business COVID-19 Assistance Grant

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Please find attached the proposed information associated with the disbursement of \$2.28 million dollars from the Federal Cares Act for the **Workforce Back to Business COVID-19 Assistance Grant**.

page 12

page 15

page 19

The attached materials includes a draft summary, draft application and miscellaneous supporting documents. Each document was researched and discussed with members of Administration for guidance as well as research gathered from our neighboring counties within Maryland.

The administration of the suggested program is proposed to include a hybrid of the Economic Development Advisory Board (pending meeting discussion) and additional expertise located within all areas of the county offering items such as commercial banking, agriculture, manufacturing, etc. We do feel this process will be time consuming, however, with the right expertise things should go smoothly. The process suggested would allow applications online, reviewed, recommended and forwarded to Administration for approval and disbursement. A complete criteria and check list for the new group will be provided for reference and more importantly follow-up. We do believe that more applications than the allotted monies will occur for this round. In addition, this proposal can allow for seamless transparency moving forward should we address additional Cares Act, Revolving Loan Funds, etc.

We look forward to the discussion on June 18, 2020. Should you have any questions, please feel free to contact me at your earliest convenience.

cc: Kathryn Gordon
Lachelle Scarlato

Worcester County
**ECONOMIC
DEVELOPMENT**



PROPOSED "WORKFORCE BACK TO BUSINESS COVID-19 ASSISTANCE GRANT"

Federal Cares Act Program

June 10, 2020



OVERVIEW & PURPOSE

- Worcester County Economic Development is proposing a "Workforce Back to Business Assistance Grant for Worcester County. The Department will administer this program with the assistance of Administration, Finance and other related departments. Grants in the amount of \$5,000 to businesses with 1-25 full time employees and \$10,000 to businesses with 26-50 full time employees are proposed along with a grant program that will provide \$7,500 grants to agricultural producers who meet the eligibility criteria defined for agriculture under the program guidelines.

GRANT TERMS/AMOUNT

- Worcester County will provide (\$5,000, \$7,500, \$10,000) Grant Assistance structure to an eligible small business that has been impacted by the COVID-19 pandemic as indicated within.
- If a business closes permanently before receiving the Worcester County Assistance Grant or, if a business is currently closed and does not open within 30 days of receiving this grant funding (or within 30 days of Governor's announcement to lift closure orders), the Small Business Assistance Grant funds must be returned to Worcester County.





GRANT PURPOSE/USE

- The grant funds must be solely used for expenditures that occur between March 1, 2020 and December 30, 2020 directly related to the COVID-19 pandemic and which fall under one or more of the following categories:
 - Payroll
 - Operating Expenses
 - Business Lease or Rent
 - Business Telework Equipment Costs
 - Inventory Acquisition (inventory needed to reopen or maintain open status)
 - Personal Protective Equipment (PPE) purchase
 - Facility Readiness (social distancing preparedness, business modifications, etc.)



ELIGIBILITY

- To qualify, a small business must be **a for-profit entity** in good standing with the State of Maryland and Worcester County and registered with the state, if required to do so by law as of March 9, 2020.
- All agricultural applicants must provide a copy of their **Schedule F** included in their most recent income tax return of either 2018/2019/2020.
- Each business may only apply for **one category** listed in the Assistance Grant programs (\$5,000, \$7,500, \$10,000).

APPLICATIONS

- Applications will be accepted **July 1st through July 15th, 2020**
- Applications and required documents **WILL NOT** be accepted prior to 8 a.m. on July 1, 2020. Any attempted email submission before 8 a.m. on July 1, 2020 will not be held in a queue and must be resubmitted for consideration.





REQUIRED DOCUMENTATION

- Fully-completed application;
- Certificate of Good Standing as of March 9, 2020. The business must be in good standing with the State of Maryland and Worcester County, and registered with the State, if required to do so by law, as of March 9, 2020. (Certificate of Good Standing may be provided via screenshot or printed from the webpage – no need to pay for official certificate) - <https://dat.maryland.gov/businesses/Pages/Internet-Certificate-of-Status.aspx>;
- Payroll report as of March 9, 2020 OR W2 forms to support employment requirement
- Completed W9 form
- Completed Direct Deposit Form. The Direct Deposit Form is also known as the Electronic Funds Transfer (EFT) Form.

TO APPLY

- Submit COMPLETE AND ACCURATE application with all required supporting documentation via email to: chooseworcester@co.Worcester.md.us with your business name as the subject line. It is imperative that all applicants ensure the accuracy of their legal business name and address when completing and signing their application, W9, and Direct Deposit/EFT forms. Failure to submit a complete and accurate application may preclude you from being awarded grant funds from this program.

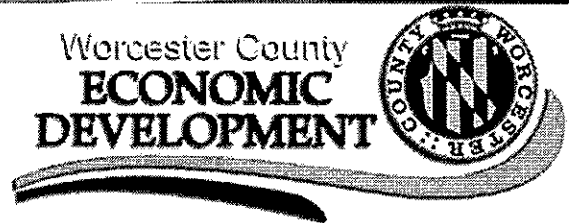


Worcester County
**ECONOMIC
DEVELOPMENT**



REVIEW AND AWARD

- The Review Committee will comprise the members of the Economic Development Advisory Board and other representatives from recommended industry sectors.
- Applicants will receive notifications confirming receipt of their application. If an incomplete application is received, the applicant will be notified of the issue and asked to timely resubmit.
- To learn more, review the Frequently Asked Questions at www.chooseworcester.org or email chooseworcester@co.worcester.md.us



REVIEW COMMITTEE

The Review Committee will meet on a weekly basis, as needed, to review and recommend grant awards to County Administration for formal approval.

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Workforce Back To Business COVID-19 Assistance Grant

Worcester County Economic Development will administer the Workforce Back to Business COVID-19 Assistance Grant, which will provide grants of \$5,000 to businesses with 1-25 full time employees and \$10,000 grants to businesses with 26-50 full time employees. The grant program will provide \$7,500 grants to agricultural producers who meet the eligibility criteria defined for agriculture under the program guidelines. The federal funds are provided locally through the CARES Act. Applicants should thoroughly review the eligibility and application process below and read the [Frequently Asked Questions](#). Submission of an incomplete or inaccurate application may result in ineligibility for program funding. Applications will be accepted July 1-15, 2020 with completion of an online application. Worcester County is committed to timely review and processing to ensure award recipients can apply this resource to the successful continuation of business operations.

GRANT TERMS

Worcester County will provide one offering of a three offering (\$5,000, \$7,500, \$10,000) assistance grant structure to an eligible small business that has been impacted by the COVID-19 pandemic. If a business closes permanently before receiving the Worcester County Assistance Grant or, if a business is currently closed and does not open within 30 days of receiving this grant funding (or within 30 days of Governor's announcement to lift closure orders), the Small Business Assistance Grant funds must be returned to Worcester County.

USE OF FUNDS

The grant funds must be solely used for expenditures that occur between March 1, 2020 and December 30, 2020 directly related to the COVID-19 pandemic and which fall under one or more of the following categories:

Payroll, Operating Expenses, Business Lease or Rent, Business telework equipment costs, Inventory Acquisition (inventory needed to reopen or maintain open status), Personal Protective Equipment (PPE) purchase, and Facility Readiness (social distancing preparedness, business modifications, etc.).

For further information, please visit the [U.S. Treasury's May 28, 2020 Guidance for State, Territorial, Local and Tribal Governments](#), or the [U.S. Treasury's Frequently Asked Questions](#) page.

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ELIGIBILITY

To qualify, a small business must be a for-profit entity in good standing with the State of Maryland and Worcester County and registered with the state, if required to do so by law as of March 9, 2020. Visit <https://dat.maryland.gov/businesses/Pages/InternetCertificateofStatus.aspx> to obtain certificate of status (Certificate of Good Standing may be provided via screenshot or printed from the webpage – no need to pay for official certificate); All agricultural applicants must provide a copy of their schedule F included in their most recent income tax return of either 2018/2019/2020.

ONLY APPLY TO ONE of the relief grant programs (\$5,000, \$7,500 or \$10,000). Applications from businesses submitted for more than one grant will not be accepted.

If you have carefully reviewed the program eligibility guidelines and determined your business does not qualify for this funding source, please visit <https://govstatus.egov.com/md-coronavirus-business> to be redirected to the State of Maryland's Coronavirus Information for Business website. The site is updated with new information frequently and features federal and state funding programs as well as the Maryland Unemployment Insurance portal.

Applications will be accepted beginning at 8:00 am on July 1, 2020 until 4:30 pm on July 15, 2020.

- Required Supporting Documentation
- Fully-completed application;
- Certificate of Good Standing as of March 9, 2020. The business must be in good standing with the State of Maryland and Worcester County, and registered with the state, if required to do so by law, as of March 9, 2020. (Certificate of Good Standing may be provided via screenshot or printed from the webpage – no need to pay for official certificate) ---
<https://dat.maryland.gov/businesses/Pages/InternetCertificateofStatus.aspx>;
- Payroll report as of March 9, 2020 OR W2 forms to support employment requirement;
- Completed W9 form (click to download fillable form); and
- Completed Direct Deposit Form (click to download fillable form). The Direct Deposit Form is also known as the Electronic Funds Transfer (EFT) Form.
- Schedule F for agricultural producers.

Please note: The subject line of your email submission should read your business name.

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TO APPLY

Submit COMPLETE AND ACCURATE application with all required supporting documentation via email to: chooseworcester@co.worcester.md.us with your business name as the subject line. It is imperative that all applicants ensure the accuracy of their legal business name and address when completing and signing their application, W9, and Direct Deposit/EFT forms. Failure to submit a complete and accurate application may preclude you from being awarded assistance grant funds from this program.

REVIEW

Applicants will receive email notifications confirming receipt of their application. If an incomplete application is received, the applicant will be notified of the issue and asked to resubmit.

If you need assistance with assessing your eligibility or compiling the needed documents for your application, we advise that you first consult with your financial or legal advisers.

To learn more, review the [Frequently Asked Questions](#).

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Workforce Back To Business COVID-19 Assistance Grant Application

OFFICE USE ONLY: Grant Application Number:

Date Approved:

QUALIFICATION QUESTIONS:

If you answer **NO** to any of the following questions, then your business may not receive funding under this grant program. Please visit <https://govstatus.egov.com/md-coronavirus-business> for additional financial assistance.

- Is the business in good standing with the State of Maryland and Worcester County and registered with the state if required to do so by law as of March 9, 2020?

Visit <https://dat.maryland.gov/businesses/Pages/InternetCertificateofStatus.aspx> to obtain certificate of status.

Completed: yes no

If applicable **select one** of the following:

- Does the business employ 1-25 non-owner employees, but no more than 25 FTE employees, as of March 9, 2020? (FTE = average of 40 hours or more per week) yes no
- Does the business employ 26-50 non-owner employees, but no more than 50 FTE employees, as of March 9, 2020? (FTE = average of 40 hours or more per week) yes no
- Does the agricultural producer file a schedule F annually with their income tax annually? yes no

Have you applied and received other COVID-19 funding grants to date (Federal, State, Local entities)?

yes no

Please advise the type and amount of COVID-19 funding you have received.

Have you applied for PPP funds?

yes no

Did you receive PPP funding?

yes no

(If so please include funding letter with the total PPP funds awarded.)

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Please fill out the following:

Business Profile _____

Business Name _____

Tax ID/EIN _____

Street Address _____

City, State _____

Phone Number _____

Email _____

Business Website _____

Contact Name, Title _____

Phone Number _____

Type of Business: (services provided, or products sold) _____

Year established _____

Do you own or lease your business site? Own Lease

Number of employees before March 9, 2020: _____

Current number of full-time employees: _____

Current number of part-time employees: _____ Total Weekly Hours: _____

Business Structure: Sole Proprietorship Limited Liability Company (LLC) Corporation
 Partnership S-Corporation

Please describe any adverse impacts COVID-19 has had on your business (provide supporting documentation if available) _____

Specify the expenses for which the grant funds will be utilized. Include estimates, contracts, invoices and associated documents to provide a detailed narrative. _____

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Maryland Public Information Act Disclosure

I understand that any document deemed a public record by said law is subject to disclosure in response to a request under said law. (Please initial with your legal, inked signature). **Applicant Initials:** _____

By signing this application, I certify the following under penalty of perjury:

1. The information contained in this application is true and complete to the best of my knowledge, information and belief.
2. I have read and understand the April 22, 2020 Guidance for State, Territorial, Local, and Tribal Governments posted at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-TribalGovernments.pdf> and any amendments or supplements to that guidance, and agree to use any Workforce Back To Business COVID-19 Assistance Grant funds received pursuant to this application for purposes that are authorized under the CARES Act. The funds must be solely utilized for COVID-19 related expenditures that occur between March 1, 2020 and December 30, 2020 and fall under one or more of the following categories:
 - Payroll
 - Operating expenses
 - Business lease or rent
 - Business telework equipment cost
 - Inventory acquisition
 - Personal protective equipment (PPE) purchase
 - Facility readiness (social distancing preparedness, business modifications, etc.)
3. I agree to maintain documentation following generally accepted accounting principles for how the funds are expended, including but not limited to financial records, payroll records, or receipts.
4. I understand and agree that records of how assistance grant funds are used must be produced promptly upon receiving a request from the federal government, the State of Maryland or Worcester County and are subject to audit.
5. I understand and agree that if I receive a Workforce Back To Business COVID-19 Assistance Grant and I do not use all of the funds for authorized purposes, I will return those funds.
6. I understand and agree that if I receive a Workforce Back To Business COVID-19 Assistance Grant it is determined that I have used the funds for a purpose which is not authorized by the CARES Act, I will return those funds.
7. I understand and agree that if the business, which is currently operating, closes permanently before receiving the Workforce Back To Business COVID-19 Assistance Grant or, if the business is currently closed, it does not open within 30 days of receiving funds, or within 30 days of the Governor's announcement to lift closure orders (whichever is later), I must return the Workforce Back To Business COVID-19 Assistance Grant
8. I agree to indemnify the County, its directors, officers and employees, for any claims related to the Workforce Back To Business COVID-19 Assistance Grant funds that it receives. I understand that all such funds are subject to audit.
9. I certify that I have the authority to legally bind the business.

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If all of the above outlined requirements are not met in full or if any information provided on this application is found to be false or incorrect, the business will be deemed immediately in default and funds must be returned to the County within 30 days of written notification of default. I also agree that, if I accept a Workforce Back To Business COVID-19 Assistance Grant, I will be bound by the obligations and liabilities described in this application and that Worcester County shall have the right to enforce those obligations and liabilities in any manner provided by law.

APPLICANT SIGNATURE _____

By signing below, the applicant represents, warrants and certifies that the information provided herein is true, correct, and complete. I also understand that this application, combined with award of a Workforce Back To Business COVID-19 Assistance Grant, constitute a binding contract and shall be deemed a valid original instrument if delivered electronically (e.g., facsimile, PDF, ink or digital stamp, etc.). (Please sign with your legal, inked signature).

Authorized Signer/Owner Date _____

Print Name _____

Business Name _____

REQUIRED SUPPORTING DOCUMENTATION

- Fully completed application
- Certificate of good standing with the State of Maryland and Worcester County, and registered with the state, if required to do so by law, as of March 9, 2020 (Certificate of Good Standing can be found at <https://dat.maryland.gov/businesses/Pages/InternetCertificateofStatus.aspx>) Certificate of Good Standing may be provided via screenshot or printed from the webpage – no need to pay for official certificate
- Payroll report as of March 9, 2020 or W2 forms to support employment requirement
- Completed W9 form
- Completed treasury direct deposit form and schedule F if agricultural producer

Submit application and required documents via email to chooseworcester@co.worcester.md.us

QUESTIONS? Review the Worcester County [FAQ](#) page.

Questions, or email chooseworcester@co.worcester.md.us

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of May 28, 2020**

The following answers to frequently asked questions supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, ("Guidance").¹ Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

Eligible Expenditures

Are governments required to submit proposed expenditures to Treasury for approval?

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the "substantially dedicated" condition?

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a "substantially different use" for purposes of the Fund eligibility?

Costs incurred for a "substantially different use" include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

Note that a public function does not become a "substantially different use" merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

¹ The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

May a State receiving a payment transfer funds to a local government?

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

May a unit of local government receiving a Fund payment transfer funds to another unit of government?

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

Are States permitted to use Fund payments to support state unemployment insurance funds generally?

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

May Fund payments be used for COVID-19 public health emergency recovery planning?

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

Are expenses associated with contact tracing eligible?

Yes, expenses associated with contract tracing are eligible.

To what extent may a government use Fund payments to support the operations of private hospitals?

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

May recipients create a "payroll support program" for public employees?

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

May Fund payments be used to assist impacted property owners with the payment of their property taxes?

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

May a State impose restrictions on transfers of funds to local governments?

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the accrued interest expense on TANs and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

May recipients use Fund payments to provide loans?

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

Questions Related to Administration of Fund Payments

Do governments have to return unspent funds to Treasury?

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

What records must be kept by governments receiving payment?

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

May recipients deposit Fund payments into interest bearing accounts?

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

May governments retain assets purchased with payments from the Fund?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

Are Fund payments to State, territorial, local, and tribal governments considered grants?

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are “other financial assistance” under 2 C.F.R. § 200.40.

Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Are Fund payments subject to other requirements of the Uniform Guidance?

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?

Yes. The CFDA number assigned to the Fund is 21.019, pending completion of registration.

If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients’ total funding received from the federal government for purposes of the Single Audit Act?

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program

or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.



WorCOA

Worcester County Commission on Aging, Inc.

9

Our mission is to enhance the quality of life of all Worcester County citizens 50 years and older by providing programs and services that promote active, independent and healthy lifestyles.

To: Honorable Joe Mitrecic
Cc: Harold Higgins, Chief Administrative Officer
Kathy Whited, Budget Officer
From: Rob Hart, Executive Director
Date: June 10, 2020

SUBJECT: SSTAP Program in Worcester County

On June 9, 2020 we received written documentation from the Tri-County Council (TCC) concerning the proposed change of the SSTAP provider for Worcester County.

After reviewing the document there was only one issue that seemed to be of concern, which was the split of the SSTAP funding between Wicomico and Worcester counties. Prior to Shore Transit providing this service, Worcester County received \$131,927 from the Maryland Transit Administration (MTA). The current proposal from TCC is that the new allocation should be \$126,975.08, which is a reduction of \$4,951.92 in MTA funding. TCC has also indicated a normal local match from Worcester County of \$42,325.03. In our FY21 budget we requested \$34,100 for the local match, which is \$8,225.03 less in County funding than what TCC is showing. Because of the slowdown in our system during the COVID-19 crisis, we will be able to supply the \$8,225.03 deficit from other senior programs in FY21.

We are requesting that the line item for SSTAP funding in the FY21 WorCOA budget be changed to \$126,975.08. With this change I believe we are ready to move forward with the document prepared by TCC.

I believe the final steps in this process are the signing of this document by all parties and the MTA sending a grant agreement to be signed by the County.

If there are any other questions or concerns, please feel free to contact me at any time.

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410.632.1277 • FAX 855.230.5496 • info@worcoa.org • www.worcoa.org

Worcester Adult
Medical Day Services
4767 Snow Hill Road
Snow Hill, MD 21863
410.632.0111

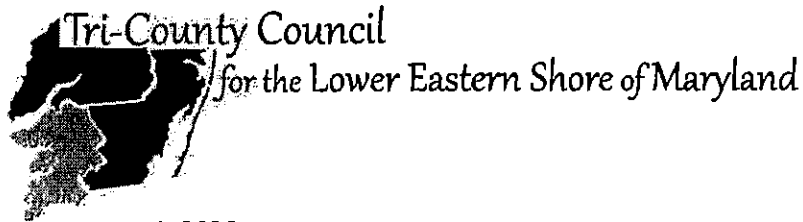
Berlin
Senior Center
10129 Old Ocean City Blvd.
Berlin, MD 21811
410.641.0515

Ocean City
Senior Center
104 41st Street
Ocean City, MD 21842
410.289.0824

Snow Hill
Senior Center
4767 Snow Hill Road
Snow Hill, MD 21863
410.632.1277

Pocomoke City
Senior Center
400 Walnut Street
Pocomoke City, MD 21851
410.957.0391

1



Tri-County Council

for the Lower Eastern Shore of Maryland

31901 TRI-COUNTY WAY
SUITE 203
SALISBURY, MARYLAND 21804
PHONE: 410-341-8989
FAX: 410-341-8988
WWW.LOWERSHORE.ORG

June 8, 2020

Mr. Harold Higgins, Worcester County Chief Administrative Officer
1 West Market Street
Snow Hill, MD 21863

Mr. Wayne Strasburg, Wicomico County Director of Administration
P. O. Box 870
Salisbury, MD 21803-0870

Mr. Rob Hart, Worcester County Commission on Aging Executive Director
4767 Snow Hill Road
Snow Hill, MD 21863

Ms. Pattie Tingle, Wicomico County MAC, Inc. Executive Director
909 Progress Circle, Suite 100
Salisbury, MD 21804

Dear Shore Transit Partners:

On May 12, 2020 the Tri-County Council for the Lower Eastern Shore of Maryland (TCCLES) was notified via email that the Worcester County Commissioners had or were voting to assign Worcester Counties MTA's Statewide Special Transportation Assistance Program (SSTAP) grant funding to the Worcester County Commission on Aging.

TCCLES immediately notified the MTA regional representative of this action and solicited guidance on how to proceed. As the regional recipient, MTA directed the TCCLES to manage the transition if it was to occur. Conversations, emails and open dialog occurred between the TCCLES, the Worcester County Administrators office and Rob Hart of the Worcester County Commission on Aging. On May 19, 2020 the TCCLES provided MTA's guidance to the Worcester County Administrators office and Rob Hart of the Worcester County Commission on Aging. Please see Attachment #1.

On May 20, 2020 the TCCLES's Executive Director received a letter from Mr. Harold Higgins, County Administrator for Worcester County. In accordance with the guidance, this letter formally informed the TCCLES that the Worcester County Commissioners had voted to assign Worcester Counties SSTAP grant funding to the Worcester County Commission on Aging and requested that the general funds be allocated using the original allocation stated in the TCCLES Shore Transit FY07 Annual Transportation Plan (ATP). Please see Attachment #2. The TCCLES, through its department of administrative services and Shore Transit Division, notified MTA's regional representative and proceeded with the guidance provided and distributed.



Serving Somerset, Wicomico and Worcester Counties



The SSTAP program is a State of Maryland funded program with a 25% local match. The numbers are as follows:

MTA Statewide Special Transportation Assistance Program (SSTAP)	
SSTAP Grant	\$269,015
SSTAP Local Match	\$89,672
SSTAP Program	\$358,687

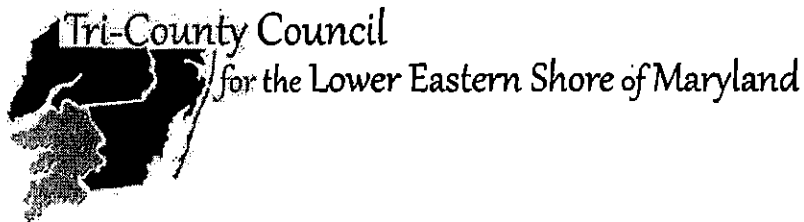
One key issue became the allocation of regional funds between the Wicomico SSTAP program and the Worcester SSTAP program as the MTA grant is awarded as a *regional allocation*. The State of Maryland's Locally Operated Transit Systems Manual (LOTS) indicates these funds are to be annually apportioned to the counties and Baltimore City based on the following formula:

1. 60 percent equally among the jurisdictions (50/50 equally between Wicomico and Worcester counties), and
2. The remaining 40 percent allocated between the jurisdictions based on combined population of elderly individuals and individuals with disabilities. The allocation of the 60 percent allocation is clear, as it is a clear 50/50 equal split. The allocation between the two counties of the remaining 40 percent is at issue, as it is dependent upon the analysis of current demographic data.

As stated Worcester County has requested the allocation be based on the original FY07 allocation. MTA updates its SSTAP allocation every ten years based on US CENSUS data. The TCCLES, concerned that the allocation population had changed and that MTA's SSTAP allocation is about to change again next year, contracted with Dr. Memo Diriker at Salisbury University BEACON in order to provide an updated allocation based on current population as required by MTA regulations that would be most in-line with the upcoming US CENSUS based allocation. Please see Attachment #3. The BEACON-based allocation differs from the requested FY07 allocation by \$4,951.92. A single-page but detailed Allocation Analysis showing this variance has been drafted by the TCCLES's administrative services department. Please see Attachment #4.

BEACON based Allocation

	Regional (demographic data-based allocation – the 40%)	Wicomico	Worcester
BEACON Allocation Percentage	100%	52.80%	47.20%
MTA SSTAP Grant Allocation	107,606.00	56,815.97	50,790.03
Local Match	35,868.67	18,938.66	16,930.01
Total Program Funding	143,474.67	75,754.63	67,720.04



Tri-County Council

for the Lower Eastern Shore of Maryland

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WWW.LOWERSHORE.ORG

Based on MTA guidance the following parties authorized to accept grants on behalf of their organization, agency or county are required to mutually agree in writing to the allocation of the regional SSTAP funds for this transition requested by the Worcester County Commissioners to move forward.

Gregory Padgham, TCCLES Executive Director
Harold Higgins, Worcester County Chief Administrative Officer
Wayne Strasburg, Wicomico County Director of Administration
Rob Hart, Worcester County Commission on Aging Executive Director
Pattie Tingle, Wicomico County MAC, Inc. Executive Director

In addition, Mr. Hart has submitted a draft Transition Plan to TCC and MTA. Please see Attachment #5.

The grant award period begins 7/1/2020 and the TCCLES greatly appreciates your expeditious attention to this matter. Finally, the TCCLES recommends that all parties adopt and agree to the allocation based on the BEACON data stated above and in attachment #4. The TCCLES has attached a simple agreement summarizing the allocation for your review. Please see Attachment #6. Brad Bellacico, the Director of Shore Transit, will be following up with you individually for your signatures.

Please let me know if you have any questions.

Regards,

Gregory Padgham
Executive Director

Attachments:

- Attachment 1 – Guidance
- Attachment 2 – Letter from Mr. Higgins dated 5/5/20
- Attachment 3 – Funding Allocation Matrix and Datasets from BEACON
- Attachment 4 – TCC Shore Transit SSTAP Grant Funding Allocation Revised 6/5/20
- Attachment 5 – Worcester County SSTAP Transition Plan, June 2020
- Attachment 6 – Agreement Letter

Cc:

Tri-County Council Board of Directors
Wicomico County Council
Worcester County Commissioners
Jason Kepple, Regional Planner MTA
Travis Johnston, Director, Office of Local Transit Support at MTA



Serving Somerset, Wicomico and Worcester Counties



Attachment 1 - Guidance

On May 19, 2020, at 2:02 PM, John J. Donegan III <jdonegan@tcclesmd.org> wrote:

Good afternoon Mr. Higgins and Mr. Hart,

This email is in response to communication from Mr. Hart, Mrs. Whited and Mr. Higgins regarding the Worcester County Commissioners budget discussions and actual or pending vote to reappropriation the FY21 state SSTAP funds from TCC-Shore Transit to the Worcester County Commission on Aging.

From Greg

"As a threshold matter, the Executive Director, Gregory Padgham, is eager to assist in any and all transition efforts and asks a formal request be sent from Worcester County based on a vote by the Commissioners to the Tri-County Council Board of Directors and copied to MTA notifying of their intent to reappropriation the SSTAP funds from TCC/ST to the county or the Worcester Commission on Aging. The Executive Director will bring the formal request before the Tri-County Council Board of Directors at the next regular quarterly meeting of the Board after the request is received. The 2020 meeting schedule is as follows and may also be found on the Tri-County Council's website:

- June 17, 2020
- September 23, 2020
- December 9, 2020"

I've spoken to Jason Kepple, MTA Regional Rep. for our region, and received MTA's guidance as follows as to the various ways to accomplish the goals of the Commissioners once clear.

TCC-Shore Transit: Sub-granting

At the request of Worcester County TCC asked MTA if it was feasible for TCC/ST to sub-grant the funds to the Worcester County Commission on Aging. Sub-granting would be feasible if TCC was a branch of Worcester County government. As the Tri-County Council for the Lower Eastern Shore of Maryland is a regional semi-independent Maryland state agency formed by the state legislature this is not a viable option.

TCC-Shore Transit: Vendor services contract

MTA agreed in principal that it is possible for TCC-Shore Transit, thru proper procurement, to select a vendor to perform the SSTAP transportation services for the Worcester County Commission on Aging and that the Worcester County Commission on Aging could bid and potentially be awarded said contract.

Reappropriation of funds

If the commissioners vote to reappropriation the state SSTAP funds for Worcester County guidance on the process is as follows:

The SSTAP funds covering Wicomico and Worcester Counties are a regional allocation. TCC/ST, Worcester County, Worcester Commission on Aging, Wicomico Co. and the Wicomico MAC Center would have to formulate and agree to any allocation split of the regional SSTAP allocation and have said allocation approved by MTA. Apportionment formula guidance may be found in the current LOTS manual.

The Tri-County Council as the regional MTA agent/recipient must lead this funding transition.

MTA will require Worcester County or the Worcester County Commission on Aging (to be determined) to act as a LOTS and adhere to all Federal, State and Local regulatory requirements for the proper use of all SSTAP funds.

Everyone in this transition should be advised that MTA has stated the following: "If the SSTAP funds are transferred Worcester COA would be responsible for all SSTAP rides in the County. "

A transition plan agreed upon by all parties must be presented to MTA for review and approval prior to any transition activities being enacted.

A resolution must be approved by the Worcester County Commissioners accepting the MTA approved plan and all parties must be notified of said resolution.

A resolution must be approved by the Tri-County Council Board of Directors accepting the MTA approved plan and all parties must be notified of said resolution.

The Tri-County Council has provided the Worcester Commission on Aging with all ridership data and other information requested in the past and is working internally on the hand-off plan from TCC-Shore Transit if needed.

We await guidance from Worcester County as to the direction the Worcester County Commissioners would like to take. As always we look forward on working with you and your staffs in coordinating this transition project.

TEL: 410-632-1194
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WEB: www.co.worcester.md.us



OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

May 20, 2020

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

Gregory Padgham, Executive Director
Tri-County Council for the Lower Eastern Shore
31901 Tri-County Way # 201
Salisbury, MD 21804

RE: Worcester County SSTAP Funding for FY21


Dear Mr. Padgham,

As you are aware, the Worcester County Commissioners have decided to change the recipient of Worcester County's Statewide Special Transportation Assistance Program (SSTAP) funding from the Tri-County Council to the Worcester County Commission on Aging, Inc. (WorCOA). This change will become effective with the Fiscal Year starting July 1, 2020.

We understand that the Tri-County Council (Shore Transit) is currently the recipient of Maryland SSTAP funding in one lump sum for both Worcester and Wicomico Counties. We would request that Worcester County's funding be split out to its original set amount of \$131,927 (ATP FY07). We further understand that WorCOA would become responsible for all SSTAP rides in Worcester County. With the previous data supplied by Shore Transit, WorCOA has prepared a budget for FY21 and a plan for service. WorCOA would set up a program similar to that of the Somerset Commission on Aging, which is the direct recipient for the Maryland SSTAP funds for Somerset County.

WorCOA would work together with Shore Transit for the creation of a transition plan for Worcester County SSTAP transportation, which would then be reviewed by the Maryland Transit Administration (MTA). Once the transition plan is approved by the MTA, the Worcester County Commissioners and the Tri-County Council Board of Directors would review the plan for approval. After all parties have agreed on the transition plan, each of the three organizations will need to adopt the plan by resolution.

Thank you for your cooperation in this matter. If you need any additional information or clarification, please do not hesitate to contact me.

Sincerely,

Harold L. Higgins
Chief Administrative Officer

ks
cc: Rob Hart, WorCOA
Kathy Whited, Budget Officer



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**A FUNDING ALLOCATION MATRIX PROJECT
FOR THE TRI-COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF MARYLAND**

The Project:

The Business, Economic, and Community Outreach Network (BEACON) of the Franklin P. Perdue School of Business at Salisbury University was retained to provide a funding allocation recommendation to the Tri-County Council for the Lower Eastern Shore of Maryland, hereafter referred to as the TCCLES. This matrix will help in the determination of a target population-based split for the 40% of funds that will not be shared equally between the two counties. The target population is defined as seniors and the disabled in each county.

The Methodology:

For this project, the BEACON project team compiled Aging and Disability data for Wicomico and Worcester Counties; reviewed and analyzed the data sets, and developed a resource allocation matrix model to be used as the basis of the funding allocation recommendation. The Resource Allocation Model and the data sets used in the model are presented on pages 2 through 8 of this document).

The Recommendation:

Based on the Resources Allocation Model that uses the aforementioned data sets (unduplicated numbers for seniors and the disabled in each county), we recommend that the 40% of the funding to be allocated be split as follows:

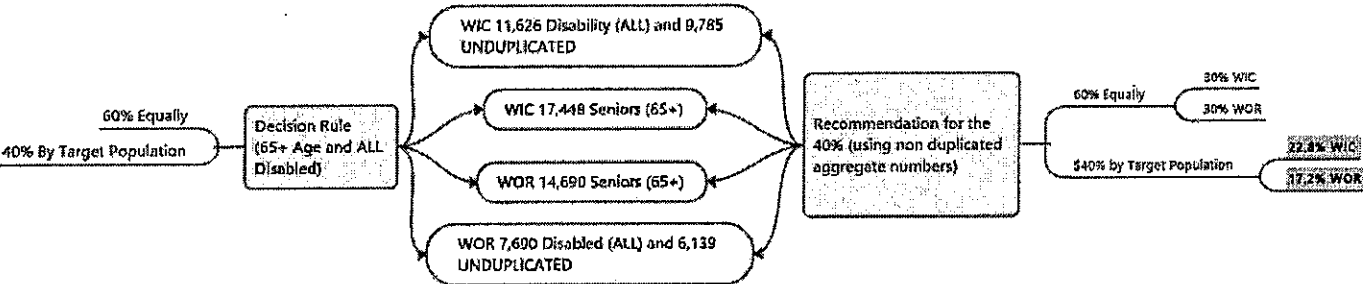
22.8 % for Wicomico County and 17.2% for Worcester County.

Submitted on 6/4/2020 by:

A handwritten signature in black ink, appearing to read "Memo Diriker". Below the signature is a horizontal line.

Dr. Memo Diriker, BEACON Director

The Resource Allocation Matrix Model (Screen Shot)



DATA SETS

Wicomico County Age 50+ Profile

Demographic Summary	Census 2010			2019	2024	2019-2024	2019-2024
						Change	Annual Rate
Total Population	98,733			104,901	108,407	3,506	0.66%
Population 50+	31,509			37,087	39,021	1,934	1.02%
Median Age	35.7			36.9	38.0	1.1	0.59%
Households	37,220			39,121	40,368	1,247	0.63%
% Householders 55+	40.5%			46.2%	47.5%	1.3	0.56%
Total Owner-Occupied Housing Units	23,317			21,915	23,066	1,151	1.03%
Total Renter-Occupied Housing Units	13,903			17,206	17,302	96	0.11%
Owner/Renter Ratio (per 100 renters)	168			127	133	6.0	0.93%
Median Home Value	-			\$185,728	\$219,944	\$34,216	3.44%
Average Home Value	-			\$226,942	\$274,365	\$47,423	3.87%
Median Household Income	-			\$53,109	\$56,443	\$3,334	1.23%
Median Household Income for Householder 55+	-			\$50,019	\$52,486	\$2,467	0.97%

	Census 2010		2019		2024	
	Number	% of 50+	Number	% of 50+	Number	% of 50+
Male Population						
Total (50+)	14,279	100.0%	16,819	100.0%	17,723	100.0%
50-54	3,396	23.8%	2,982	17.7%	2,849	16.1%
55-59	2,941	20.6%	3,223	19.2%	2,914	16.4%
60-64	2,480	17.4%	3,056	18.2%	3,103	17.5%
65-69	1,947	13.6%	2,584	15.4%	2,875	16.2%
70-74	1,241	8.7%	2,004	11.9%	2,316	13.1%
75-79	1,017	7.1%	1,381	8.2%	1,736	9.8%
80-84	687	4.8%	816	4.9%	1,076	6.1%
85+	570	4.0%	773	4.6%	854	4.8%
Female Population						
Total (50+)	17,230	100.0%	20,268	100.0%	21,298	100.0%
50-54	3,643	21.1%	3,223	15.9%	3,017	14.2%
55-59	3,318	19.3%	3,669	18.1%	3,273	15.4%
60-64	2,884	16.7%	3,486	17.2%	3,543	16.6%
65-69	2,131	12.4%	3,070	15.1%	3,386	15.9%
70-74	1,547	9.0%	2,452	12.1%	2,793	13.1%
75-79	1,324	7.7%	1,680	8.3%	2,233	10.5%
80-84	1,182	6.9%	1,208	6.0%	1,499	7.0%
85+	1,201	7.0%	1,480	7.3%	1,554	7.3%

	Census 2010		2019		2024	
	Number	% of Total Pop	Number	% of Total Pop	Number	% of Total Pop
Total Population						
Total(50+)	31,509	31.9%	37,087	35.4%	39,021	36.0%
50-54	7,039	7.1%	6,205	5.9%	5,866	5.4%
55-59	6,259	6.3%	6,892	6.6%	6,187	5.7%
60-64	5,364	5.4%	6,542	6.2%	6,646	6.1%
65-69	4,078	4.1%	5,654	5.4%	6,261	5.8%
70-74	2,780	2.8%	4,456	4.2%	5,109	4.7%
75-79	2,341	2.4%	3,061	2.9%	3,969	3.7%
80-84	1,869	1.9%	2,024	1.9%	2,575	2.4%
85+	1,771	1.8%	2,253	2.1%	2,408	2.2%
65+	12,847	13.0%	17,448	16.6%	20,322	18.7%
75+	5,981	6.1%	7,338	7.0%	8,952	8.3%

Source: U.S. Census

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Wicomico County Age 50+ Profile (continued)

2019 Households by Income and Age of Householder 55+								
	55-64	Percent	65-74	Percent	75+	Percent	Total	Percent
Total	7,317	100%	6,069	100%	4,669	100%	18,055	100%
<\$15,000	740	10.1%	601	9.9%	748	16.0%	2,089	11.6%
\$15,000-\$24,999	551	7.5%	612	10.1%	880	18.8%	2,043	11.3%
\$25,000-\$34,999	495	6.8%	594	9.8%	716	15.3%	1,805	10.0%
\$35,000-\$49,999	1,093	14.9%	1,108	18.3%	885	19.0%	3,086	17.1%
\$50,000-\$74,999	1,576	21.5%	1,358	22.4%	746	16.0%	3,680	20.4%
\$75,000-\$99,999	1,009	13.8%	695	11.5%	256	5.5%	1,960	10.9%
\$100,000-\$149,999	1,030	14.1%	595	9.8%	262	5.6%	1,888	10.5%
\$150,000-\$199,999	468	6.4%	239	3.9%	102	2.2%	809	4.5%
\$200,000+	355	4.9%	265	4.4%	74	1.6%	695	3.8%
Median HH Income	\$59,773		\$51,410		\$34,822		\$50,019	
Average HH Income	\$80,337		\$70,998		\$48,750		\$69,029	

2024 Households by Income and Age of Householder 55+								
	55-64	Percent	65-74	Percent	75+	Percent	Total	Percent
Total	6,870	100%	6,694	100%	5,606	100%	19,170	100%
<\$15,000	607	8.8%	577	8.6%	817	14.6%	2,001	10.4%
\$15,000-\$24,999	438	6.4%	572	8.5%	912	16.3%	1,922	10.0%
\$25,000-\$34,999	446	6.5%	630	9.4%	872	15.6%	1,948	10.2%
\$35,000-\$49,999	949	13.8%	1,137	17.0%	1,061	18.9%	3,147	16.4%
\$50,000-\$74,999	1,437	20.9%	1,499	22.4%	935	16.7%	3,871	20.2%
\$75,000-\$99,999	989	14.4%	824	12.3%	346	6.2%	2,159	11.3%
\$100,000-\$149,999	1,071	15.6%	752	11.2%	382	6.8%	2,205	11.5%
\$150,000-\$199,999	537	7.8%	326	4.9%	166	3.0%	1,029	5.4%
\$200,000+	396	5.8%	377	5.6%	115	2.1%	888	4.6%
Median HH Income	\$65,044		\$55,102		\$37,053		\$52,486	
Average HH Income	\$90,092		\$81,065		\$55,529		\$76,833	

Census 2010 Households and Age of Householder			
	Number	Percent	% Total HHs
Total	15,069	100.0%	40.5%
Family Households	8,943	59.3%	24.0%
Householder Age 55-64	4,400	29.2%	11.8%
Householder Age 65-74	2,753	18.3%	7.4%
Householder Age 75-84	1,429	9.5%	3.8%
Householder Age 85+	361	2.4%	1.0%
Nonfamily Households	6,126	40.7%	16.5%
Householder Age 55-64	2,287	15.2%	6.1%
Householder Age 65-74	1,604	10.6%	4.3%
Householder Age 75-84	1,449	9.6%	3.9%
Householder Age 85+	786	5.2%	2.1%

Census 2010 Occupied Housing Units by Age of Householder			
	Number	Percent	% Total HHs
Total	15,069	100.0%	40.5%
Owner Occupied Housing Units	11,633	77.2%	31.3%
Householder Age 55-64	5,155	34.2%	13.9%
Householder Age 65-74	3,513	23.3%	9.4%
Householder Age 75-84	2,212	14.7%	5.9%
Householder Age 85+	753	5.0%	2.0%
Renter Occupied Housing Units	3,436	22.8%	9.2%
Householder Age 55-64	1,532	10.2%	4.1%
Householder Age 65-74	844	5.6%	2.3%
Householder Age 75-84	666	4.4%	1.8%
Householder Age 85+	394	2.6%	1.1%

s Bureau, Census 2010 Summary, Esri forecasts for 2019 and 2024

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Worcester County Age 50+ Profile

Demographic Summary	Census 2010			2019-2024	
	2010	2019	2024	Change	Annual Rate
Total Population	51,454	51,781	51,934	153	0.06%
Population 50+	24,184	26,895	27,793	898	0.66%
Median Age	48.1	51.4	52.9	1.5	0.58%
Households	22,229	22,374	22,440	66	0.06%
% Householders 55+	55.6%	61.7%	64.0%	2.3	0.73%
Total Owner-Occupied Housing Units	16,737	15,702	15,751	49	0.06%
Total Renter-Occupied Housing Units	5,492	6,672	6,689	17	0.05%
Owner/Renter Ratio (per 100 renters)	305	235	235	0.0	0.00%
Median Home Value	-	\$280,471	\$337,249	\$56,778	3.76%
Average Home Value	-	\$339,159	\$405,320	\$66,161	3.63%
Median Household Income	-	\$62,688	\$69,296	\$6,608	2.02%
Median Household Income for Householder 55+	-	\$56,869	\$61,945	\$5,076	1.72%

Male Population	Population by Age and Sex					
	Census 2010		2019		2024	
	Number	% of 50+	Number	% of 50+	Number	% of 50+
Total (50+)	11,286	100.0%	12,752	100.0%	13,228	100.0%
50-54	1,921	17.0%	1,737	13.6%	1,563	11.8%
55-59	1,941	17.2%	2,057	16.1%	1,852	14.0%
60-64	2,012	17.8%	2,126	16.7%	2,139	16.2%
65-69	1,729	15.3%	2,081	16.3%	2,213	16.7%
70-74	1,459	12.9%	1,991	15.6%	2,106	15.9%
75-79	1,048	9.3%	1,323	10.4%	1,656	12.5%
80-84	719	6.4%	818	6.4%	989	7.5%
85+	457	4.0%	619	4.9%	710	5.4%

Female Population	Population by Age and Sex					
	Census 2010		2019		2024	
	Number	% of 50+	Number	% of 50+	Number	% of 50+
Total (50+)	12,698	100.0%	14,143	100.0%	14,565	100.0%
50-54	2,103	16.3%	1,794	12.7%	1,624	11.2%
55-59	2,060	16.0%	2,184	15.4%	1,902	13.1%
60-64	2,186	16.9%	2,307	16.3%	2,340	16.1%
65-69	2,021	15.7%	2,363	16.7%	2,502	17.2%
70-74	1,565	12.1%	2,035	14.4%	2,175	14.9%
75-79	1,256	9.7%	1,535	10.9%	1,811	12.4%
80-84	875	6.8%	967	6.8%	1,170	8.0%
85+	832	6.5%	958	6.8%	1,041	7.1%

Total Population	Population by Age and Sex					
	Census 2010		2019		2024	
	Number	% of Total Pop	Number	% of Total Pop	Number	% of Total Pop
Total(50+)	24,184	47.0%	26,895	51.9%	27,793	53.5%
50-54	4,024	7.8%	3,531	6.8%	3,187	6.1%
55-59	4,001	7.8%	4,241	8.2%	3,754	7.2%
60-64	4,198	8.2%	4,433	8.6%	4,479	8.6%
65-69	3,750	7.3%	4,444	8.6%	4,715	9.1%
70-74	3,024	5.9%	4,026	7.8%	4,281	8.2%
75-79	2,304	4.5%	2,858	5.5%	3,467	6.7%
80-84	1,594	3.1%	1,785	3.4%	2,159	4.2%
85+	1,289	2.5%	1,577	3.0%	1,751	3.4%
65+	11,961	23.2%	14,690	28.4%	16,373	31.5%
75+	5,187	10.1%	6,220	12.0%	7,377	14.2%

Worcester County Age 50+ Profile (continued)

2019 Households by Income and Age of Householder 55+								
	55-64	Percent	65-74	Percent	75+	Percent	Total	Percent
Total	4,765	100%	5,005	100%	4,036	100%	13,806	100%
<\$15,000	370	7.8%	299	6.0%	437	10.8%	1,106	8.0%
\$15,000-\$24,999	445	9.3%	536	10.7%	916	22.7%	1,897	13.7%
\$25,000-\$34,999	348	7.3%	470	9.4%	661	16.4%	1,479	10.7%
\$35,000-\$49,999	476	10.0%	525	10.5%	537	13.3%	1,538	11.1%
\$50,000-\$74,999	836	17.5%	1,061	21.2%	560	13.9%	2,457	17.8%
\$75,000-\$99,999	760	15.9%	653	13.0%	318	7.9%	1,731	12.5%
\$100,000-\$149,999	847	17.8%	854	17.1%	389	9.6%	2,090	15.1%
\$150,000-\$199,999	341	7.2%	334	6.7%	131	3.2%	806	5.8%
\$200,000+	342	7.2%	273	5.5%	87	2.2%	702	5.1%
Median HH Income	\$71,229		\$63,390		\$35,080		\$56,869	
Average HH Income	\$92,808		\$85,987		\$56,702		\$79,780	

2024 Households by Income and Age of Householder 55+								
	55-64	Percent	65-74	Percent	75+	Percent	Total	Percent
Total	4,437	100%	5,220	100%	4,707	100%	14,364	100%
<\$15,000	285	6.4%	274	5.2%	464	9.9%	1,023	7.1%
\$15,000-\$24,999	339	7.6%	468	9.0%	909	19.3%	1,716	11.9%
\$25,000-\$34,999	277	6.2%	456	8.7%	761	16.2%	1,494	10.4%
\$35,000-\$49,999	389	8.8%	521	10.0%	615	13.1%	1,525	10.6%
\$50,000-\$74,999	740	16.7%	1,087	20.8%	668	14.2%	2,495	17.4%
\$75,000-\$99,999	732	16.5%	708	13.6%	413	8.8%	1,853	12.9%
\$100,000-\$149,999	875	19.7%	951	18.2%	542	11.5%	2,368	16.5%
\$150,000-\$199,999	404	9.1%	410	7.9%	205	4.4%	1,019	7.1%
\$200,000+	396	8.9%	345	6.6%	130	2.8%	871	6.1%
Median HH Income	\$80,013		\$68,879		\$39,322		\$61,945	
Average HH Income	\$106,923		\$96,207		\$65,367		\$89,411	

Census 2010 Households and Age of Householder			
	Number	Percent	% Total HHs
Total	12,357	100.0%	55.6%
Family Households	7,642	61.8%	34.4%
Householder Age 55-64	3,144	25.4%	14.1%
Householder Age 65-74	2,771	22.4%	12.5%
Householder Age 75-84	1,445	11.7%	6.5%
Householder Age 85+	282	2.3%	1.3%
Nonfamily Households	4,715	38.2%	21.2%
Householder Age 55-64	1,548	12.5%	7.0%
Householder Age 65-74	1,395	11.3%	6.3%
Householder Age 75-84	1,194	9.7%	5.4%
Householder Age 85+	578	4.7%	2.6%

Census 2010 Occupied Housing Units by Age of Householder			
	Number	Percent	% Total HHs
Total	12,357	100.0%	55.6%
Owner Occupied Housing Units	10,603	85.8%	47.7%
Householder Age 55-64	3,914	31.7%	17.6%
Householder Age 65-74	3,724	30.1%	16.8%
Householder Age 75-84	2,321	18.8%	10.4%
Householder Age 85+	644	5.2%	2.9%
Renter Occupied Housing Units	1,754	14.2%	7.9%
Householder Age 55-64	778	6.3%	3.5%
Householder Age 65-74	442	3.6%	2.0%
Householder Age 75-84	318	2.6%	1.4%
Householder Age 85+	216	1.7%	1.0%

Source: U.S. Census Bureau, Census 2010 Summary, Esri forecasts for 2019 and 2024

Disability Data Sets

County Disability Data	Wicomico County			Worcester County		
	Total	With Disability	% with Disability	Total	With Disability	% with Disability
Total noninstitutionalized population	100,875	11,626	11.5%	50,858	7,690	15.1%
Male	47,698	5,665	11.9%	24,842	3,542	14.3%
Female	53,177	5,961	11.2%	26,016	4,148	15.9%
Race and Hispanic/Latino Origin						
White alone	67,864	8,732	12.9%	42,314	6,549	15.5%
Black/African American	25,948	2,229	8.6%	6,564	987	15.0%
American Indian	167	-	0.0%	109	9	8.3%
Asian	3,264	295	9.0%	671	14	2.1%
Native Hawaiian	37	-	0.0%	54	-	0.0%
Other Race	1,045	117	11.2%	111	9	8.1%
Two or more	2,550	253	9.9%	1,035	122	11.8%
White alone, no Hispanic	64,159	8,602	13.4%	40,901	6,355	15.5%
Hispanic/Latino	5,106	319	6.2%	1,647	253	15.4%
Age						
Under 5	6,156	33	0.5%	2,158	14	0.6%
5 to 17	16,329	797	4.9%	6,827	531	7.8%
18 to 34	27,364	1,416	5.2%	8,139	505	6.2%
35 to 64	36,029	4,532	12.6%	20,211	2,571	12.7%
65 to 74	8,913	1,926	21.6%	7,692	1,428	18.6%
75 and over	6,084	2,922	48.0%	5,831	2,641	45.3%
Disability Type by Age						
Hearing Difficulty						
Under 18	22,485	47	0.2%	8,985	33	0.4%
18 to 64	63,393	1,004	1.6%	28,350	526	1.9%
65+	14,997	1,985	13.2%	13,523	1,492	11.0%
Vision Difficulty						
Under 18	22,485	101	0.4%	8,985	64	0.7%
18 to 64	63,393	857	1.4%	28,350	509	1.8%
65+	14,997	811	5.4%	13,523	582	4.3%
Cognitive Difficulty						
Under 18	16,329	681	4.2%	6,827	457	6.7%
18 to 64	63,393	2,566	4.0%	28,350	1,284	4.5%
65+	14,997	1,331	8.9%	13,523	887	6.6%
Ambulatory Difficulty						
Under 18	16,329	83	0.5%	6,827	67	1.0%
18 to 64	63,393	2,811	4.4%	28,350	1,648	5.8%
65+	14,997	3,154	21.0%	13,523	2,597	19.2%
Self-Care Difficulty						
Under 18	16,329	125	0.8%	6,827	100	1.5%
18 to 64	63,393	937	1.5%	28,350	552	1.9%
65+	14,997	950	6.3%	13,523	922	6.8%
Independent Living Difficulty						
Under 18	X	X	X	X	X	X
18 to 64	63,393	1,950	3.1%	28,350	1,027	3.6%
65+	14,997	1,841	12.3%	13,523	1,551	11.5%

Source: U.S. Census Bureau, 2018 American Community Survey 5-Year Estimates

TCC Shore Transit SSTAP Grant Funding Allocation

Rev: 6/5/2020

MTA Statewide Special Transportation Assistance Program (SSTAP)

SSTAP Grant	\$269,015
SSTAP Local Match	\$89,672
SSTAP Program	\$358,687

MTA LOTS Manual Apportionment Regulation

"These funds are annually apportioned to the counties and Baltimore City based on a formula (60 percent equally among the jurisdictions and 40 percent based on combined population of elderly individuals and individuals with disabilities)."

Salisbury University BEACON Elderly & Disabled Population Allocation of the 40%:

Wicomico County	22.80%
Worcester County	17.20%

Wicomico County

Wicomico percentage of the 60%	30.00%	Even split
Wicomico percentage of the 40%	22.80%	Allocation based on elderly and disabled population - Source SU BEACON
Wicomico allocation percentage	52.80%	
Wicomico MTA SSTAP Grant Apportionment	\$ 142,039.92	
Wicomico Local Match	\$ 47,346.64	
Wicomico SSTAP Program Total	\$ 189,386.56	

Worcester County

Worcester percentage of the 60%	30.00%	Even split
Worcester percentage of the 40%	17.20%	Allocation based on elderly and disabled population - Source SU BEACON
Worcester allocation percentage	47.20%	
Worcester MTA SSTAP Grant Apportionment	\$ 126,975.08	
Worcester Local Match	\$ 42,325.03	
Worcester SSTAP Program Total	\$ 169,300.11	

Worcester allocation request from FY07 ATP	\$ 131,927.00
Variance from Beacon based allocatoion	\$ (4,951.92)

Worcester County, Maryland
Statewide Special Transportation
Assistance Programs (SSTAP)

TRANSITION PLAN
JUNE 2020

SSTAP FY21
Transition Plan

Current Situation

Over the last several years the need for additional door-to-door transportation services have grown in Worcester County Maryland. During that time the public transit service, Shore Transit has tried to accommodate the needs of all transit dependent citizens in Worcester County. Because of Shore Transit's capacity limits, seniors needing transportation had trouble getting rides or the rides were very long. There were also the special needs of seniors accessing transportation from their homes to the curb that became a barrier for smooth and efficient transit services. With all these developing barriers including the increase in Worcester County's growing senior population, Worcester County Government, Tri-County Council (TCC), and the Worcester County Commission on Aging (WorCOA) has developed this transition plan to move the SSTAP funding from TCC to WorCOA.

Planning Process

This Transition Plan will describe how Shore Transit and WorCOA will work together for the transition of the SSTAP services in Worcester County. The plan contains an overview of the system design, a brief description of the major tasks involved in the implementation, the overall resources needed to support the implementation effort (such as software, facilities, marketing materials, and personnel), and any site-specific implementation requirements.

Roles and Responsibilities for Planning and Transition

The following personnel will be members of the transition planning team with these roles and responsibilities.

Change Process	Area Addressed
Rob Hart, Project Manager	Administration of Grant & Design of Program
John Dorrough, WorCOA Deputy Director	Administration of Grant & Design of Program
Harry Morris, Mobility Manager	Design of Program & Operations
Kaityn Conley, Scheduler/Dispatcher	Scheduling & Marketing
Brad Bellacicco, Director of Transit	Lead Transition Contact Shore Transit
Brandon Parsons, Operation Support Manager	Riders Data & Information Transfer to Riders

Training

Currently WorCOA operates transportation programs on the north end of Worcester County. WorCOA has six trained transportation staff which consist of a Mobility Manager, Scheduler/Dispatcher, and four drivers. Worcester Adult Medical Day Services (WAMDS) which is a department of WorCOA also has three trained drivers. The drivers current training includes First Aid, CPR, passenger assistance, wheelchair securement, and other skills depending on the staff's current job.

SSTAP FY21
Transition Plan

Documentation

All documentation for this transition has been created by WorCOA project manager along with TCC staff. The budget, transit flow analysis, and resource allocation model have been based on the data supplied by Shore Transit. All communications have been documented over the last 12 months to make sure the scope of the work is understood. This document will be kept as the final road map to transferring the program.

Hardware, Software, Equipment

WorCOA currently operates transportation scheduling and dispatching using Servtracker software created by Accessible Solutions. This is the software package that WorCOA uses for all senior programs. Servtracker has a transportation module that works for small systems. The module is mainly paper driven and we are hoping to upgrade to smart technology in the future.

WorCOA has eight designated transportation vehicles for the SSTAP program. We have four accessible min-vans and four small buses. All eight vehicles will be available to the SSTAP program along with other shared vehicles in WorCOA fleet. We are hoping to procure an additional van and bus in the near future.

System/Solution Integration

WorCOA oversees many departments including Worcester Adult Medical Daycare, Worcester 50plus Centers, Worcester Meals on Wheels, Worcester Senior Care, and Community for Life Worcester. We are going to work on integrating all of these programs with the Worcester SSTAP program. We believe by doing this we can cover the Worcester County area very efficiently. We also have two wheelchair ramp programs that we coordinate in Worcester County which will help seniors access the SSTAP program.

WorCOA plans to operate SSTAP in Worcester County very similar to the current program operated by Shore Transit. We will also work closely with Somerset Commission on Aging to see how they operate their SSTAP program as they have been the SSTAP grantee for many years. We have designed our system with data supplied from Shore Transit to make sure all current passengers have similar services. WorCOA will also combine its current transit services with the SSTAP program. We will start marketing our service and time tables as soon as this document is approved.

Transition Milestones

Below is some of the important dates that WorCOA and Shore Transit will be monitoring.

#	Milestone	Date
1	Continue on-going transitional phase with Shore Transit and WorCOA staff	On going
2	Shore Transit will communicate the change of transportation provider to current passengers WorCOA will start marketing the change of provider	6/2/2020
3	WorCOA start gathering current passengers' information and regular needs Shore Transit will transfer a current passenger list to WorCOA	6/8/2020
4	Start scheduling passenger trips and sending written communication of policies/procedures Shore Transit will provide assistance and advice in scheduling of trips	6/15/2020
5	Changeover of provider and trips to Worcester County SSTAP riders	6/29/2020

SSTAP FY21
Transition Plan

Transition Communications

Shore Transit and WorCOA will start the communication of the changes to the SSTAP program on June 2, 2020. Both agencies will communicate with the current SSTAP passengers and WorCOA will market the change in provider. All formal information from Shore Transit will be sent to WorCOA's project manager and/or Worcester County Government. All current SSTAP operation information/data will be sent by Shore Transit's Director of Transit to WorCOA's SSTAP project manager.

Situation Management

All special or unexpected situations will be handled by the SSTAP project manager and TCC staff during transition. After June 29, 2020 all transportation situations will be handled by the SSTAP project manager and the WorCOA Mobility Manager.

Contingency Plans

WorCOA has total support of both Worcester County Government and Tri-County Council during this transition. If there is a need for support or additional resources both are available to help. WorCOA also has relationships and agreements with other non-profits in the area that would support our SSTAP program if needed.

Roles and Responsibilities for Operations

The following personnel are the post-transition operations team with the listed roles and responsibilities.

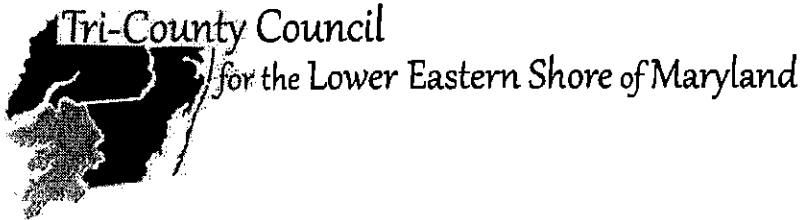
Name/Title	Role	Implementation Responsibility
Rob Hart, Executive Director	Project Manager	Make sure all require documentation and regulations/guidelines are completed.
Harry Morris, Mobility Manager	Transit Operation	Make sure all staff and equipment are set for SSTAP start-up and operations.
Carrie Meade, CFL Manager	Direct Services	Oversee the scheduling and dispatching of trips and communications with passengers
Kaitlyn Conley, Scheduler/Dispatcher	Logistics of Trips	To schedule all new trips and help schedule drivers
Faye Hinman, WorCOA IT Manager	Computer/Software Issues	Will assist with any computer and software issues

SSTAP FY21
Transition Plan

This Transition Plan has been reviewed and agreed to by the organizations listed below and signed by the proper representatives.

Approvals

Role	Name & Title	Signature	Date
Funding Agency - MTA	Travis Johnston OLTS Director		
Grantee – Worcester County	Harold Higgin, Chief Administrative Officer		
Current Provider - TCC	Greg Padgham Executive Director		
New Provider - WorCOA	Rob Hart Executive Director		



31901 TRI-COUNTY WAY
 SUITE 203
 SALISBURY, MARYLAND 21804
 PHONE: 410-341-8989
 FAX: 410-341-8988
 WWW.LOWERSHORE.ORG

ATTACHMENT #6

June 5, 2020

The parties agree to the below stated allocation of regional MTA granted Statewide Special Transportation Assistance Program (SSTAP) funds between Wicomico County, MD and Worcester County, MD for the Fiscal Year 7/1/2020 – 6/30/2021

	Regional	Wicomico	Worcester
BEACON Allocation Percentage	100%	52.80%	47.20%
MTA SSTAP Grant Allocation	269,015.00	142,039.92	126,975.08
Local Match	89,671.67	47,346.64	42,325.03
Total Program Funding	358,686.67	189,386.56	169,300.11

Detailed analysis and apportionment is located in Attachment #4.

 Gregory Padgham
 Tri-County Council Executive Director

 Date

 Harold Higgins
 Worcester County Chief Administrative Officer

 Date

 Wayne Strasburg
 Wicomico County Director of Administration

 Date

 Rob Hart
 Worcester County Commission on Aging Executive Director

 Date

 Pattie Tingle, Wicomico County MAC
 Inc. Executive Director

 Date



Serving Somerset, Wicomico and Worcester Counties



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

10

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

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

To: Worcester County Commissioners
From: Harold L. Higgins, Chief Administrative Officer *HH*
Date: June 5, 2020
RE: Wor-Wic Community College Spending Authority Request – FY21

Attached for your review is the Wor-Wic Community College Expenditure Budget by Function totaling \$28,833,263 for FY2021. Dr. Hoy is seeking your approval of these expenditure categories as required by law. Based upon Wor-Wic Community College's approved operating budget of \$28,833,263 as presented, Worcester County's local share of funding totals \$2,418,122 as approved in the County Operating Budget on June 2, 2020.

KS

H:\MISC\Wor Wic Spending Authority Cover Memo-FY21.docx

**RESOLUTION ADOPTING THE WOR-WIC COMMUNITY COLLEGE
EXPENDITURE BUDGET FOR FISCAL YEAR 2021**

WHEREAS, the County Commissioners of Worcester County, Maryland adopted the Fiscal Year 2021 Operating Budget on June 2, 2020, and deem it necessary to pass a Resolution to approve the Expenditure Budget for Wor-Wic Community College; and

WHEREAS, Section 16-301 of the Education Article of the Annotated Code of Maryland provides that each year, the Board of Trustees and the President of each Community College shall prepare and submit to the County governing body an operating budget, capital budget and long-term capital improvement plan; and

WHEREAS, Section 16-301 further provides that the County governing body shall review and approve the budget of the Community College and may reduce it; and

WHEREAS, Section 16-304 of the Education Article provides that the County governing body shall make appropriations by major functions; and

WHEREAS, the Board of Trustees and the President of Wor-Wic Community College have submitted the "Wor-Wic Community College Expenditure by Function FY 2021", attached as Exhibit "A", for approval by the County governing body.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland, that the Wor-Wic Community College Expenditure Budget by Function FY 2021, attached hereto as Exhibit A, is hereby approved.

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

PASSED AND ADOPTED this ____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

WOR-WIC COMMUNITY COLLEGE
EXPENDITURE BUDGET BY FUNCTION
FY 2021

	<u>AMOUNT</u>
<u>INSTRUCTION</u> This category includes expenditures for all activities that are part of the institution's instructional program, including credit and continuing education courses.	\$10,458,538
<u>INSTITUTIONAL SUPPORT</u> This category includes expenditures for administrative office activities including fiscal operations, information technology, institutional research, publications and resource development.	\$ 6,095,994
<u>ACADEMIC SUPPORT</u> This category includes expenditures for library services, academic administration and support services for instruction.	\$ 5,342,251
<u>PLANT</u> This category includes expenditures for the operation and maintenance of the physical plant and public safety.	\$ 3,881,263
<u>STUDENT SERVICES</u> This category includes expenditures for the offices of admissions, financial aid, registrar, counseling, recruitment, retention, student engagement and the vice president for enrollment management and student services.	\$ 2,812,217
<u>SCHOLARSHIPS</u> This category includes expenditures for scholarships and tuition waivers.	\$ <u>243,000</u>
TOTAL OPERATING BUDGET	<u>\$ 28,833,263</u>
<u>MAINTENANCE AND REPAIR</u>	<u>\$ 451,396</u>

Note: County budget approval is by major function. Maintenance and repair is considered a major function.

TEL: 410-632-1194
FAX: 410-632-3151
E-MAIL: admin@co.worcester.md.us
WEB: www.co.worcester.md.us



11

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
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DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

June 5, 2020

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
SUBJECT: Draft Enterprise Fund Budget Adoption Resolution
Water and Wastewater Enterprise Fund - FY21

Attached for your review and approval is a draft copy of the resolution adopting sanitary service area budgets, assessments and charges and establishing classifications for July 1, 2020 through June 30, 2021 (FY21) as conceptually approved following your public hearing on June 2, 2020.

If you should have any questions or concerns regarding this matter, please feel free to contact me.

**RESOLUTION ADOPTING SANITARY SERVICE AREA
BUDGETS, ASSESSMENTS AND CHARGES AND ESTABLISHING
CLASSIFICATIONS FOR JULY 1, 2020 THROUGH JUNE 30, 2021**

WHEREAS, pursuant to Section 5-310 of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners of Worcester County do hereby adopt the following Sanitary Service Area budgets, assessments and charges and make the following classifications for the purpose of such budgets and assessments for the year July 1, 2020 through June 30, 2021.

I. IT IS HEREBY RESOLVED by the County Commissioners of Worcester County, Maryland that the following budgets, charges and assessments are adopted and the following classifications made:

A. ASSATEAGUE POINTE

1. The budget attached hereto and appropriately labeled is hereby adopted; and
2. User rates are established at \$90.00 per park trailer quarterly which includes water and sewer service.
3. User rates are established at \$140.50 per equivalent dwelling unit (hereinafter referred to as EDU) quarterly for sewer service only.
4. Grinder pump surcharge - \$25.00 per lot
5. Snug Harbor assessment for debt service is hereby established at \$162.50 per EDU quarterly.

B. BRIDDELTOWN

1. The budget attached hereto and appropriately labeled is hereby adopted; and
2. Quarterly Domestic user rates are hereby established at \$66.00 per EDU which includes water service only.
3. Quarterly Commercial user rates are hereby established as follows:
 - a. Commercial minimum water:
 - (1) 1 EDU - \$56.75
 - (2) 2 EDUs - \$78.75
 - (3) 3 to 13 EDUs - \$157.50
 - (4) 14 to 24 EDUs - \$236.25
 - (5) 25 to 39 EDUs - \$315.00
 - (6) 40 or more EDUs - \$472.50
 - b. Additional commercial water charges based on usage as follows:
 - (1) \$9.75 per 1,000 gallons
4. Swimming pool charge - \$27.00 quarterly.
5. Irrigation system charge - \$60.00 quarterly.

C. EDGEWATER ACRES

1. The budget attached hereto and appropriately labeled is hereby adopted; and
2. Quarterly user rates are hereby set as follows:
 - a. Domestic minimum water & sewer \$175.00
 - b. Additional water charges based on usage as follows:
 - (1) \$8.00 per 1,000 gallons up to 10,000 gallons, and
 - (2) \$9.00 per 1,000 gallons over 10,000 gallons up to 35,000 gallons, and
 - (3) \$10.00 per 1,000 gallons over 35,000 gallons up to 45,000 gallons, and
 - (4) \$15.00 per 1,000 gallons over 45,000 gallons.
 - c. Domestic water only (not metered) \$103.00
 - d. Domestic sewer only (not metered) \$150.00

3. The standard quarterly assessment for Sussex County debt service is hereby established at \$0.02 per linear front foot per quarter as established in the Worcester County Sanitary District Assessment records.

DRAFT

D. THE LANDINGS

1. The budget attached hereto and appropriately labeled is hereby adopted; and
2. Quarterly Domestic user rates are hereby established as follows:
 - a. Domestic minimum water & sewer \$250.00
 - b. Additional domestic water and sewer charges based on usage as follows:
 - (1) \$1.60 per 1,000 gallons up to 10,000 gallons, and
 - (2) \$3.50 per 1,000 gallons over 10,000 gallons up to 25,000 gallons, and
 - (3) \$6.00 per 1,000 gallons over 25,000 gallons up to 35,000 gallons, and
 - (4) \$9.00 per 1,000 gallons over 35,000 gallons up to 45,000 gallons, and
 - (5) \$15.00 per 1,000 gallons over 45,000 gallons.
2. Quarterly Commercial user rates are hereby established as follows:
 - a. Commercial water & sewer base and usage rates as follows:
 - (1) 1 EDU - \$295.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 27,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 27,000 gallons.
 - (2) 2 EDUs - \$385.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 54,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 54,000 gallons.
 - (3) 3 to 13 EDUs - \$824.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 351,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 351,000 gallons.
 - (4) 14 to 24 EDUs - \$1,231.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 648,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 648,000 gallons.
 - (5) 25 to 39 EDUs - \$1,637.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 1,053,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 1,053,000 gallons.
 - (6) 40 or more EDUs - \$2,461.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 1,250,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 1,250,000 gallons.
 - b. Commercial water only service shall be billed at 25% of the above rates as established in 3a and 3b.
3. Unimproved Lots - Quarterly Accessibility charge \$240.00 per EDU (Not yet connected).
4. Lewis Road domestic water minimum set at \$39.00 per quarter.

E. LIGHTHOUSE SOUND

1. The budget attached hereto and appropriately labeled is hereby adopted; and
2. Quarterly user rates are hereby established as follows:
 - a. Improved Lots - Quarterly sewer service only charge \$215.00 per EDU.
 - b. Unimproved Lots - Quarterly accessibility charge \$100.00 per EDU (Not yet connected).

F. MYSTIC HARBOUR

1. The budget attached hereto and appropriately labeled is hereby adopted; and
2. Quarterly Domestic user rates are hereby established as follows:
 - a. Domestic minimum water & sewer \$178.00
 - b. Additional domestic water and sewer charges based on usage as follows:
 - (1) \$1.60 per 1,000 gallons up to 10,000 gallons, and
 - (2) \$3.50 per 1,000 gallons over 10,000 gallons up to 25,000 gallons, and
 - (3) \$6.00 per 1,000 gallons over 25,000 gallons up to 35,000 gallons, and
 - (4) \$9.00 per 1,000 gallons over 35,000 gallons up to 45,000 gallons, and
 - (5) \$15.00 per 1,000 gallons over 45,000 gallons.
 - c. Domestic water only service (metered) shall be billed at 25% of the above rates as established in 2a and 2b.
 - d. Flat rate domestic sewer only service \$175.75
3. Quarterly Commercial user rates are hereby established as follows:
 - a. Commercial water & sewer base and usage rates as follows:
 - (1) 1 EDU - \$227.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 27,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 27,000 gallons.
 - (2) 2 EDUs - \$315.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 54,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 54,000 gallons.
 - (3) 3 to 13 EDUs - \$630.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 351,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 351,000 gallons.
 - (4) 14 to 24 EDUs - \$945.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 648,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 648,000 gallons.
 - (5) 25 to 39 EDUs - \$1,260.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 1,053,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 1,053,000 gallons.
 - (6) 40 or more EDUs - \$1,890.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 1,250,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 1,250,000 gallons.
 - b. Commercial water only service shall be billed at 25% of the above rates as established in 3a and 3b.
4. Bulk water (metered) \$5.00 per thousand gallons
5. Unimproved Lots - Quarterly Accessibility charge \$150.00 per EDU (Not yet connected).
6. Oyster Harbor - Standard assessments for debt service are hereby established at \$18.00 per EDU quarterly.
7. Mystic Harbour sewer assessment for debt service is hereby established at \$66.00 per EDU quarterly.

G. NEWARK

1. The budget attached hereto and appropriately labeled is hereby adopted; and
2. Quarterly user rates are hereby established as follows:
 - a. Domestic minimum water \$108.00
 - b. Domestic minimum sewer \$108.00
 - c. Domestic water \$3.50 per 1,000 gallons over 3,000 gallons based on usage
 - d. Domestic sewer \$3.50 per 1,000 gallons over 3,000 gallons based on usage
 - e. Commercial minimum water \$133.00
 - f. Commercial minimum sewer \$133.00
 - g. Commercial water \$7.00 per 1,000 gallons over 3,000 gallons based on usage
 - h. Commercial sewer \$7.00 per 1,000 gallons over 3,000 gallons based on usage
3. Assessments are hereby established at \$27.00 per EDU quarterly.
4. Classifications are established as follows:

Properties are classified as subdivisions and businesses or industrial (commercial) based upon existing use. Residential properties are classified as subdivisions and all others are classified as business or industrial. Determinations as to equivalent dwelling unit assignments are made in accordance with Section 5-310 of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland.
5. Newark sewer assessment for debt service is hereby established at \$55.00 per EDU quarterly.

H. OCEAN PINES

1. The budget attached hereto and appropriately labeled is hereby adopted.
2. Quarterly user rates are hereby set as follows:
 - a. Domestic minimum water and sewer \$179.00
 - b. Additional domestic water and sewer charge based on usage as follows:
 - (1) \$1.60 per 1,000 gallons up to 10,000 gallons, and
 - (2) \$3.50 per 1,000 gallons over 10,000 gallons up to 25,000 gallons, and
 - (3) \$6.00 per 1,000 gallons over 25,000 gallons up to 35,000 gallons, and
 - (4) \$9.00 per 1,000 gallons over 35,000 gallons up to 45,000 gallons, and
 - (5) \$15.00 per 1,000 gallons over 45,000 gallons.
 - c. Commercial water & sewer base and usage rates as follows:
 - (1) 1 EDU - \$227.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 27,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 27,000 gallons.
 - (2) 2 EDUs - \$315.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 54,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 54,000 gallons.
 - (3) 3 to 13 EDUs - \$630.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 351,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 351,000 gallons.
 - (4) 14 to 24 EDUs - \$945.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 648,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 648,000 gallons.
 - (5) 25 to 39 EDUs - \$1,260.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 1,053,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 1,053,000 gallons.

- (6) 40 or more EDUs - \$1,890.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 1,250,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 1,250,000 gallons.
3. Flat rate domestic sewer only service \$164.75.
4. Standard assessments for debt service are hereby established at \$37.00 per EDU quarterly.
5. Adjusted standard assessments are as follows:
 - a. Open Space Park water - 50% of standard
 - b. Open Space Park no water - 10% of standard
 - c. Applicable parcels as described in Section E(2) and E(3) of 589 Agreement - 25% of Standard.
6. Classifications are established as follows:

Properties are classified as subdivision and business or industrial based upon existing land use or committed or approved zoning or land use. Residential properties are classified as subdivisions and all others are classified as business or industrial. Open space parks and utility lots with water service are designated as Open Space Park - Water. Open space parks and utility lots without water service are designated as Open Space Park - No Water. Determinations as to equivalent dwelling unit assignments are made in accordance with Section 5-310 of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland.
7. White Horse Park lots shall pay a quarterly water and sewer flat rate of \$141.00 per lot.
8. New Ocean Pines Customers who have already paid the required equity contribution do not pay the standard assessment for debt service (as referenced in item 4 above), but instead shall pay supplemental assessments for additional debt service hereby established at \$20.00 per EDU per quarter.

I. RIDDLE FARM

1. The budget attached hereto and appropriately labeled is hereby adopted; and
2. Quarterly Domestic user rates are hereby established as follows:
 - a. Domestic minimum water & sewer \$200.00.
 - b. Additional domestic water and sewer charges based on usage as follows:
 - (1) \$1.60 per 1,000 gallons up to 10,000 gallons, and
 - (2) \$3.50 per 1,000 gallons over 10,000 gallons up to 25,000 gallons, and
 - (3) \$6.00 per 1,000 gallons over 25,000 gallons up to 35,000 gallons, and
 - (4) \$9.00 per 1,000 gallons over 35,000 gallons up to 45,000 gallons, and
 - (5) \$15.00 per 1,000 gallons over 45,000 gallons.
3. Quarterly Commercial user rates are hereby established as follows:
 - a. Commercial water & sewer base and usage rates as follows:
 - (1) 1 EDU - \$227.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 27,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 27,000 gallons.
 - (2) 2 EDUs - \$315.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 54,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 54,000 gallons.
 - (3) 3 to 13 EDUs - \$630.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 351,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 351,000 gallons.

- (4) 14 to 24 EDUs - \$945.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 648,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 648,000 gallons.
- (5) 25 to 39 EDUs - \$1,260.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 1,053,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 1,053,000 gallons.
- (6) 40 or more EDUs - \$1,890.00
 - a. \$4.00 per 1,000 gallons up to 10,000 gallons, and
 - b. \$6.00 per 1,000 gallons over 10,000 gallons up to 1,250,000 gallons, and
 - c. \$10.00 per 1,000 gallons over 1,250,000 gallons.
4. Unimproved Lots - Quarterly Accessibility charge \$150.00 per EDU (Not yet connected).
5. Riddle Farm assessment for debt service is hereby established at \$9.00 per EDU quarterly.
6. Effluent disposal charge is hereby established at \$35.00 per EDU quarterly.

J. RIVER RUN

1. The budget attached hereto and appropriately labeled is hereby adopted.
2. River Run shall pay to Ocean Pines Service Area for water as provided by contract at the following rates:
 - a. Minimum quarterly water \$56.00
 - b. Additional water charges based on usage as follows:
 - (1) \$0.50 per 1,000 gallons up to 10,000 gallons, and
 - (2) \$1.09 per 1,000 gallons over 10,000 gallons up to 25,000 gallons, and
 - (3) \$1.88 per 1,000 gallons over 25,000 gallons up to 35,000 gallons, and
 - (4) \$2.81 per 1,000 gallons over 35,000 gallons up to 45,000 gallons, and
 - (5) \$4.69 per 1,000 gallons over 45,000 gallons.
3. User rates are hereby set as follows:
 - a. Sewer at \$150.00 per quarter.

K. WEST OCEAN CITY

1. The budget attached hereto and appropriately labeled is hereby adopted.
2. Quarterly user rates for sewer are hereby adopted at \$10.50 per domestic fixture and \$14.25 per commercial fixture. Swimming pools are to be charged a quarterly flat rate of \$26.75. Car washes shall be charged a quarterly rate of \$2.50 per 1,000 gallons based upon 70% of water consumption.
3. An adjusted standard assessment of 25% of standard is hereby established for platted lots in the service area that do not have sewer lines accessible to the property.
4. Classifications are adopted as follows:

Properties are classified as subdivisions and business or industrial based upon existing land use or committed zoning. Residential properties are classified as subdivisions and all others are classified as business or industrial. Determinations as to equivalent dwelling unit assignments are made in accordance with Section 5-310 of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland.

L. LEACHATE

1. Leachate will be charged at \$0.02 per gallon

II. BE IT FURTHER RESOLVED by the County Commissioners of Worcester County, Maryland that special service fees based upon actual cost are hereby adopted for special services required on all properties in all service areas (see Attachment A).

III. BE IT FURTHER RESOLVED by the County Commissioners of Worcester County, Maryland that late fees and interest are hereby established as follows:

A. For those bills issued on a quarterly basis the following late fees and interest shall be levied:

- 1. Accounts that are delinquent over 30 days from the date of billing shall be assessed a \$5.00 penalty plus 3% interest per quarter.

IV. BE IT FURTHER RESOLVED by the County Commissioners of Worcester County, Maryland that the Water and Wastewater Services departmental budget stamped as approved the 2nd day of June, 2020 and on file with the Worcester County Human Resources Department are incorporated herein and made a part hereof.

V. BE IT FURTHER RESOLVED that this Resolution shall not prohibit the charging of contract charges as authorized by Section 5-310(g) of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland.

VI. BE IT FURTHER RESOLVED by the County Commissioners of Worcester County, Maryland that the Sanitary Service Area budgets, assessments and charges and the classifications established herein are adopted this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitreic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

DRAFT

ATTACHMENT A

WATER & WASTEWATER FEES FY 2021 - APPROVED

WATER SERVICE INSTALLATION WITHOUT FIRE SERVICE

1" - Existing Homes Only \$2,000

WATER SERVICE INSTALLATION WITH FIRE SERVICE

1.0" \$2,675

1.5" \$4,050

2.0" \$5,725

SEWER SERVICE INSTALLATION

Sewer lateral \$2,735

Ocean Pines - Tank/Lateral Install and Tank Fee \$4,500

Sewer Service Connection (customer purchases grinder pump) \$1,738

Snug Harbor Sub-Area Section 1- (Local share) \$2,775

Snug Harbor Sub-Area Section 2- (Construction Costs & Grinder Pump) \$6,800

Edgewater Acres Sewer- Sussex County Fee \$6,360 **A**

A- Fee set by Sussex County. Good through 6/30/20- subject to change after that date.

FUTURE CAPITAL IMPROVEMENT CHARGE PER EDU

Edgewater	Water/Sewer	\$600
Landings	Water/Sewer	\$600
Lighthouse Sound	Sewer	\$600
Mystic Harbour	Water	\$500
Mystic Harbour	Sewer	\$1,000
Newark	Water/Sewer	\$600
Ocean Pines	Water/Sewer	\$600
Riddle Farm	Water/Sewer	\$600
River Run	Water/Sewer	\$950
West Ocean City	Sewer	\$600

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ATTACHMENT A

WATER & WASTEWATER FEES FY 2021 - APPROVED

EQUITY CONTRIBUTIONS & CONSTRUCTION COSTS PER EDU

Landings Service Area		
Water	\$4,666	
Sewer	\$13,625	
Lighthouse Sound Service Area		
Sewer	\$6,100	
Mystic Harbour Service Area		
Water	\$3,000	
Sewer	\$8,492	
Newark Service Area		
Water/Sewer	\$8,156	
Ocean Pines Service Area		
Water	\$3,000	
Sewer	\$11,785	
Gum Point Road Sewer Construction	\$2,763	
Pines Plaza Water & Sewer Construction	\$5,300	
Riddle Farm Service Area		
Water (Including Route 50 Corridor Water)	\$6,323	
Route 50 Corridor Water Construction	\$2,775	
Sewer	\$8,968	
Route 50 Corridor Sewer	\$4,926	B
Snug Harbour Sub-Area Section 3		
Sewer (includes equity contrib, construction costs, hookup & misc fees)	\$21,813	

B - The additional money the County collects for the sewer is distributed per the Contract.

MISCELLANEOUS FEES

Termination Service Fee	\$50.00
Request Water Shut-Off	\$25.00
Request Water Turn-On	\$25.00
Call In During Non-Working Hours (If Homeowners Problem)	\$100.00
Test Water Meter (If Meter Proves To Be Accurate)	\$62.50
Returned Check	\$25.00
Request Special Meter Reading (i.e. attorney, realtor, etc.)	\$25.00
Bulk Water Sale Annual Permit Charge	\$50.00
Metered usage shall be billed at \$5.00 per thousand gallons with a \$5.00 connection charge	

TEL: 410-632-1194
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E-MAIL: admin@co.worcester.md.us
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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

June 5, 2020

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HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
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JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
SUBJECT: Draft Enterprise Fund Budget Adoption Resolution
Solid Waste Enterprise Fund - FY21

Attached for your review and approval is a draft copy of the resolution adopting the Solid Waste Enterprise Fund Budget and Fees for July 1, 2020 through June 30, 2021 (FY21) as conceptually approved following your public hearing on June 2, 2020.

If you should have any questions or concerns regarding this matter, please feel free to contact me.

RESOLUTION NO. 20 - _____
RESOLUTION ADOPTING SOLID WASTE ENTERPRISE FUND BUDGET
AND FEES FOR JULY 1, 2020 THROUGH JUNE 30, 2021

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WHEREAS, Worcester County owns and operates facilities for the disposal of solid waste generated in Worcester County, Maryland including the Central Landfill and several household solid waste transfer stations; and

WHEREAS, the Worcester County Commissioners established a Worcester County Landfill Enterprise Fund (which has become known as the "Solid Waste Enterprise Fund") by resolution dated June 4, 1996 to account for the revenues and expenditures associated with the daily operation of the landfill and transfer stations as well as the opening and closure of landfill cells; and

WHEREAS, it is the desire of the County Commissioners that revenues generated by the use of the Central Landfill and the County's household solid waste transfer stations be sufficient to cover all expenses related to the daily operation of the Central Landfill and transfer stations.

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of Worcester County, Maryland do hereby adopt the following Solid Waste budgets and fees for the year July 1, 2020 through June 30, 2021:

1. The Board of County Commissioners do hereby adopt a Solid Waste Enterprise Fund Expense Budget for Fiscal Year 2020/2021 in the amount of \$3,286,998 pursuant to FY 2020/2021 Solid Waste Enterprise Fund Budget stamped as approved the 16th day of June, 2020 and on file with the Worcester County Treasurer's Office which is incorporated herein and made a part hereof.
2. The Board of County Commissioners do hereby adopt, levy, and impose the following landfill fees for Fiscal Year 2020/2021:
 - a. The landfill tipping fee for Refuse shall be \$0.75 per 20 pounds as calculated by scales located at the Central Landfill, with a minimum charge of \$10.00, and shall be subject to all other provisions for said tipping fees established by Resolution of the County Commissioners dated February 11, 1992 and as amended by resolution dated June 16, 1992.
 - b. The landfill tipping fee for Dirt, Grit, Red Ash, Sludge, Stumps, and Yard Waste shall be \$0.80 per 20 pounds as calculated by scales located at the Central Landfill, with a minimum charge of \$10.00.
 - c. The landfill tipping fee for passenger car and truck tires by weight shall be \$2.25 per 20 pounds, with a minimum charge of \$10.00.
 - d. The landfill tipping fee for industrial and tractor tires by weight shall be \$6.00 per 20 pounds, with a minimum charge of \$10.00.
 - e. The landfill tipping fee for metals shall be \$0.25 per 20 pounds, with a minimum charge of \$10.00.
 - f. The landfill tipping fee for Construction Materials, Demolition Materials, and Concrete, which may only be disposed of at the Central Landfill, shall be \$0.80 per 20 pounds, with a minimum charge of \$10.00.
 - g. The landfill tipping fee for Asbestos, which may only be disposed of at the Central Landfill, shall be \$1.50 per 20 pounds, with a minimum charge of \$10.00.
 - h. Mulch can be purchased at the Central Landfill for \$20.00 per 3 cubic yard bucket.
 - i. Passenger car tires may be disposed of at the Central Landfill for the fee of \$3.00 per tire and \$5.00 per tire on rim. Any tire disposed of on the landfill will be at a charge of \$20.00 per tire.
 - j. Truck tires may be disposed of at the Central Landfill for the fee of \$10.00 per tire. Any tire disposed of on the landfill will be at a charge of \$20.00 per tire.
 - k. House trailers may be disposed of at the Central Landfill for the fee of \$1,500.00 per trailer.
 - l. Boats may be disposed of at the Central Landfill for the fee of \$0.80 per 20 pounds.
 - m. Propane tanks may be disposed of at the Central Landfill for the fee of \$10.00 per tank.
 - n. The annual license fee for any commercial hauler shall be \$25.00 for each vehicle used by

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said hauler to transport solid waste to the Central Landfill, and shall be subject to all other provisions for said licenses established by Resolution of the County Commissioners dated February 25, 1992.

- o. The license fee for any Worcester County local government commercial hauler shall be \$15.00 for each vehicle used by said hauler to transport solid waste to the Central Landfill. The license will not expire until the vehicle is sold or disposed. The license fee shall be subject to all other provisions for said licenses established by Resolution of the County Commissioners dated February 25, 1992.
 - p. Fees for use of the County's homeowner convenience stations shall be either:
 - (1) An annual permit fee for unlimited use of the County's homeowner convenience stations by a single household shall be \$100.00 for the first two vehicles, and \$100.00 for the third and additional vehicles, and shall be subject to all other provisions for said permits established by Resolution of the County Commissioners dated June 16, 1992; or
 - (2) A Pay-As-You-Throw fee of \$1.00 for each 33-gallon bag disposed at any homeowner convenience station in Worcester County.
 - q. To encourage recycling within the incorporated municipalities of Worcester County, a rebate of 1% will be given for each 1% of recycled materials from the municipality, with a maximum rebate of 15%. Rebates will be refunded to the municipalities quarterly.
3. The Board of County Commissioners do hereby establish late fees and interest rates for delinquent accounts as follows:
- a. Accounts that are delinquent over 30 days from the date of billing shall be assessed a 1% per month interest charge.
4. All other fees or charges not enumerated above shall be at such amounts and rates as are currently in force or as shall be amended by resolution of the County Commissioners at which time such amended amounts and rates shall be effective.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect on July 1, 2020.

PASSED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

Harold L. Higgins
Chief Administrative Officer

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

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HAROLD L. HIGGINS, CPA
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ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

June 5, 2020

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
SUBJECT: Draft Enterprise Fund Budget Adoption Resolution
Liquor Control Enterprise Fund - FY21

Attached for your review and approval is a draft copy of the resolution adopting the Department of Liquor Control Enterprise Fund Budget for July 1, 2020 through June 30, 2021 (FY21) as conceptually approved following your public hearing on June 2, 2020.

If you should have any questions or concerns regarding this matter, please feel free to contact me.

**RESOLUTION ADOPTING WORCESTER COUNTY
DEPARTMENT OF LIQUOR CONTROL ENTERPRISE FUND BUDGET
FOR JULY 1, 2020 THROUGH JUNE 30, 2021**

WHEREAS, Section 15-201(a)(3) of Article 2B of the Annotated Code of Maryland created the Worcester County Department of Liquor Control effective July 1, 2011 to succeed the Worcester County Liquor Control Board for the purchase and sale of alcoholic beverages in Worcester County, Maryland; and

WHEREAS, effective July 1, 2011, Worcester County assumed the assets and liabilities of the former Worcester County Liquor Control Board and thereafter Worcester County owned or leased and operated facilities for the distribution and sale of alcoholic beverages in Worcester County, Maryland; and

WHEREAS, Worcester County is in the process of liquidating all of the aforementioned owned or leased facilities, however the sale of the Pocomoke Shore Spirits retail store is pending and therefore continues to be operated by Worcester County pending settlement; and

WHEREAS, the Worcester County Commissioners established a Worcester County Liquor Control Enterprise Fund (which has become known as the "Liquor Control Enterprise Fund") by resolution dated June 21, 2011 to account for the revenues and expenditures associated with the daily operation of the dispensary and retail stores; and

WHEREAS, it is the desire of the County Commissioners that revenues generated by the retail sale of alcoholic beverages by the Worcester County Department of Liquor Control be sufficient to cover all expenses related to the daily operation of the Pocomoke Shore Spirits retail store and to generate additional revenues as determined by the County Commissioners for distribution to the General Fund of the County and to the Town of Pocomoke City in accordance with State Law.

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of Worcester County, Maryland do hereby adopt the following Liquor Control Enterprise Fund budget for the year July 1, 2020 through June 30, 2021:

**WORCESTER COUNTY
2020/2021 OPERATING BUDGET
LIQUOR CONTROL ENTERPRISE FUND**

EXPENDITURES

Personnel Services	\$181,369
Supplies & Materials	\$14,200
Cost of Goods Sold	\$632,400
Maintenance & Services	\$67,400
Other Charges	\$2,500
Payout of Net Income (Loss) to County and Pocomoke City	\$17,131
Interfund Charges	<u>\$15,000</u>
 TOTAL EXPENDITURES	 \$930,000

REVENUES

Sales - Retail	<u>\$930,000</u>
 TOTAL REVENUES	 \$930,000

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AND, BE IT FURTHER RESOLVED that this Resolution shall take effect on July 1, 2020.

PASSED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

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Chief Administrative Officer

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CHIEF ADMINISTRATIVE OFFICER
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COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
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SNOW HILL, MARYLAND
21863-1195

June 5, 2020

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *kl*
SUBJECT: Draft Fee Resolution for Applications Processed by Development Review & Permitting and Environmental Programs Departments - FY21

Attached for your review and approval is a draft copy of the resolution establishing fees for applications processed by the Department of Development Review & Permitting and the Department of Environmental Programs effective July 1, 2020 (for FY21) as conceptually approved following your Budget Work Session on May 12, 2020. *

If you should have any questions or concerns regarding this matter, please feel free to contact me.

* Also added Rental License permit fees as adopted on 11/19/19 by Resolution No. 19-36 - see page 7-10

**RESOLUTION ESTABLISHING FEES FOR APPLICATIONS PROCESSED BY
THE DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
AND THE DEPARTMENT OF ENVIRONMENTAL PROGRAMS**

WHEREAS, the Code of Public Local Laws of Worcester County, Maryland, General Provisions Article and Sections BR 2-103(f) (Plumbing Standards - Fees), BR 2-212(f) (Electrical Standards - Fees), BR 3-104 (Housing Review Board), PW 5-104 (Shared Sanitary Facilities - Establishment of shared sanitary facility), PW 5-305(b)(5) (Sanitary Service Areas - Cost and fees), TR 2-103(d) (Licensing of coin-operated vending machines - Fees), TR 2-106(c) (Rental License fees), TR 2-201 (Gaming Permits), NR 1-107(d) (Stormwater Management - plan review fees), NR 1-407 (Forest Conservation), NR 2-102(b) (Construction along shorelines - Permits required), NR 3-101 and NR 3-201 (Critical Area Programs), ZS 1-106 (Zoning Regulations - Fees and expenses), ZS 1-347(k) (Zoning Regulations - Agricultural Reconciliation Board fees) and ZS 2-108 (Subdivision Regulations - Fees), as from time to time amended, provide that the County Commissioners may establish certain fees for processing of applications; and

WHEREAS, the Worcester County Commissioners have adopted or amended said fees by previous resolutions, most recently by Resolution No. 19-23, adopted on June 18, 2019; and

WHEREAS, the County Commissioners have determined it necessary to revise said fees and add fees for various review services provided by County staff.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the following fee schedule shall be in effect for the services provided by the Department of Development Review & Permitting and the Department of Environmental Programs:

DEPARTMENT OF DEVELOPMENT REVIEW & PERMITTING
AND DEPARTMENT OF ENVIRONMENTAL PROGRAMS
FEE SCHEDULE

I. APPLICATION REVIEW FEES

- A. Zoning Map Amendment: \$650.00 base fee, plus \$15.00 per acre.
- B. Zoning Text Amendment: \$350.00 per change requested.
- C. Water and Sewer Plan Amendments:
 - 1. Minor Amendments: \$100.00
 - 2. Major Amendments: \$500.00
- D. Residential Planned Community:
 - 1. Step I: \$1,000.00 base fee, plus \$15.00 per acre over 30 acres.
 - 2. Step II: \$600.00 base fee, plus \$15.00 per acre over 30 acres.
 - 3. Step III: Refer to subdivision and/or site plan review fees.
- E. Planned Commercial Development Review: \$450.00 base fee, plus \$35.00 per acre.
- F. Subdivision Review:
 - 1. Sketch Plan (optional): No fee.
 - 2. Preliminary Plat: \$350.00 base fee, plus \$15.00 per lot in excess of 5 lots.

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3. Final Plat: \$350.00 base fee, plus \$10.00 per lot in excess of 5 lots.
 4. Minor Subdivision Plat: \$250.00 flat fee.
 5. Recording fee: \$5.00 per sheet.
 6. Waiver of ordinance section: \$100.00 per section.
 7. Revision (<25% of site) \$150.00 flat fee, (>25% of site) \$150.00, Plus \$5.00 per lot.
 8. Revalidation or extension of approval: \$150.00 flat fee.
 9. Third and subsequent review: \$100.00 flat fee per review.
 10. Construction Plan Review:
 - a. Minor subdivision (≤ 5 lots, where required): \$150.00 flat fee.
 - b. Major subdivision (6 to 20 lots): \$150.00 base fee, plus \$10.00 per lot.
 - c. Major subdivision (≥ 21 lots): \$150.00 base fee, plus \$15.00 per lot.
 - d. Revisions: 25% of original fee.
- G. Site plan review:
1. Major site plan: \$450.00 base fee, Plus \$35.00 per acre.
 2. Minor site plan: \$300.00 flat fee.
 3. Administrative Review: \$50.00 flat fee.
 4. Revisions: ($\geq 25\%$ of site): \$150.00 flat fee; ($> 25\%$ of site): \$150.00, Plus \$35.00 per acre.
 5. Revalidation or extension of approval: \$150.00 flat fee.
 6. Waiver of ordinance section: \$100.00 per section.
 7. Third and subsequent reviews: \$100.00 flat fee per review.
- II. Board of Zoning Appeals
1. Variance: \$350.00 flat fee.
 2. Special exception: \$350.00 flat fee.
 3. Forestry adjustment, exceptions or payment in lieu: \$350.00 flat fee.
 4. Any other application: \$350.00 flat fee.
- I. Readvertisement fee (if necessary): \$250.00 flat fee.
- J. Housing Review Board Appeal Fee: \$100.00.
- K. Forest Conservation Program Review
1. Declaration of Intent: \$50.00 flat fee.
 2. Forest Conservation Plan Review:
 - a. Sketch plan (optional): No fee
 - b. Major subdivision: \$200.00 base fee, plus \$25.00 per lot.
 - c. Minor subdivision/Boundary line adjustment: \$100.00 flat fee.
 - d. Major site plan: \$200.00 base fee, plus \$25.00 per acre.
 - e. Minor site plan: \$100.00 flat fee.
 - f. Revisions: (<25% of site) \$150.00 flat fee; or
(>25% of site) \$150.00, plus \$35.00 per acre.
 - g. Forestry adjustment, exception, or payment in lieu request: \$100.00 flat fee.
- L. Building Code Appeals Board Application Fee: \$250.00.
- M. F.E.M.A. Variance Application Fee: \$250.00
- N. Agricultural Reconciliation Board Application Fee: \$150.00

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O. Atlantic Coastal/Chesapeake Bay Critical Area Program Review

1. Sketch plan (optional): No fee
2. Major subdivision: \$200.00 base fee, plus \$25.00 per lot.
3. Minor subdivision/Boundary line adjustment: \$100.00 flat fee.
4. Major site plan: \$200.00 base fee, plus \$25.00 per acre.
5. Minor site plan: \$100.00 flat fee.
6. Revisions: ($\leq 25\%$ of site): \$150.00 flat fee;
($> 25\%$ of site): \$150.00 plus \$35.00 per acre.
7. Growth allocation request: \$650.00 base fee plus \$15.00 per acre.
8. Building/Zoning Permit/Environmental Programs review: \$50.00
9. Board of Zoning Appeals review of Department's denial of fees in lieu: \$100.00.
10. Critical Area variance review: \$100.00 flat fee.
11. Reinspection fee: \$50.00 per occurrence.
12. Critical Area Permit: \$50.00

P. Cooperative Campground/Mobile Home Park Review Fee

1. Conversion to Co-op: \$600.00 base fee, plus \$35.00 per acre.
2. Expand or enlarge Co-op: \$450.00 base fee, plus \$35.00 per acre.
3. Revisions: ($\leq 25\%$ of site): \$150.00 flat fee; or
($> 25\%$ of site): \$150.00, plus \$35.00 per acre.
4. Third and subsequent reviews: \$100.00 flat fee per review.

Q. Research Fee: \$50.00 per hour for each hour or portion thereof beyond the first hour of staff research time.

R. Natural Resources Article Text Amendment: \$350.00 per change requested.

II. PERMITS

A. Building Permits

1. For one and two family dwellings, additions thereto, and accessory structures 500 square feet or greater in size: A minimum fee of \$50.00 plus an amount equal to the square footage multiplied by the current value per square foot (as listed below) multiplied by .0055, with \$50.00 of the fee being non-refundable in the event the permit is not utilized.

TYPE OF AREA	CURRENT VALUE PER SQUARE FOOT
Habitable	\$48.12
Garage, covered decks, screened porches and other attached non-habitable covered areas	\$22.62
Open Decks	\$15.00

2. Mobile Homes: \$100.00 flat fee.
3. Multi-family, commercial and industrial (including accessory structures): A minimum fee of \$150.00 plus an amount equal to the square footage multiplied by the current value per square foot (as listed below) multiplied by .005, with \$150.00 of the fee being non-refundable in the event the permit is not utilized:

*

IRC USE GROUP	CURRENT VALUE PER SQUARE FOOT
A-1	\$76.29
A-2	\$56.84
A-3	\$55.81
A-4	\$71.17
B	\$51.20
E	\$55.30
F-1	\$31.74
F-2	\$31.23
H	\$30.72
I-1	\$50.69
I-2	\$80.38
I-3	\$70.14
M	\$41.98
R-1	\$54.94
R-2	\$48.64
R-3	\$40.96
S-1	\$29.18
S-2	\$28.67
U	\$22.62

4. Reinspection Fee: \$50.00 each occurrence. *

5. For construction of a handicap access ramp on a single-family home where appropriate documentation is presented to the department regarding the bonafide need: No fee.

B. Zoning Permits

1. All off-premise signs: \$100.00 flat fee.

2. Freestanding and on-building signs: \$1.00 per square foot, with a minimum charge of \$50.00.

3. Use of Land without structure and residential accessory structures less than 500 square feet including but no limited to fences, sheds, pools, and home occupations: \$50.00 flat fee.

4. Reinspection Fee: \$50.00 per occurrence.

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C. Environmental Programs

1. Water Well: \$160.00 per well.
2. Water Sample (other than compliance sampling): \$50.00 per sample
3. Sewage:
 - a. Residential Evaluation.
 1. Individual lot or minor subdivision evaluation: \$350.00 per single family unit.
 2. Major subdivision evaluation: \$350.00 per single family unit. If more than six lots are requested a minimum payment of \$1,800.00 is required. Balance of fee to be collected as testing is completed.*
 3. Piezometer Installation (over 2 per lot): \$50.00 each
 - b. Commercial Evaluation.
 1. A minimum of \$350.00 is required.*
 - c. Sewage Area Modification.
 1. 30% or More: \$300.00
 2. Less than 30%: \$75.00
 - d. Sewage Permit.
 1. Complete new system (tank & drainfield): \$325.00
 2. Drainfield replacement: \$300.00
 3. Repairs of existing system including tank replacement: \$180.00
 - e. Water/Sewer Verification Fee: \$30.00 per permit signed by Environmental Programs (except for sign or shed permits).

*Note: This application fee covers testing for 10,000 square feet of sewage area. If conditions require testing greater than 10,000 square feet, applicant will be billed at a rate of \$10 per each additional 1,000 square foot area tested.

4. Burning Permit: \$80.00
5. Reinspection Fee: \$50.00 per occurrence.
6. Septage Haulers:
 - a. Annual license: \$50.00
7. Bathing Beach Permit: \$150.00
8. Plat/Plan Review:
 - a. Sketch Plan (optional): No fee.
 - b. Plat Review, public water & sewer, up to 5 lots: \$75.00
 - c. Plat Review, public water & sewer, more than 5 lots: \$200.00
 - d. Plat Review, private water & sewer, minor subdivision: \$180.00
 - e. Plat Review, private water & sewer, major subdivision: \$150.00 minimum for first 5 lots, plus \$25.00 per additional lot over 5.
 - f. Plat Review, property line revision/septic reserve area revision; Agricultural Use Only: \$120.00
 - g. Commercial Construction Plan Review, public water & public sewer: \$60.00
 - h. Commercial Construction Plan Review, public water & private sewer: \$85.00
 - i. Commercial Construction Plan Review, private water & private sewer: \$100.00

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9. Mobile Home Park and Campground Permit Fees
- a. Annual Mobile Home Park Permit
 - 1. 10 or less sites: \$75.00
 - 2. 11 or more sites: \$150.00
 - b. Annual Campground Permit
 - 1. 100 or less sites: \$175.00
 - 2. 101 or more sites: \$250.00
 - c. Late Fees (Mobile Home Park and/or Campground Permits):
\$50.00 per day/\$500.00 maximum.

*

10. Shared Facilities Agreement Processing Fees
- a. Minor (up to 5,000 gallons per day): \$100.00
 - b. Major (greater than 5,000 gallons per day): \$250.00
 - c. Shared facility inspection: \$50.00 per inspection

*

*Note: There shall be no charge for shared facility agreements between two single-family homes.

11. Sanitary Service Area Applications
- a. Minor (up to 5,000 gallons per day): \$100.00
 - b. Major (greater than 5,000 gallons per day): \$500.00

*Note: There shall be no charge for expansions involving the addition of an individual residential property to an existing service area.

12. Stormwater Management and Sediment & Erosion Control:
- a. Waiver requests: \$75.00.
 - b. Sediment and erosion control inspection fee for single-family dwellings: \$50.00.
 - c. Sediment and erosion control inspection fee for timber harvests: \$100.00.
 - d. Stormwater management and sediment and erosion control permits (with devices, structures, or the like): \$350.00 base fee, plus \$15.00 per acre over 5 acres.
 - e. Stormwater management and sediment and erosion control permits for clearing, grading and filling (no devices, structures or other items): \$200.00 base fee, plus \$15.00 per acre over 5 acres.
 - f. Stormwater management and sediment and erosion control permit revision fee: \$50.00.
 - g. Reinspection Fee: \$50.00 per occurrence.

D. General Permits.

- 1. Electrical Permits: \$25.00.
- 2. Plumbing Permits:
 - a. Administrative Fees (per permit issued)
 - 1. Mobile Homes (Manufactured Housing): \$25.00
 - 2. Modular Homes (Certified State Inspected): \$25.00
 - 3. Stick-built Homes: \$25.00
 - 4. Multi-Unit Buildings (Condo, Townhouse, Motel): \$100.00
 - 5. Commercial Units (Shopping Centers, Banks, Restaurants, Offices, etc.): \$100.00
 - 6. Back Flow Preventer Only: \$50.00
 - b. Inspection Fees (per unit)
 - 1. Mobile Homes (Manufactured Housing): \$40.00
 - 2. Modular Homes (Certified State Inspected): \$75.00

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- 3. Stick-built Homes: \$125.00
 - 4. Multi-Unit Buildings (Condo, Townhouse, Motel): \$125.00
 - 5. Commercial Units (Shopping Centers, Banks, Restaurants, Offices, etc.): \$125.00
 - 6. Back Flow Preventer Only: \$40.00
 - 7. Per fixture (over 10): \$5.00
 - c. Modification, Remodeling and Alteration Fees (Fixture Unit Count of Eight or Less)
 - 1. Administrative Fee: \$25.00
 - 2. Inspection Fee: \$75.00
 - d. Reinspection Fee: \$50.00 per inspection
 - e. Investigative Fee (beginning work without a permit): \$50.00 per hour
 - f. Gas Permits:
 - 1. Gas Permit: \$40.00
 - 2. Administrative Fee: \$25.00
 - 3. Each Additional Appliance (over 3): \$5.00
 - g. Plumbing Plan Review (Commercial)
 - 1. Up to 10,000 square feet: \$125.00
 - 2. Greater than 10,000 square feet: \$250.00
 - 3. Changes, additions, revisions to approved plans: \$50.00 per hour of review time

* Note: minimum charge of one-half hour re-review time
3. Shoreline Construction Activity:
- a. Minor application review fee (less than eight feet channelward): \$150.00
 - b. Major application review fee (greater than eight feet channelward): \$300.00.
 - c. Shoreline construction permit: \$150.00
 - d. Shoreline construction permit revision: \$50.00

E. Miscellaneous Permits and Licenses.

1. Rental License permit:

Was Resolution 19-36

X

Use of Structure

Annual Fee

a. Short term rental properties	\$200.00 per unit
b. Mobile home park	\$200.00 per lot, site or unit
c. Hotel, motel or campground	\$5.00 per room or site, minimum of \$250.00
d. Bed and breakfast establishments	\$400.00 per establishment
e. Keeping of roomers or boarders	\$100.00 per home
f. Dwelling unit rentals greater than 28 days (Year-round or seasonal rentals)	\$50.00 per dwelling unit
g. Group homes and assisted living facilities where all units are owned by a single business entity operating the facility ..	\$250.00 per establishment
h. Group homes and assisted living facilities where units are individually owned and rented	\$100.00 per unit
i. License modifications with no change in class of license ...	\$50.00
j. License modifications with change in class of license	\$50.00 plus incremental difference in class fee
k. License modifications for additional units, rooms or sites ..	\$50.00 plus \$5.00 per additional unit, room or site
l. Any use or structure not specifically stated herein	Fee for the most similar use or structure as determined by the Department

2. Gaming (raffle) permit: \$25.00.

DRAFT

- 3. Roadside stand license: \$25.00
- 4. Bingo:
 - a. Annual license: \$100.00
 - b. Temporary license: \$25.00
- 5. Coin operated machine licenses:
 - a. Claw machines, shuffleboard, mechanical bowling machines, single-coin pinball machines, electronic video games or any other similar public amusement device requiring insertion of a coin or token and the result of whose operation depends in whole or in part upon the skill of the operator: \$30.00 each.
 - b. Arcades:
 - 1. 42 to 100 machines: \$1,250.00.
 - 2. 101 to 150 machines: \$1,750.00.
 - 3. 151 to 200 machines: \$2,250.00.
 - 4. 201 or more machines: \$2,750.00.
 - c. Music boxes: \$30.00.
 - d. Vending machines:
 - 1. 5¢ to 24¢ articles: \$20.00.
 - 2. 25¢ to 49¢ articles: \$25.00.
 - 3. Article 50¢ and over: \$30.00.
 - e. Cigarette machines: \$75.00.

BE IT FURTHER RESOLVED that any other license or permit fee not enumerated above shall be in the amount presently in effect.

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect on July 1, 2020.

PASSED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

RESOLUTION ESTABLISHING RENTAL LICENSE FEES

WHEREAS, on August 20, 2019 the County Commissioners of Worcester County, Maryland adopted Bill 19-4, entitled Taxation and Revenue - Rental Licenses, which added a new Section TR 2-106 to the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland which provides that no person, firm or corporation or any other entity with an interest in real property shall rent or offer for rent all or any portion of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations or any lot or parcel of land for the purposes of placing a manufactured or mobile home, recreational vehicle or tent, regardless of the length of the rental term, without first obtaining a rental license from the County which shall be issued only to the property owner; and

WHEREAS, Section TR 2-106 further provides that rental license fees shall be established by resolution of the County Commissioners of Worcester County, Maryland.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the following fee schedule is hereby adopted for all annual rental license applications:

<u>Use or Structure</u>	<u>Annual Fee</u>
Short term rental properties	\$200.00 per unit.
Mobile home park	\$200.00 per lot, site or unit.
Hotel, motel or campground	\$5.00 per room or site, minimum of \$250.00
Bed and breakfast establishments	\$400.00 per establishment
Keeping of roomers or boarders	\$100.00 per home
Dwelling unit rentals greater than 28 days (Year-round or seasonal rentals)	\$50.00 per dwelling unit
Group homes and assisted living facilities where all units are owned by a single business entity operating the facility	\$250.00 per establishment
Group homes and assisted living facilities where units are individually owned and rented	\$100.00 per unit
License modifications with no change in class of license	\$50.00
License modifications with change in class of license	\$50.00 plus incremental difference in class fee
License modifications for additional units, rooms or sites	\$50.00 plus \$5.00 per additional unit, room or site
Any use or structure not specifically stated herein	Fee for the most similar use or structure as determined by the Department.

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

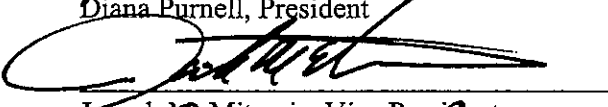
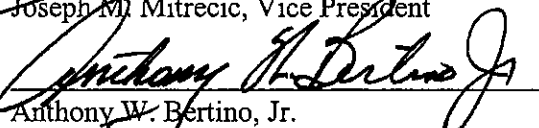
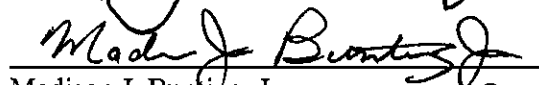

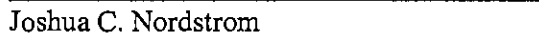
PASSED AND ADOPTED this 19th day of November, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND



Harold L. Higgins
Chief Administrative Officer


Diana Purnell, President
Joseph M. Mitrecic, Vice President
Anthony W. Bertino, Jr.
Madison J. Bunting, Jr.
James C. Church
Theodore J. Elder
Joshua C. Nordstrom



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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

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
<http://www.co.worcester.md.us/departments/drp>

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *E.A.T.*
DATE: June 3, 2020
RE: Rezoning Case No. 424 - Stockyard, Inc., Applicant/Hugh Cropper, IV, Attorney

Attached please find the County Commissioners' Findings of Fact and Resolution the staff drafted relative to the above referenced rezoning case. As you are aware, the public hearing was held by the County Commissioners on June 2, 2020. Once the County Commissioners adopt and execute these Findings of Fact and Resolution please forward signed copies to me so that I may notify the appropriate parties.

If you have any questions or need any further information, please do not hesitate to contact me.

phw
Attachments

A RESOLUTION OF THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, PURSUANT TO § ZS 1-113 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE OF THE CODE OF PUBLIC LOCAL LAWS OF WORCESTER COUNTY, MARYLAND, CHANGING THE ZONING CLASSIFICATION OF A CERTAIN PARCEL OF LAND SHOWN ON TAX MAP 27 AS PART OF PARCEL569 FROM R-3 MULTI-FAMILY RESIDENTIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT.

WHEREAS, pursuant to § ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, Stockyard, Inc., applicant, and Hugh Cropper, IV, applicant's attorney, filed a petition for the rezoning of approximately 0.25 acres of land shown on Tax Map 27 as part of Parcel 569, located to the north of US Route 50 and east of Golf Course Road in West Ocean City, requesting a change in zoning classification thereof from R-3 Multi-Family Residential District to C-2 General Commercial District; and

WHEREAS, the Worcester County Planning Commission gave the said petition a favorable recommendation during its review on December 5, 2019; and

WHEREAS, subsequent to a public hearing held on June 2, 2020, following due notice and all procedures as required by §§ ZS 1-113 and 1-114 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland, the County Commissioners made findings of fact and found that there is a mistake in the existing zoning of the petitioned area and also made findings of fact relative to the other criteria as required by law;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County that the land petitioned by Stockyard, Inc., applicant, and Hugh Cropper, IV, applicant's attorney, and shown on Tax Map 27 as part of Parcel 569 is hereby reclassified from R-3 Multi-Family Residential District to C-2 General Commercial District.

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be nunc pro tunc, June 2, 2020.

EXECUTED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

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IN THE MATTER OF *
THE REZONING APPLICATION OF * REZONING CASE NO. 424
STOCKYARD, INC. *

FINDINGS OF FACT

Subsequent to a public hearing held on June 2, 2020 and after a review of the entire record, all pertinent plans and all testimony, the Worcester County Commissioners hereby adopt the findings of the Worcester County Planning Commission and also make the following additional findings of fact as the County Commissioners' complete findings of fact pursuant to the provisions of ZS 1-113 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.

Regarding the specifics of Rezoning Case No. 424: This case seeks to rezone approximately 0.25 acres of land (hereinafter referred to as the petitioned area) located to the north of US Route 50 and east of Golf Course Road in West Ocean City from R-3 Multi-Family Residential District and RP Resource Protection District to C-2 General Commercial District. The petitioned area is shown as part of Parcel 569 on Tax Map 27.

Applicant's testimony before the County Commissioners: Hugh Cropper, IV, attorney representing the applicant, began his presentation by stating that the petitioned area has been used for parking, storage and other uses accessory to Hooper's Restaurant for over 30 years and that because the site was given an R-3 Multi-Family Residential District classification during the 1992 comprehensive rezoning which was subsequently retained in the 2009 comprehensive rezoning, these uses are non-conforming. Mr. Cropper asserted that there is consequently a mistake in the existing zoning of the petitioned area and a rezoning to C-2 General Commercial District is warranted. Noting that the Planning Commission was unanimous in finding that there is a mistake in the petitioned area's existing zoning, Mr. Cropper stated that he wished to adopt the Planning Commission's findings of fact and recommendation as his presentation before the County Commissioners, including all exhibits presented to the Planning Commission which were included in the case file which had been entered into the record as the Planning Commission's Exhibit No. 1 by the staff. Frank Lynch, surveyor, was called as a witness. Mr. Cropper asked Mr. Lynch about survey work he had done on the adjoining properties and how long the petitioned area had been utilized commercially in conjunction with the Hooper's Restaurant. Mr. Lynch responded that he had done survey work on the adjacent property since the early 2000s during the development of the Seaside Village project and prepared subdivision plats for both residential and commercial parcels for it. He testified that he also surveyed the petitioned area because it actually encroached onto the Seaside Village property and prepared the boundary line adjustment plat in 2015 that incorporated the

petitioned area into the balance of the applicant's property. Mr. Lynch stated that the petitioned area was used for accessory uses associated with the Hooper's Restaurant for as long as he had worked on the Seaside Village project and that he believed that its existing R-3 Multi-Family Residential District zoning was a mistake. Upon questioning by Mr. Cropper, Mr. Lynch stated that the petitioned area is classified by the Comprehensive Plan as being within the Commercial Center Land Use Category and the proposed rezoning to C-2 General Commercial District is therefore consistent with the Comprehensive Plan as well as the petitioned area's existing use. Mr. Cropper concluded his presentation by reiterating that the Planning Commission had unanimously found that there is a mistake in the existing zoning of the petitioned area and asserted that the petitioned area's use will not change if the rezoning is approved.

Protestants' testimony before the County Commissioners: No protestants appeared to speak before the County Commissioners.

Interested parties' testimony before the County Commissioners: No interested parties appeared to speak before the County Commissioners.

The County Commissioners' findings regarding the definition of the neighborhood: Based upon the findings of the Planning Commission, the County Commissioners find that because Mr. Cropper was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood is not applicable.

The County Commissioners' findings regarding population change in the area: The County Commissioners concur with the Planning Commission's finding that there has been no significant change to the population of vicinity surrounding the petitioned area since the comprehensive rezoning of 2009.

The County Commissioners' findings regarding availability of public facilities: Based upon the Planning Commission's findings, the County Commissioners find that as it pertains to wastewater disposal and the provision of potable water, Robert J. Mitchell, Director of the Department of Environmental Programs, indicated in his response memo (copy attached to the Planning Commission's findings) that the petitioned area has designations of Water and Sewer Service Category W-1 and S-1 (immediate to two year time frame) in the Master Water and Sewerage Plan. According to the Worcester County Soil Survey the primary soil types on the petitioned area have severe limitations to on-site wastewater disposal. Fire and ambulance service will be available from the Ocean City Fire Company's station on Keyscr Point Road, located a short distance to the west of the petitioned area. No comments were received from the fire company with regard to this 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 or the Worcester County Sheriff's Department. 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. No comments were received from the Worcester County Board of Education. In consideration of their review, the County Commissioners find that there will be no negative impacts to public facilities and services resulting from the proposed rezoning.

The County Commissioners' findings regarding present and future transportation patterns: Based upon the Planning Commission's findings, the County Commissioners find that the petitioned area itself does not have direct frontage or direct access onto any roadway. The subject property of which the petitioned area is a part fronts on and currently has access to US Route 50. This roadway is state-owned and -maintained. The Comprehensive Plan classifies US Route 50 as a multi-lane divided primary highway/arterial highway. With regard to US Route 50 the Comprehensive Plan states that development should be limited until capacity is no longer impacted and that the amount of commercial zoning along US Route 50 should be reduced to maintain its capacity. No comments with regard to this rezoning application were received from either the State Highway Administration District 1 or from the Worcester County Roads Superintendent. Based upon their review, the County Commissioners find that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.

The County Commissioners' findings 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: Based upon the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that the petitioned area has been utilized in conjunction with the adjacent Hooper's Restaurant for many, many years and has coexisted with the residences and other commercial land uses in the area. According to the Planning Commission's findings, the petitioned area is within the Atlantic Coastal Bays Critical Area and is classified as being within the Intensely Developed Area (IDA) area under the County's Critical Area regulations. The Planning Commission noted that, according to the memo from Robert J. Mitchell, Director of the Department of Environmental Programs, included in the staff report, IDAs are areas where residential, commercial, institutional and/or industrial uses predominate and where relatively little natural habitat occurs or remains and that therefore there do not seem to be any outstanding issues with the proposed rezoning and the Critical Area. Mr. Mitchell stated that a notification was sent to the State Critical Area Commission and they had no objections to this rezoning. Based upon their review of the Planning Commission's findings, the County Commissioners find that the proposed rezoning of the petitioned area from R-3 Multi-Family Residential District to C-2 General Commercial

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District is compatible with existing and proposed development and existing environmental conditions in the area.

The County Commissioners' findings regarding compatibility with the County's Comprehensive Plan: Based upon the Planning Commission's findings and the testimony of the applicant's representatives, the County Commissioners find that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within 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 and that 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 and that, 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. Testimony provided to both the Planning Commission and County Commissioners asserted that the petitioned area has been used in the past and continues to be used for storage of vehicle trailers, tents and overflow parking, among other things, associated with the Hooper's Restaurant. Based upon their review the County Commissioners find that the proposed rezoning of the petitioned area from R-3 Multi-Family Residential District to C-2 General Commercial District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

The County Commissioners' findings regarding the recommendation of the Planning Commission: The County Commissioners find that the Planning Commission gave a favorable recommendation to the rezoning of the petitioned area from R-3 Multi-Family Residential 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 and adopt its findings.

Decision of the County Commissioners: As a result of the testimony and evidence presented before the County Commissioners and the findings as set forth above, the County Commissioners find that there is a mistake in the existing zoning of the petitioned area. The County Commissioners find that the petitioned area is within the Commercial Center Land Use Category of the Comprehensive Plan and has been used as needed for over 30 years for commercial purposes in conjunction with the adjacent restaurant. Additionally, the petitioned area was commercially zoned until the 1992 comprehensive rezoning, when it was changed to R-3 Multi-Family Residential District. The County Commissioners agree with the Planning Commission's conclusion that there has not been a change in the character of the neighborhood but that there is an issue with the consistency of the petitioned area's zoning classification with its long time use. The County Commissioners concur with the Planning Commission that for these reasons it was a mistake to have given the petitioned area a R-3 Multi-Family Residential District zoning classification during the

DRAFT

1992 comprehensive rezoning and retain it during the 2009 comprehensive rezoning. As did the Planning Commission, the County Commissioners find that commercial zoning and use of the petitioned area would be more appropriate. Based upon their review and in consideration of their findings, the County Commissioners conclude that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and hereby approve Rezoning Case No. 424 and thus rezone the petitioned area, shown on Tax Map 27 as part of Parcel 569, from R-3 Multi-Family Residential District to C-2 General Commercial District.

Adopted as of June 2, 2020. Reduced to writing and signed June 16, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

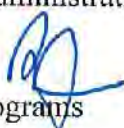


16

Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

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

Subject: **Maryland Community Resilience Grant**
Selsey Road Project Construction Funding
Letter of Support for Grant Opportunity

Date: 6/8/20

As you are aware, Worcester County was awarded funding from Maryland's Department of Natural Resources (DNR), Chesapeake and Coastal Division, for a Community Resilience Grant to assist with coastal impacts of climate-related hazards. The planned restoration is for the Selsey Road area, a part of the larger Cape Isle of Wight community in West Ocean City. This demonstration project is an excellent opportunity to contribute to building coastal storm resiliency within the Cape Isle of Wight community and other local communities.

While the Maryland Department of Natural Resources fully supports this project and wants to fund the construction portion as was promised when we received the design and permitting grant, the COVID-19 fiscal demands are becoming apparent to state staff and they are alerting us that they may need to look at alternative funding programs to get the construction portion completed. We have finished title work, conducted another virtual meeting with property owners that needed to sign construction permits, and completed those permits for submission to state and federal agencies. We are awaiting approval on those applications and expect permitting to be wrapped up in 2020.

Being selected as a Phase I recipient in this program, we were guaranteed construction funding after design and permitting are concluded. Unfortunately there are many programs where the pandemic may impact future state budgeting for projects and programs like this one. We are blessed that we have a great working relationship with our state counterparts and they are actively researching alternative ways to fund this project should state funding cuts impact our construction funding. The National Fish and Wildlife Foundation (NFWF) has a funding program that could

Citizens and Government Working Together

be utilized to fill any funding gaps we may experience as we move forward. MD DNR has worked to prepare a grant application they are submitting for construction funding from NFWF. Our staff has assisted the state in this endeavor.

We have taken the liberty of drafting a letter of support and would respectfully recommend the County Commissioners authorize President Mitrecic's signature.

If you have any questions or need any additional information please let me know.

Attachment

cc: David Bradford
Katherine Munson
Jenelle Gerthoffer
Billy Birch

June --, 2020

DRAFT

Ms. Claire Flynn
National Fish and Wildlife Foundation
1133 Fifteenth St., N.W., Suite 1000
Washington, DC 20005

Dear Ms. Flynn,

The Worcester County Commissioners reviewed staff's request to endorse this funding application at their meeting on June 16, 2020. This letter is submitted on behalf of the Worcester County Commissioners to express our strong support for the proposal "Resiliency through Restoration Selsey Road Living Shoreline Project, West Ocean City MD." In September 2018, Worcester County began working with the Maryland Department of Natural Resources (DNR) through the Resiliency through Restoration Initiative to design a living shoreline that addresses flooding, erosion and sea level rise along Selsey Road in the Cape Isle of Wight community in West Ocean City, MD. The overall goals of this project are to enhance community resilience to the impacts of climate change and demonstrate how nature-based approaches can contribute to community-scale adaptation. Community outreach and monitoring are vital activities to help meet these project goals.

The Selsey Road Community is vulnerable to the impacts of sea level rise and coastal storms and was identified in the County's 2014 and Draft 2019 Hazard Mitigation Plans as a road that floods during Nor'easter, Hurricane, and Heavy Rain events. Additionally, Maryland's 2018 Sea Level Rise Projections for Ocean City indicate that the region is expecting the greatest change in sea level rise by the end of the century compared to other Maryland localities.

As part of this project, the County hosted a community meeting on June 28, 2019 to review historical changes at the project site, present the preliminary design, and solicit feedback from +20 full time and seasonal residents and the local County Commissioner. Another in-person or virtual community meeting will be planned prior to design completion to continue conversations with residents and identify community science monitoring volunteers. This project represents an opportunity to engage the community in broader discussions about coastal hazards and actions that can be taken to reduce risk. Monitoring will further enhance community engagement by providing local data about the effectiveness of nature-based practices.

A permitted design is expected in 2020, at which point this demonstration project will enter the construction phase. To date, DNR has provided \$50,000 in state capital dollars for design and permitting, and is working with the University of Maryland Center for Environmental Science to conduct pre-restoration monitoring in Fall 2020. As a project partner, Worcester County will work collaboratively with DNR to implement the proposed design, engage members of the Selsey Road Community, incorporate beneficial use of dredged materials into construction, and use this project as a demonstration site for other Coastal Bays watershed communities.

With support from the National Fish and Wildlife Foundation National Coastal Resilience Fund, this project will not only enhance coastal community resilience by protecting residential

DRAFT

and transportation infrastructure, but also provide the site-level monitoring data needed to build local support for nature-based solutions and identify adaptive management needs. Thank you for this opportunity to help reduce risk in the Selsey Road/Cape Isle of Wight community. We urge you to approve funding for this important project.

Thank you for the opportunity to advocate for this worthwhile proposal. If you should have any questions concerning this request, please feel free to contact either me or Harold L. Higgins, Chief Administrative Officer, at this office.

Sincerely,

Joseph Mitrecic
President



17

Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer
Kelly Shannahan, Assistant Chief Administrative Officer

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

Subject: **Standard Sewer Flow Calculations**
County Commissioner Resolution 19-37
Shell Building Capacity Considerations

Date: June 10, 2020

Pursuant to your request, I have prepared this explanation of our interpretation of the shell building capacity discussions as understood by County staff involved in multiple meetings with the County Commissioners leading to the approval of Resolution 19-37. The issue at hand is a staff determination that to receive signoff from this department on a construction permit for a shell building, the owner would need to purchase suitable sewer and water capacity to cover the minimum flow for the proposed shell building, which is the retail rate (0.05 gallons/sf) multiplied by the interior area with no tenant fitouts. The number of equivalent dwelling units (EDUs) would be calculated from that gallon total utilizing the specific service area's EDU flow value and rounding up to the next whole number for the total EDUs needed. We currently have a customer insisting that the County Commissioners agreed to one (1) EDU per shell building in those meetings.

Reviewing the minutes reflecting the discussions that took place during those meetings, specifically the meeting of August 20, 2019, yielded a summary of a side discussion of an answer to a question posed by Commissioner Bunting on shell building capacity determinations. While Mr. Shannahan referenced one (1) EDU in those minutes, the size of the unit was not included. Staff was addressing the shell building example referencing a particular 3,500 sf restaurant unit within the Ocean Landings 2 commercial development. This was the specific example highlighted when the lower retail rate for shell permits was discussed. Mr. Shannahan mentions in those referenced minutes "based on standard retail flow and size of building" in his statement. I do not

See pages
3 and 6

Citizens and Government Working Together

see how it was our intention to require one (1) EDU for shell permits, regardless the size of the shell building.

It should also be noted that within the same meetings there was a general consensus that we need to get these differences ironed out before the permit is issued, not chasing payments or appeals of capacity assignments after permits are issued. Our customer is currently arguing the opposite. They are building a medical office building approximately 70,000 sf in size, and believe that they only have to purchase one (1) water and sewer EDU to get their shell permit. This would leave staff to collect the rest on future tenant fitouts. Using rates from the approved flow tables in Resolution 19-37, the building will eventually require twenty-four (24) EDUs, based on the building size reviewed on preliminary plans by staff. To get the shell permit customers need to purchase capacity for the proposed building size at the lowest flow rate, which is retail. That is the accommodation the County has made in this matter. Arguing the flow rates after the shell permit is issued, the building is erected, and tenant fitouts are starting was not the intent of the policy that was debated and approved.

This developer has no specific tenants right now and will not fit out the building at this time, they just want to build the shell. Typically we would assess additional EDUs as permits came in to fit out the individual units for specific uses, presumably medical office units. Even if the units included a retail store or a pharmacy, our lowest flow rates (retail) would still apply to the unit so there would be no difference in the EDU capacity assignments even if the owner did not know the end use of the particular tenants that will lease their units. The point I am making is that the retail rate is our lowest use flow rate and any proposed use that could come in any of our future shell buildings would already have an allocation for the minimum sewer flow, and would then only need to purchase additional EDUs if their proposed use is calculated to generate additional flow based upon our standard sewer flow calculations at fitout. Using this method to calculate the minimum sanitary capacity purchases required for a shell building permit carries absolutely no risk of an over-purchase of EDUs to the end user as we are already at the lowest flow possible for a commercial structure.

As always, I will be happy to discuss this matter in further detail with you or the County Commissioners at your convenience. Should you have any questions or require additional information, please do not hesitate to contact me.

Citizens and Government Working Together

The Commissioners met with Assistant Chief Administrative Officer Kelly Shannahan and Sewer Committee members to review a resolution proposed by the Sewer Committee to establish standard sewer flow calculations for determining required capacity to serve residential and non-residential land uses to be served by public sewer systems in the County, to assist the County in definitively determining the number of equivalent dwelling units (EDUs) required to serve proposed development, and to ensure that the sale and allocation of EDUs will not exceed the rated capacity of a wastewater treatment plant (WWTP). Mr. Shannahan recognized fellow Sewer Committee members Chief Administrative Officer Harold Higgins, County Attorney Maureen Howarth, Public Works Director John Tustin, Public Works Deputy Director John Ross, Development Review and Permitting Director Ed Tudor, Environmental Programs Director Bob Mitchell, Environmental Programs Deputy Director David Bradford, Finance Officer Phil Thompson, and Enterprise Fund Controller Jessica Wilson. Mr. Shannahan reviewed situations in which applicants incorrectly calculated the number of EDUs needed for a project and advised that this resolution includes a formal policy as well as a Table of Standard Sewer Flow Calculations, based primarily on State guidelines and reflecting local standards based on experience with actual flows generated by similar existing land uses in Worcester County and other nearby jurisdictions. Mr. Shannahan reviewed the draft resolution and calculations and stated that, as new data is collected on actual flows, these standard flow calculations can be periodically updated by the Commissioners to more accurately reflect the projected capacity required to serve all types of development.

Commissioner Bunting expressed numerous concerns regarding how staff arrived at the proposed sewer flow calculations, specifically for shell buildings, where the developer does not initially know what the final uses will be. With regard to subjective flow calculations, Commissioner Bunting stated that the County should allocate EDUs based on a specific seating plan. Mr. Shannahan stated that it is incumbent on the County to correctly project the number of EDUs needed to serve commercial and other forms of development. He stated that the County can eliminate subjectivity from the process by establishing these local standards that can consistently be applied across the board to all new development in the County. He explained that it is ideal for an accurate number of EDUs to be assigned to a building at the time of construction, not after. Specifically, he pointed out that it could be problematic for all involved if a developer purchases one sewer EDU when building a shell building and then later decides to use it as a restaurant, as there may not be enough EDUs in the service area to accommodate the new use. Mr. Shannahan reiterated that the specific purpose of the proposed sewer flow calculations is to provide a consistent, business-friendly formula, much like a drop-down menu of options, that streamlines the EDU calculation process and lessens the existing staff workload. Commissioner Mitrecic also expressed concern regarding the EDUs for shell buildings, but concurred with the majority of the proposed flow standard sewer flow calculations proposed by staff, provided the County periodically revisits and adjusts the calculations based on actual usage and does not over-allocate EDUs.

Commissioner Bertino discussed a recent episode in which developer Palmer Gillis came to the County to purchase additional water and sewer EDUs the day of the ribbon cutting for the opening of a new medical campus. He then questioned how a project of this magnitude could get that far along in the process without staff catching such an error. Commissioner Mitrecic concurred. In response to concerns raised by Commissioners Bertino and Mitrecic, Mr.

Shannahan advised that the Table of Standard Sewer Flow Calculations would have avoided that problem by applying specific standard flow for the proposed use rather than relying on information reported by the applicant.

Mr. Mitchell stated that Environmental Programs has effective and accurate rules for assigning EDUs and expressed concern with the criticism of past practices. In response, Mr. Higgins noted that this was an emotional issue for the Sewer Committee to tackle, and the recommendations before the Commissioners were developed by consensus. He assured everyone in attendance that these recommendations would in no way alter the authority granted to Environmental Programs in the development approval process.

Following much discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to assign three Commissioners to meet with the Sewer Committee to review the resolution and flow calculations line-by-line at their July 9, 2019 meeting and amend the table as necessary to address the Commissioners' numerous concerns to assure each flow calculation is as accurate as possible, and with the Commissioners to review the revised resolution prior to scheduling a public hearing to receive public comment on the resolution to establish standard sewer flow calculations.

Following further discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously appointed Commissioners Bunting, Church, and Mitrecic to represent the Commissioners at the next Sewer Committee meeting on July 9 to review the draft resolution and standard sewer flow calculations table.

The Commissioners conducted a public hearing to receive public comment on a proposed resolution establishing standard flow calculations for determining required capacity to serve residential and non-residential land uses to be served by public sewer systems in the County to definitively determine the number of equivalent dwelling units (EDUs) required to serve proposed development and ensure that the sale and allocation of EDUs will not exceed the rated capacity of each wastewater treatment plant (WWTP). Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan recognized fellow Sewer Committee members, which include Chief Administrative Officer Harold Higgins, County Attorney Maureen Howarth, Public Works Director John Tustin, Public Works Deputy Director John Ross, Development Review and Permitting Director Ed Tudor, Environmental Programs Director Bob Mitchell, Environmental Programs Deputy Director David Bradford, Finance Officer Phil Thompson, and Enterprise Fund Controller Jessica Wilson. Mr. Mitchell reviewed the resolution establishing standard sewer flow calculations, as conceptually approved by the Commissioners on July 16, 2019 and which included revisions to the original recommended resolution reviewed at the Commissioners' work session on July 2, 2019 as follows: replacing the reference to one EDU equaling 300 gallons per day (gpd) with a reference that the rate shall be as determined by the County Commissioners for each Sanitary Service Area (SSA), since not all SSAs currently use 300 gpd/EDU; Section 1.E. was revised regarding uses not addressed in the tables which have flow determined by staff, to provide that the property owner shall enter into an allocation agreement during which actual usage will be monitored for 24 months in addition to other terms and conditions; Section 2 adds a provision that the Treasurer's Office must confirm the purchase of required EDUs before a building permit is issued; and Section 4 adds a required public hearing prior to any proposed amendments to the flow tables. He stated that revisions to Table A, flow projections based on occupancy, include deleting several redundant or uncommon uses, including bathhouses and swimming pools, swimming pool club house/bath house, motels, picnic parks, drive in theaters, and travel trailer parks; consolidating camps into two categories (campgrounds with central comfort stations and luxury camps with water or sewer hookups); revising the flow estimates on a per site basis rather than a per person basis; and revising flow projections based on actual flows observed over the 2019 4th of July week for luxury camps (150 gpd/site); and revisions to Table B, flow projections based on building size, which include removing car washes and laundromats from the list, as these uses would be reviewed on a case-by-case basis under the provisions of Section 1.E. of the resolution based upon the type of facilities proposed and use of re-circulated water; removing redundant or uncommon uses including: dry goods stores and shopping centers; clarifying other uses including: department store with food service, and Service Stations with full service garage; and consolidating the projected flow for churches based on three gallons per seat plus additional flow for accessory uses. He then reviewed one additional correction included in the revised resolution to reflect the originally estimated flow of 100 gpd per luxury campsite (with water and sewer hookups) rather than the peak flow of 150 gpd per campsite, which was skewed based on flow from the water park at Frontier Town. He stated that this correction is based on findings from staff's continued monitoring of flow from the Frontier Town Campground.

Commissioner Purnell opened the public hearing to receive public comment.

Attorney Mark Cropper of Ocean City and representing various property owners and developers, thanked Mr. Shannahan for providing him with clarification about this resolution, noting that prior to their discussion he was not aware that the resolution bases the assignment of EDUs on peak flow numbers instead of averages. He stated that the resolution should be amended to base flows on average usage, as no Sanitary Service Area (SSA) operates at peak

capacity every day, and to provide a provision that allows a property owner to have a voice in determining the number of EDUs to be assigned to his or her property and/or provides a procedure for an adjustment to the required EDUs. He noted, for example, that if someone owning a chain of chicken restaurants in other areas decides to open a new location in the County, he currently has no recourse if the County requires him to purchase 10 EDUs, even if the owner can provide evidence of standard sewerage usage rates at his other locations, which indicate only five EDUs are needed. He stated that, if a developer/restaurant owner is not allowed to provide evidence up front that the County's numbers are wrong, the restaurant owner is unfairly charged up front for unnecessary EDUs; and from the date of purchasing the EDUs, the owner must pay costs associated with maintenance, repair, and upgrading from that sewer system, based on a potentially incorrect allocation, meaning the restaurant owner will forever be charged more for these services than he should be charged based on a surplus of EDUs he does not need. Mr. Shannahan stated that there is a provision that allows the property owner to give unneeded EDUs back to the County to avoid future operation and maintenance costs for those excess EDUs.

Palmer Gillis, an area developer, stated that EDU usage in the medical offices he has developed is less than half of County estimates, and a better mechanism is needed to reconsider EDU allocations based on actual usage. Therefore, he urged the Commissioners to amend the resolution to include a process for the fair and equitableness of assessing EDUs and fees that include incentives to save on water usage.

Attorney Hugh Cropper thanked the Commissioners and staff for reducing the flow projection for luxury campsites from 150 gpd to 100 gpd. However, he urged the Commissioners to amend the requirement that no building permits may be issued until all EDUs assigned to said site have been paid up front, as this requirement does not make sense and places significant time and financial burdens upon developers.

There being no further public comment, Commissioner Purnell closed the public hearing.

In response to questions by Commissioner Bunting, Mr. Shannahan confirmed that the resolution had been amended to allow someone to apply to purchase only one EDU for a shell building permit based on standard retail flow and the size of the shell building. He further stated that the flow tables would be reviewed on a regular basis and adjusted to reflect actual flow data to avoid under-allocation or over-allocation of EDUs. Commissioner Bunting also expressed concern that restaurant flow would now be determined based on the size of the restaurant rather than the number of seats. Mr. Mitchell explained that the data supports that the calculation per square foot is equivalent to the old method of gallons per seat.

Commissioner Bertino asked why the assignment of EDUs is based on peak flow rather than average flow data. Furthermore, he stated that the County should offer a rebate process to reimburse someone who is required to purchase more EDUs up front than necessary. Mr. Ross and Mr. Mitchell explained that the flow per EDU must be based on peak periods, so as not to overwhelm the treatment plant and sewer infrastructure. Enterprise Fund Controller Jessica Wilson expressed concern regarding a rebate program given that annual rates are established based on the assurance of revenues derived from each EDU and would create a shortfall if the SSA was required to buy back EDUs.

Following much discussion and upon a motion by Commissioner Bertino, the Commissioners voted unanimously to not approve the resolution until a reconsideration or appeal process is part of the policy, and they directed staff to propose such revised language for their future consideration.

In follow up to their second public hearing on November 19, 2019, the Commissioners met with members of the Sewer Committee to review and discuss a revised draft resolution establishing standard sewer flow calculations. Sewer Committee representatives in attendance included Chief Administrative Officer Harold Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Environmental Programs Director Bob Mitchell, Environmental Programs Deputy Director David Bradford, Public Works Director John Tustin, Public Works Deputy Director John Ross, Development Review and Permitting Director Ed Tudor, Finance Officer Phil Thompson, and Enterprise Fund Controller Jessica Wilson. Mr. Shannahan stated that, in accordance with the Commissioners' directions following the public hearing, staff revised the draft resolution to include provisions that would allow any applicant to dispute the projected sewer flow and enter into an allocation agreement to monitor the flow for 24 months to determine the actual flow. He advised that, if an applicant presents data that staff agrees supports a lower flow, the initial purchase of equivalent dwelling units (EDUs) will be based on the lower flow and may be adjusted at the completion of the 24-month monitoring period. However, if the applicant presents data that staff does not agree supports a lower flow the initial purchase of EDUs will be based on the standard sewer flow calculations and may be adjusted at the completion of the 24-month monitoring period. Specifically, staff added two new sections to the resolution that include a new Section 2, which addresses "Other Uses and Disputed Allocations," and a new Section 3, which addresses the provisions of "Allocation Agreements." Mr. Shannahan stated that these revisions adequately address the Commissioners' instructions to provide an avenue for potential relief for all applicants by entering into an allocation agreement to determine the actual flow for disputed allocations, and he urged the Commissioners to adopt the revised resolution as presented.

Commissioner Bunting questioned who will review appeals if an applicant submits evidence that projects a lower flow than that outlined in the sewer flow calculations chart. Mr. Shannahan stated that the Departments of Environmental Programs, Public Works, and the Treasurer's Office will review the data to support a lower flow, but even if staff does not agree to a lower flow, an individual may dispute said flow and enter into a 24-month allocation agreement, during which time the County will monitor usage and afterward adjust the flow and buy back excess EDUs if the actual flow supports a lower number of EDUs. Similarly, if actual flows are higher than projected during the monitoring period, the applicant would be required to purchase additional EDUs if available or adjust sewer usage if additional EDUs are no longer available. In response to additional questions by Commissioner Bunting, Ms. Howarth stated that how the County service areas will set aside funds for EDU reimbursements is a primary concern that still needs to be addressed.

In response to questions by Commissioner Bertino, Mr. Shannahan stated that County staff would accept sewer bills that show actual sewer flow usage for a similar project to support an applicant's claim to purchase fewer EDUs. He also confirmed that the allocation agreement removes all subjectivity from sewer flow calculations, as any decision would be based on hard data identifying actual sewer flow for the project in question. Ms. Howarth concurred, and she cautioned that it may be difficult to measure the true number of EDUs a developer needs for a shell project, as the developer would likely purchase EDUs based on retail space, which reflects the lowest possible use, until all of the fit out permits for the intended uses have been issued and said project begins operating at full capacity. Ms. Wilson advised that not all units in large

projects, like strip malls, have individual meters but that they would have to be installed at a cost of approximately \$2,600 for the one-inch line and the meter, at the developer's expense to enter into the allocation agreement.

In response to a question by Commissioner Church, Mr. Shannahan stated that the Commissioners can review and revise the sewer flow allocation chart at any point they deem appropriate. Commissioner Mitrecic suggested the Commissioners seek input from the community and revisit how the allocation agreement policy is working after the first year.

Following much discussion and upon a motion by Commissioner Purnell, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to adopt Resolution No. 19-37, with the understanding that the Commissioners will review the success of the allocation agreement program after one year.

RESOLUTION NO. 19 - 37

RESOLUTION ESTABLISHING STANDARD SEWER FLOW CALCULATIONS FOR DETERMINING REQUIRED CAPACITY TO SERVE RESIDENTIAL AND NON-RESIDENTIAL LAND USES TO BE SERVED BY PUBLIC SEWER SYSTEMS IN WORCESTER COUNTY, MARYLAND

WHEREAS, the County Commissioners of Worcester County, Maryland (the "Commissioners") have determined that it is desirable to provide for adequate water and sewage capacity for the residents of the County and to allocate water and sewage capacity among current and future developments in a fair and equitable manner in its effort to maintain water and sewerage allocation availability to the community; and

WHEREAS, Title 9, Subtitle 5, of the Environment Article of the Annotated Code of Maryland, enables County comprehensive water and sewerage plans to provide for the orderly expansion of community and multi-use water supply and sewerage system in a manner consistent with applicable County and local comprehensive plans, and the statutory authority and regulatory requirements, as codified in the Code of Maryland Regulations (COMAR) 26.03.03, as from time to time amended, provides the basis for the establishment of allocation policies for water supply and sewerage services; and

WHEREAS, the Commissioners have determined the treatment capacity necessary to serve a single-family residential dwelling unit in each Sanitary Service Area on an Equivalent Dwelling Unit (EDU) basis as established by the Commissioners for each individual Sanitary Service Area; and

WHEREAS, standard sewer flow calculations for proposed residential and non-residential developments assist the County in determining the number of EDUs required to serve the proposed development and ensure that the sale and allocation of EDUs will not exceed the rated capacity of the wastewater treatment plant serving the proposed development; and

WHEREAS, the Commissioners, as the governing body of the Sanitary Service Areas of Worcester County, have determined that the flows for certain specific uses as reflected in Tables I-IV of the Design Guidelines for Wastewater Facilities document authored by the Maryland Department of the Environment (MDE), closely resemble the discharge produced by specific land uses in Worcester County, subject to local amendments; and

WHEREAS, the Commissioners have determined it necessary and appropriate to amend these flow tables to reflect local conditions including referencing established design flows for various land uses in other Maryland jurisdictions, and local experience of actual flows generated by similar existing land uses in Worcester County in order to establish the Standard Sewer Flow Calculations in Worcester County, Maryland;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the following Policy which includes the attached Standard Sewer Flow Calculations in Worcester County, Maryland is hereby adopted by the Commissioners and shall guide the sale and allocation of EDUs so as not to exceed the rated capacity of the wastewater treatment plant serving the proposed development.

1. CALCULATION OF REQUIRED EDUs

- A. The water and sewer allocation for a single family residential unit shall require one EDU.
- B. For non-residential Uses proposed after January 1, 2020, the number of EDU's required for a project shall be based on the specific use and scope as determined and approved by County staff, in accordance with the provisions of this Resolution. The EDU calculations referenced in this resolution shall not apply to existing non-residential uses for which EDUs have already been assigned.
 - (1) Unless otherwise provided in this Resolution, the calculation of the number of EDUs required for a project shall be based on the Standard Sewer Flow Calculations in Worcester County, Maryland (Flow Table) attached hereto as Attachment A.
 - (2) The calculation of the required EDU's shall result in a whole number. Calculations resulting in a fraction shall be rounded up to the next whole number.

2. OTHER USES AND DISPUTED ALLOCATIONS

- A. If a project or use is not adequately addressed in the Flow Table, County staff from the Departments of Environmental Programs, Public Works, and the Treasurer's Office shall collectively review the use and estimate the capacity required based on available data from MDE, neighboring jurisdictions, local experience, or other similar sources which staff determines to be reputable and acceptable. For any project that has a use that must follow this procedure, the property owner shall be required to enter into an allocation agreement with the County, as specified in Section 3 hereof, that will monitor the EDU usage for a period of twenty-four months following completion of the project, connection to County sanitary services, and commencement of operations.
- B. If a project or use is adequately addressed in the flow table, but the property owner disputes the projected sewer flows per unit of measure as shown in the flow table for the proposed use, the property owner may request a review of the projected sewer flows. Property owner must submit data to support a lower projected sewer flow. Relevant data may include but is not limited to official water bills and meter readings from verifiable sources for the same use in a different jurisdiction with the same demographic profile as Worcester County, manufacturer's equipment data sheets and specifications, engineering reports and studies for specific processes and equipment unique to the particular applicant's use or business model. County staff from the Departments of Environmental Programs, Public Works, and the Treasurer's Office shall collectively review the use, available data from MDE, neighboring jurisdictions, local experience, and the supplied data to determine if a lower EDU allocation is acceptable.
 - 1. If a lower EDU allocation is agreeable to the County, the property owner can accept the lower allocation contingent upon the conditions of the allocation agreement as specified in Section 3 hereof.
 - 2. If a lower EDU allocation cannot be agreed to as requested by the property owner, the property owner is still able to enter into an allocation agreement if desired, however, the EDU allocation listed in the agreement will be the EDU allocation that the County determined to be appropriate and shall be contingent upon the conditions of the allocation agreement as specified in Section 3 hereof.

3. ALLOCATION AGREEMENTS

- A. Allocation agreements shall be required where a project or use is not adequately addressed in the flow table or where a project or use is adequately addressed in the flow table, but the property owner disputes the projected sewer flows per unit of measure as shown in the flow table for the proposed use. An allocation agreement shall be subject to the following:
1. The property owner shall enter into an allocation agreement with the County that will document the number of EDUs agreed to and monitor the sewer flows daily for a period of twenty-four months following completion of the project, connection to County sanitary services, and commencement of operations.
 2. The relevant project must be operating at no less than 95% of its permitted occupancy.
 3. A meter shall be installed at the property at the property owner's expense.
 4. The property owner shall pay a non-refundable five hundred (\$500) meter monitoring fee.
 5. The property owner shall pay in full for the number of EDUs in the agreement.
 6. If in the 24 months, the daily sewer flow over any three consecutive days or any ten individual days exceeds the EDU allocation specified in the allocation agreement, then the property owner is required to immediately purchase in full the additional EDUs being used. Property owner shall pay any usage charges that may have escaped since the account was placed in service. If additional EDUs are not available as determined by the County, the property owner shall take all necessary steps to reduce their flow below the allocated limits. All flows must be reduced to the allocated flows within 90 days of notice of the results of the 24-month monitoring period.
 7. If in the 24 months, the highest daily sewer flow over any three consecutive days or the highest daily sewer flow for any ten individual days is less than the EDU allocation specified in the allocation agreement, then the County shall be required to refund the initial purchase price of the additional EDUs to the property owner and the property owner forfeits said EDUs to the County. The calculation of the required EDUs to be refunded shall result in a whole number. Calculations resulting in a fraction shall be rounded up to the next whole number. No other costs or fees associated with the EDUs shall be refunded.
- B. The allocation agreement shall include all terms and conditions deemed necessary by the County.

4. PROCEDURE

The initial determination of required EDUs will be made by the Department of Environmental Programs in their review of either a permit for construction of improvements or in conjunction with site plan review. Requirements will be determined utilizing the attached Flow Table and recorded by the department on a Flow Calculation Worksheet to be distributed to the Worcester County Sewer Committee and placed in the property/project file. No County building permit shall be issued for the project until the required EDUs have been purchased as confirmed by the County Treasurer's Office.

5. **RECORD-KEEPING AND DOCUMENTATION**

The Department of Environmental Programs shall maintain Flow Calculation Worksheet showing the calculations and project title which shall be maintained in the property/project file. These records shall also include any special determinations and decisions reached for flows not specifically listed in the attached Flow Table.

6. **AMENDMENTS TO THE FLOW TABLE**

The Commissioners reserve the right to periodically review the Flow Table to determine if additions or modifications are necessary. Such additions or modifications shall be adopted by resolution of the Commissioners following a public hearing and shall be in effect for future developments thereafter, but shall not apply to any allocations for existing development.

7. **NATURE OF ALLOCATION**

Nothing herein or action taken hereunder shall constitute a commitment for sewer service by the County which shall at all times be subject to the available capacity and conditions at the time of application for service.

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

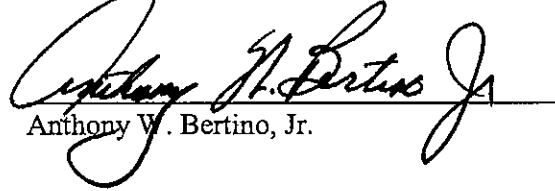
PASSED AND ADOPTED this 3rd day of December, 2019.

ATTEST:

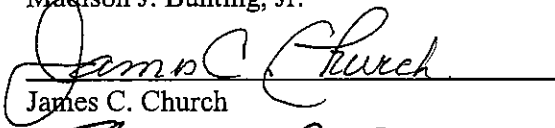


Harold L. Higgins
Chief Administrative Officer

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND



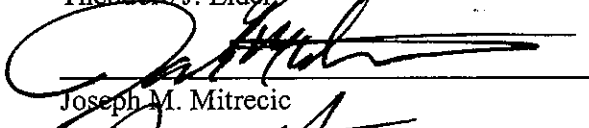
Madison J. Bunting, Jr.



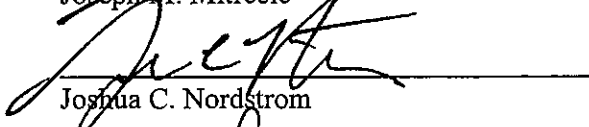
James C. Church



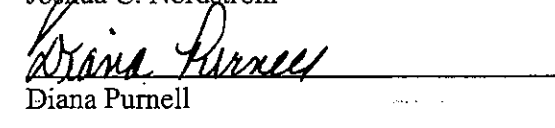
Theodore J. Elder



Joseph M. Mitrecic



Joshua C. Nordstrom



Diana Purnell

Table A	
Flow Projection Based Upon Gallons Per Day (gpd) Per Person	
Type of Establishment	Gallons Per Day (gpd) Per Person
	(Unless otherwise noted)
Airports (per passenger + 15 gpd per employee)	5
Auditorium or Assembly Hall (per seat)	3
Boarding houses (per room)	100
Camps: Campground with central comfort stations (per campsite)	70
Camps: Luxury camps with water/sewer hook-ups (per campsite)	100
Country clubs (based on rated capacity)	50
Church (per seat) + additional flow for accessory uses	3
Daycare (per student and teacher)	15
Factories (gallons per person, per shift, exclusive of industrial wastes)	25
Golf Course - 18 holes with limited service snack bar (per course)	3,500
Golf Course - 9 holes with limited service snack bar (per course)	1,500
Hospitals (per bed space)	350
Institutions other than hospitals (per bed space)	130
Marina pump out (per slip)	35
Mobile home parks (1 EDU per space)	1 EDU
Schools: Boarding	100
Schools: Day, without gyms, cafeterias or showers	15
Schools: Day, with gyms, cafeterias and showers	30
Schools: Day, with cafeterias, but without gyms or showers	20
Stable, Commercial Riding (per horse)	8
Tasting Room - for winery, brewery - no food service - (minimum)	400
Theaters: Indoor (per auditorium seat)	3
Footnote: Number of persons is calculated by the occupant load as determined by the County Building Code.	

Table B	
Flow Projections for Specific Uses	
Based on Building Area in Gross Square Feet	
Type of Establishment	Projected Flow by Area
Accupuncture/massage	Gross Sq. Ft. x 0.10 = gpd
Amusement Park	Gross Sq. Ft. of site x 0.008 = gpd
Arcades	Gross Sq. Ft. x 0.10 = gpd
Banks	Gross Sq. Ft. x 0.05 = gpd
Barber Shops	Gross Sq. Ft. x 0.20 = gpd
Beauty Salons	Gross Sq. Ft. x 0.35 = gpd
Conference Room/Meeting Room	Gross Sq. Ft. x 0.50 = gpd
Contractor's Shop	Gross Sq. Ft. x 0.04 = gpd
Convenience Store	Gross Sq. Ft. x 0.05 = gpd
Day Spa	Gross Sq. Ft. x 0.35 = gpd
Department Store with food service	Gross Sq. Ft. x 0.08 = gpd
Drug Stores (with pharmacy, no food service)	Gross Sq. Ft. x 0.13 = gpd
Funeral Homes	Gross Sq. Ft. x 0.45 = gpd
Gym - with Showers	Gross Sq. Ft. x 0.20 = gpd
Gym - no Showers	Gross Sq. Ft. x 0.10 = gpd
Hotels and Motels	Gross Sq. Ft. x 0.25 = gpd
Laundries & Cleaners	Gross Sq. Ft. x 0.31 = gpd
Medical Dialysis Centers	Gross Sq. Ft. x 1.00 = gpd
Medical Office Buildings - offices only	Gross Sq. Ft. x 0.10 = gpd
Medical Surgery Centers	Gross Sq. Ft. x 0.60 = gpd
Office Buildings	Gross Sq. Ft. x 0.09 = gpd
Swimming pools: 3 to 5-feet deep	Gross Sq. Ft. x 0.83 = gpd
Swimming pools: greater than 5-feet deep	Gross Sq. Ft. x 0.67 = gpd
Retail Stores	Gross Sq. Ft. x 0.05 = gpd
Restaurants, Bars and Lounges	Gross Sq. Ft. x 1.00 = gpd
- Restaurants - Carry-out only	Gross Sq. Ft. x 0.50 = gpd
Service Stations - full service garage	Gross Sq. Ft. x 0.18 = gpd
Supermarkets	Gross Sq. Ft. x 0.20 = gpd
Warehouses	Gross Sq. Ft. x 0.03 = gpd

Table C	
Flow Projection for Country Clubs	
<u>Type of Fixture</u>	<u>Gallons Per Day</u>
	<u>Per Fixture</u>
Baths	300
Showers	500
Sinks	50
Toilets	150
Urinals	100

Table D	
Flow Projection for Public Parks	
(During hours when park is open)	
<u>Type of Fixture</u>	<u>Gallons Per Day (gpd) Per Fixture</u>
Faucets	15
Flush toilets	35
Showers	100
Urinals	10

Adapted from flow tables provided in "MDE Guidance Document, Wastewater Capacity Management Plans, 2006" with local amendments, from "Design Guidelines for Wastewater Facilities," Maryland Department of the Environment – Engineering and Capital Projects Program, 2012 and "Design Guidelines for Sewerage Facilities; Technical Bulletin M-DHMH-EHA-S-001," Environmental Health Administration, Department of Health and Mental Hygiene, State of Maryland, 1978 Edition.

EDU Allocation Worksheet



Project:
 Tax Map:
 Parcel:
 Lot:
 Tax ID:

Use Description	Allocation Rate	Estimated Quantity (sf)	EDU Flow per Gal	EDU Total
<u>Common uses:</u>				
General Office	0.09	0.00	300	0
Retail	0.05	0.00	300	0
Contractors Shops	0.04	0.00	300	0
Medical and Dental Offices	0.10	0.00	300	0
Carry Out (non-public food prep area)	0.50	0.00	300	0
Restaurants	1.00	0.00	300	0
Additional use (not listed above)	0.00	0.00	300	0
Total EDU Projection				0

Notes:

1. Enter building size in quantity.

Date Approved: _____

Approved By: _____

16

Add to
17

RESOLUTION CLARIFYING STANDARD SEWER FLOW CALCULATIONS FOR DETERMINING INITIAL REQUIRED CAPACITY FOR NON-RESIDENTIAL SHELL BUILDINGS TO BE SERVED BY PUBLIC SEWER SYSTEMS IN WORCESTER COUNTY, MARYLAND

WHEREAS, the County Commissioners of Worcester County, Maryland (the "Commissioners") adopted Resolution No. 19-37 on December 3, 2019 to establish a policy on Standard Sewer Flow Calculations in Worcester County, Maryland (the "Policy") to guide the sale and allocation of sewage capacity on an Equivalent Dwelling Unit (EDU) basis so as not to exceed the rated capacity of the wastewater treatment plant serving the proposed development; and

WHEREAS, the Commissioners have determined that it is desirable to clarify the application of this Policy to speculative non-commercial construction, also known as "shell buildings" whereby the applicant shall be required to purchase an initial allocation of EDU's prior to issuance of the building permit for construction of the shell building with additional capacity to be purchased prior to issuance of a fit out permit based upon the proposed use of the unit for which the fit out permit is required.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the Standard Sewer Flow Calculations in Worcester County, Maryland adopted by Resolution No. 19-37 on December 3, 2019 is hereby amended to include a new Section 1.B(3) to read as follows:

- (3) The calculation of the required EDU's for speculative non-commercial construction, also known as "shell buildings" shall be calculated at the established rate for "Retail Stores" as shown on Table B and shall be purchased prior to issuance of a building permit for the shell building. The calculation of the required EDU's for the eventual tenant(s) of the shell building shall be calculated at the established rate for the particular proposed use of each unit within the shell building and any additional required EDU's shall be purchased prior to issuance of a fit out permit for each unit.

*

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

PASSED AND ADOPTED this ____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

* **DRAFT**
Staff Recommendation
Option 1

RESOLUTION CLARIFYING STANDARD SEWER FLOW CALCULATIONS FOR DETERMINING INITIAL REQUIRED CAPACITY FOR NON-RESIDENTIAL SHELL BUILDINGS TO BE SERVED BY PUBLIC SEWER SYSTEMS IN WORCESTER COUNTY, MARYLAND

Option 2

WHEREAS, the County Commissioners of Worcester County, Maryland (the "Commissioners") adopted Resolution No. 19-37 on December 3, 2019 to establish a policy on Standard Sewer Flow Calculations in Worcester County, Maryland (the "Policy") to guide the sale and allocation of sewage capacity on an Equivalent Dwelling Unit (EDU) basis so as not to exceed the rated capacity of the wastewater treatment plant serving the proposed development; and

WHEREAS, the Commissioners have determined that it is desirable to clarify the application of this Policy to speculative non-commercial construction, also known as "shell buildings" whereby the applicant shall be required to purchase an initial allocation of EDU's prior to issuance of the building permit for construction of the shell building with additional capacity to be purchased prior to issuance of a fit out permit based upon the proposed use of the unit for which the fit out permit is required.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the Standard Sewer Flow Calculations in Worcester County, Maryland adopted by Resolution No. 19-37 on December 3, 2019 is hereby amended to include a new Section 1.B(3) to read as follows:

- (3) The calculation of the required EDU's for speculative non-commercial construction, also known as "shell buildings" shall be one (1) EDU and shall be purchased prior to issuance of a building permit for the shell building. The calculation of the required EDU's for the eventual tenant(s) of the shell building shall be calculated at the established rate for the particular proposed use of each unit within the shell building and additional required EDU's shall be purchased prior to issuance of a fit out permit for each unit.

*

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

PASSED AND ADOPTED this ____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

DRAFT

18

NOTICE OF PUBLIC HEARING
AMENDMENT TO WORCESTER COUNTY WATER AND SEWERAGE PLAN
TO AMEND THE EDU ALLOCATION TABLE FOR THE
MYSTIC HARBOUR SANITARY SERVICE AREA
WORCESTER COUNTY, MARYLAND

The Worcester County Commissioners will hold a public hearing to consider a requested amendment to the *Worcester County Comprehensive Water and Sewerage Plan* as submitted by Bob Mitchell, Director of Environmental Programs, on behalf of the Worcester County Commissioners, to amend the Equivalent Dwelling Unit (EDU) Allocation Table for the available sewage treatment capacity in the Mystic Harbour Sanitary Service Area. The proposed amendment seeks to revise the EDU Allocation Table for the Mystic Harbour Service Area to allocate 29 EDU's from the "Infill and Intensification" category and 9 EDU's from the "Vacant or Multi-lot Properties" category in Area 1 (north of the airport) to the Frontier Town Campground category in Area 2 (south of the airport) to accommodate a 112 campsite expansion on the existing campground property.

The **Public Hearing** on this application will be held on
TUESDAY, JUNE 16, 2020
at 10:30 a.m.
in the County Commissioners' Meeting Room
Room 1101 Government Center, One West Market Street
Snow Hill, Maryland 21863

The case file is available to view electronically by contacting the Department of Environmental Programs, Room 1306 - Worcester County Government Center, Snow Hill, Maryland 21863 between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday (except holidays). Interested parties may also call 410-632-1220, ext. 1601.

THE WORCESTER COUNTY COMMISSIONERS

See Planning Commission
Comments - page 26

1a

The Commissioners met with Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan to review a request from Hugh Cropper, on behalf of Sun Frontier, LLC, for allocation of 38 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve Phase II of the proposed Frontier Town Campground expansion to serve an additional 112 campsites identified on Tax Map 33 as Parcel 94. Mr. Shannahan advised that this request was previously reviewed by the County Commissioners on August 6, 2019, after which a decision was postponed pending adoption of the Standard Sewer Flow calculations on December 3, 2019. He noted that the Technical Review Committee (TRC) reviewed the campground expansion plans on March 11, 2020 and determined that the campground expansion plans cannot proceed unless additional sewer capacity is allocated to the property; however, there is currently no available undesignated sanitary capacity in the southern part of the Mystic Harbour Service Area (Area 2) to serve the proposed expansion. Furthermore, County staff discovered last fall that the Frontier Town Water Park and other commercial uses are significantly exceeding their permitted average daily flow of 6,667 gallons per day (gpd) of sewerage to the Assateague Pointe Service Area during the 2019 summer season, ranging from a low of 10,314 gpd to a high of 19,657 gpd from June 7 through July 26, with an overall average daily flow of 16,841, which exceeds the permitted flow by 10,164 gpd or 252% of the maximum daily flow. Mr. Shannahan stated that Frontier Town officials have agreed to install a meter to record the actual flow to Assateague Pointe from the water park this season, which should help identify the actual flows and determine how sufficient sewage treatment can be provided by Assateague Pointe, perhaps supplemented by Mystic Harbour if necessary. He concluded that, given that there is insufficient capacity in the southern part of the Mystic Harbour Service Area (Area 2), to serve the proposed campground expansion coupled with the potential need for treatment capacity from Mystic Harbour to supplement treatment capacity from Assateague Pointe for the Water Park, the Sewer Committee cannot support the requested allocation of 38 EDUs for the further expansion of campsites at Frontier Town Campground.

Commissioner Mitrecic stated that Frontier Town officials are working diligently to correct the water park issue, and he supported approving the 38 EDUs as requested. In response to a question by Commissioner Bertino, Mr. Mitchell stated that Frontier Town officials have complied with directives from County staff to monitor water usage to avoid future overages. In response to a question by Commissioner Purnell, Mr. Shannahan confirmed that the Commissioners would have to approve an amendment to the Water and Sewerage Plan to allocate EDUs from Area 1 (north of the airport) to Area 2 (south of the airport) to accommodate this request. Commissioner Nordstrom stated that, while he did not oppose the request, he was not prepared to vote on this matter until the water park issue is corrected.

After some discussion and upon a motion by Commissioner Bunting, the Commissioners voted 6-1, with Commissioner Nordstrom voting in opposition, to initiate an amendment to the Water and Sewerage Plan to allocate and shift 38 EDUs of sewer service from Area 1 (north of the airport), including 29 EDUs from the "Infill and Intensification" category and 9 EDUs from the "Vacant or Multi-Lot Properties" category, to Area 2 (south of the airport) to serve Phase II of the proposed Frontier Town Campground expansion.



OFFICE OF THE
COUNTY COMMISSIONERS

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
JOSEPH M. MITRECIC, PRESIDENT
THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA FURNELL

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND
21863-1195

April 7, 2020

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *Kel.*
On Behalf Of Worcester County Sewer Committee
SUBJECT: Request for Allocation of 38 Additional EDUs for Frontier Town Campground

Please be advised that we have received the attached letter dated March 31, 2020 from Attorney Hugh Cropper regarding the pending request for an additional 38 Equivalent Dwelling Units (EDUs) of sewer capacity for Frontier Town Campground. As stated in his letter, this request was reviewed by the County Commissioners on August 6, 2019 (see attached) after which a decision was postponed pending adoption of the Standard Sewer Flow calculations on December 3, 2019. Thereafter, plans for the campground expansion were reviewed by the Technical Review Committee (TRC) on March 11, 2020. As referenced in the TRC comments, the campground expansion plans cannot proceed unless additional sewer capacity is allocated to the property and there is currently no available sanitary capacity in the southern part of the Mystic Harbour Service Area (Area 2) to serve the proposed expansion. Furthermore, following your August 6, 2019 meeting we made a disturbing discovery regarding excessive flow from the Frontier Town Water Park to the Assateague Pointe Service Area outlined below.

By agreement dating back to July 7, 1998, Frontier Town is permitted to send a "Maximum Daily Flow" not to exceed 6,677 gallons per day (gpd) of sewerage from the parcels that front on MD Route 611 including a laundromat, water park and restaurant (hereafter collectively referred to as "the Water Park") to the Assateague Pointe Service Area for treatment. Based upon the flow data reported by Frontier Town last summer, the average daily flow to Assateague Pointe ranged from a low of 10,314 gpd to a high of 19,657 gpd during the period between June 7 through July 26, 2019, with an overall average daily flow of 16,841 which exceeds the permitted flow of 6,677 by 10,164 gpd or 252% of the Maximum Daily Flow. At the County's request, Frontier Town has now agreed to install a meter to record the actual flow to Assateague Pointe from the Water Park this season which should help us to better understand the actual flows and determine how sufficient sewage treatment can be provided by Assateague Pointe perhaps supplemented by Mystic Harbour if necessary.

As a result, and given that there is insufficient capacity in the southern part of the Mystic Harbour Service Area (Area 2) to serve the proposed campground expansion coupled with the potential need for treatment capacity from Mystic Harbour to supplement treatment capacity from Assateague Pointe for the Water Park, the Sewer Committee cannot support the requested allocation of 38 EDUs for the further expansion of campsites at Frontier Town Campground.

LAW OFFICES

BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

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CURTIS H. BOOTH
HUGH CROPPER IV
THOMAS C. MARRINER*
ELIZABETH ANN EVINS
LYNDSEY J. RYAN

*ADMITTED IN MD & DC

March 31, 2020

Mr. Kelly Shannahan, Assistant CAO
Worcester County Commissioners
Attn: Mr. Joseph Mitrecic, President
One West Market Street
Snow Hill, Maryland 21863

RE: **Frontier Town Campground Expansion**

Dear Mr. Shannahan:

Please present this correspondence, with attachments, to the County Commissioners for their consideration.

On or about January 23, 2019, Sun TRS Frontier, LLC submitted an application for the allocation of 37 wastewater EDU's in the Mystic Harbour Sanitary Service Area pursuant to Resolution 17-19. The application was accompanied by my client's check in the amount of \$37,000.00, with the TRC comments from February 8, 2017.

In response to the Staff Report, on August 5, 2019, I amended my request from 37 wastewater EDU's to 38 EDU's. Subsequently, I hand delivered an additional check for \$1,000.00.

On Tuesday, August 6, 2019, the County Commissioners considered the request which would accommodate a 112 campsite expansion at the Frontier Town Campground. There was a good deal of discussion, but at the time the Commissioners were considering a new Resolution which essentially mandated specific allocations for individual uses. There was a proposal to increase the campsite allocation from 100 gpd to 150 gpd.

On December 3, 2019, the County Commissioners passed the Resolution Establishing Standard Sewer Flow Calculations. For campgrounds like Frontier Town, the allocation is 100 gpd, per campsite. Our application, as amended, for 38 wastewater EDU's is sufficient to accommodate the 112 campsite expansion.

On March 11, 2020, the Frontier Town Campground Expansion, Phase II, Proposed Addition of 112 Campsites and Associated Amenities, was presented to the TRC. On March 13, 2020, I transmitted those TRC comments to your office.

I believe that we are ready to proceed with Frontier Town's request for the allocation of 38 wastewater EDU's in the MHSSA, and if you would reset the matter at the Commissioners' earliest opportunity, my client and I would be most appreciative.

The 101 campsite addition is complete. This has been a successful addition to Frontier Town. The waterslide was completely demolished, and rebuilt. These improvements are complete. There are other amenities such as a first-class zipline. The small boardwalk and retail area along Maryland Route 611 have been upgraded.

The 38 EDU's will accommodate the 112 campsite expansion, which is like the last piece in a jigsaw puzzle. The proposed expansion area is on the decommissioned drainfields.

This has been a great success for Worcester County. Frontier Town flourished; Sun Communities continues to pay substantial real estate taxes, hospitality taxes, sales taxes, and employ a number of local people, in year round jobs.

From an environmental perspective, decommissioning the on-site drainfields **removed almost 50,000 gpd of untreated effluent from the drainfields, in proximity to the Sinepuxent Bay.** Both Worcester County and Sun Communities should be proud of this accomplishment; Frontier Town has now constructed a \$1.2mm++ pump station, with other infrastructure, which has been deeded and transferred to Worcester County. This will allow further connections by Worcester County, to decommission drainfields with untreated effluent.

When you add in Castaways, almost 90,000 gpd has been removed from on-site drainfields.

Again, the 112 campsite expansion will complete the renovation of Frontier Town, which is a first-class project for Worcester County.

If the Commissioners consider granting this request, I have a suggestion regarding the allocation table. It is up to the Commissioners, but I would allocate the EDU's from the following:

- **There are 19 EDU's allocated to single family dwellings in the south area. I would allocate 9 of those EDU's to Frontier Town, leaving 10. I doubt that there are even 10 single family dwellings in the south area eligible to connect to the Mystic Sewer. The Mystic infrastructure is simply not extended to that many single family dwellings.**
- **In the north area, I would transfer 29 EDU's of the 50 EDU's allocated for vacant or multi-lot properties. This would leave 21 EDU's in that category.**

Under the Planning Commission's criteria, infill and expansion of existing projects takes priority over new developments, so I would not impact the infill category. Frontier Town is a classic infill project.

The Commissioners may see the allocations differently.

I have attached my handwritten notes. I hope they make sense.

Thank you, and have a great day. Please let me know when the matter will be considered by the Commissioners. Please let me know if you need anything else.

Very truly yours,



Hugh Cropper IV

HC/tgb

Enclosures

CC: Nick DiBella
Kurt Belleck
Maggie Witherup, Esquire
Chris McCabe

Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity as of 12/3/19)						
North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"	Original Allocation	Current Adjusted Allocation	Sold and In Service	Sold and Not In Service	Remaining Allocation	Footnotes
Infill and Intensification of Properties in "Area 1"	154	114	0	81	33	3, 10, 12, 13, 14
Vacant or Multi-lot Properties in "Area 1"	80	80	0	30	50	13
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	43	33	4	4, 5, 7, 8, 11, 13, 14, 17, 18
Subtotal EDUs in "Area 1"	331	291	43	144	104	
Airport and South of Airport, East of Route 611 - "Area 2"						
Commercial Infill South of Airport	20	20	0	20	0	15, 16
Vacant or Multi-lot Properties	4	4	1	2	1	6, 16
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	1	15	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	200	166	34	0	3, 10
Commercial Portion of Frontier Town Campground	30	0			0	
Subtotal EDUs in "Area 2"	335	375	287	57	31	
TOTAL EDUs	666	666	330	201	135	
Note: See attached map for location of EDU allocations						
Footnotes:						
1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.						
2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.						
3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.						
4 - Sold 14 EDUs to Park Place on May 16, 2017.						
5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.						
6 - Approved the sale of 2 EDU's to Victor H. Birch Property on March 20, 2018.						
7 - Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.						
8 - Approved the sale of 3 EDU's to L & B Ocean City, LLC Properties on April 3, 2018.						
9 - Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.						
10 - Water and Sewerage Plan Amendment - 34 EDUs from "infill and intensification of properties in Area 1" to Frontier Town Campground for Expansion - approved on June 19, 2018 by County Commissioners (Resolution No. 18-17).						
11 - Approved the sale of 9 EDUs to Stockyard Inc. Property on June 19, 2018.						
12 - Approved the sale of 27 EDUs to GCR Development, LLC Property on July 3, 2018.						
13 - Approved the sale of 63 EDUs - (29-infill, 30-vacant, 4-commercial) - to Sea Oaks, LLC property on Sept 18, 2018. Pending MDE approval.						
14 - Approved the sale of 45 EDUs - (25-infill, 20-commercial) - to ODIE-1, LLC (Alamo Motel) property on October 23, 2018.						
15 - Approved the sale of 6 EDUs to Assateague Island Farm, LLC property on January 22, 2019, subject to various conditions.						
16 - Approved the sale of 15 EDUs to ES Adkins and Company property (14 commercial infill, 1 vacant) on February 19, 2019.						
17 - Approved the sale of additional 7 EDUs to Stockyard Inc. Property on July 16, 2019.						
18 - Approved the sale of additional 5 EDUs to Stockyard Inc. Property on December 3, 2019.						

50
- 29
21

19
- 9
10

29
+ 9

38



OFFICE OF THE
COUNTY COMMISSIONERS

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

COMMISSIONERS
DIANA PURNELL, PRESIDENT
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ANTHONY W. BERTINO, JR.
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JOSHUA C. NORDSTROM

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND
21863-1195

July 31, 2019

Decision Postponed 8/6/19
pending Standard Sewer Flow
Calculation discussion/adaption

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
On Behalf Of Worcester County Sewer Committee
SUBJECT: Request for Allocation of 38 Additional EDUs for Frontier Town Campground

Please be advised that on January 31, 2019 we received the attached request from Attorney Hugh Cropper, IV on behalf of Sun TRS Frontier LLC (the Applicant) for the allocation of an additional 37 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (MHSSA) for a proposed "Phase II" expansion of the Frontier Town Campground to serve an additional 112 campsites. The application was subsequently reviewed by the Worcester County Sewer Committee at our meeting on February 7, 2019 which determined, among other findings, that a total of 38 EDUs would be required to serve the additional 112 campsites. Following our review, Mr. Cropper requested that the Commissioners' consideration of the application be delayed. By letter dated July 26, 2019, Mr. Cropper requested that application be presented to the Commissioners. On behalf of the committee, I offer the following staff report for your consideration with regard to this request:

Background on Frontier Town Campground EDUs: In planning for the expansion of the Mystic Harbour Wastewater Treatment Plant (WWTP), 130 EDUs were allocated to the Frontier Town Campground and 30 EDUs were allocated for the Commercial Portion of Frontier Town Campground to facilitate the removal of their septic system. On March 30, 2017, Frontier Town Campground purchased 166 EDUs to serve the existing campground in order to remove their current septic system. While drafting the MHSSA Sewer EDU Allocation Process, staff recognized that an additional 6 EDUs had been sold to Frontier Town Campground above and beyond the original allocation of 160 EDUs. Original calculations were that 160 EDUs were needed for the existing sites. It was later determined the number of campsites and corresponding EDUs were counted incorrectly. There were 584 existing sites and those sites needed 166 EDUs. On September 19, 2017, the County granted the extra 6 EDUs as it was consistent with the Plan and MDE's approval to provide public sewer to the existing campground. In order to properly

document this purchase, the Commissioners agreed that the 6 EDUs would come from the "Infill and Intensification of Properties in Area 1" (the North Area) which was approved on September 19, 2017 upon adoption of the EDU Allocation Process.

By application dated November 27, 2017, the Applicant previously requested an additional 71 EDUs for a campground expansion to serve 213 new campsites at Frontier Town Campground. The application was subsequently denied by the County Commissioners on December 19, 2017 since such an allocation would have required amending the Allocation Table and Map in the Water and Sewerage Plan (the "Plan") which was required by the Maryland Department of the Environment (MDE) as a condition to their approval of the MHSSA expansion, would eliminate all EDUs in the South and diminish available EDUs in the North, and since the Allocation Table only allocated 160 EDUs to Frontier Town for the existing campground, and none had been allocated for future expansion of the campground. Doing otherwise would have violated the Plan unless the Plan was formally amended by the County Commissioners and approved by MDE.

A revised application requesting 34 EDUs for a proposed 101 campsite expansion was submitted on March 9, 2018. On June 19, 2018 the Commissioners approved the request and since there were no EDUs available for new development south of the airport, the Commissioners amended the EDU Allocation Table for the Mystic Harbour Service Area in the Water and Sewerage Plan to allocate 34 EDUs from the "Infill and Intensification" category in Area 1 (north of the airport) to the "Frontier Town Campground" category in Area 2 (south of the airport) to accommodate the proposed 101 campsite expansion.

Summary of Current Request: The Applicant now requests an allocation of an additional 37 EDUs of sewer service from the MHSSA to provide for Phase II of the campground expansion to serve an additional 112 campsite expansion area. In order to accommodate 112 campsites, staff calculates that a total of 38 EDUs are required as follows:

- 112 campsites at 100 gallons per day (gpd) per campsite = 11,200 gpd
÷ 300 gpd/edu = 37.33 EDUs (rounded up to 38 EDUs required)
- **37 EDUs Total Request - 38 EDUs Total Required for 112 campsites**

The subject property is located on the east side of Stephen Decatur Highway (MD Route 611) north of Assateague Road (MD Route 376), is approximately 199.99 acres in area, currently zoned A-2 Agricultural District, and is designated S-1 in the Plan which indicates an area of existing or planned sewer service to be built within 2-years, but does not guarantee any service or obligate the provision of services in that time frame. While a site plan has been submitted and conceptually approved by the Worcester County Planning Commission for the campground expansion, signature site plan approval is contingent upon the Applicant securing the necessary sanitary capacity from the MHSSA as approved by the County Commissioner in accordance with Resolution 17-19.

Current Available Capacity - South: There are currently 31 EDUs allocated in Area 2 (south of the airport), in which Frontier Town Campground is located, which have not yet been purchased. Remaining EDUs in all categories in Area 2 are as follows: Commercial Infill South of Airport (0 of 20 EDUs), Vacant or Multi-Lot properties (1 of 4 EDUs), Assateague Greens Executive

Golf Course/Range (6 of 6 EDUs), Ocean City Airport, Clubhouse and Humane Society (0 of 32 EDUs), Church (5 of 5 EDUs), Single Family Dwellings (19 of 20 EDUs), Castaways Campground (0 of 88 EDUs), Frontier Town Campground (0 of 200 EDUs). Since Frontier Town Campground has been previously allocated and sold a total of 200 EDUs, there is presently no additional capacity available for allocation in either the "Frontier Town Campground" or "Commercial Portion of Frontier Town Campground" categories of the approved MHSSA EDU Allocation Table as referenced in the Plan. The remaining 31 EDUs in this area are intended to serve properties which will enable the replacement of septic systems for existing homes and other existing developments. Therefore there is no remaining capacity in Area 2 to accommodate this request.

Current Available Capacity - North: There are currently 109 EDUs allocated in Area 1 (north of the airport) which have not yet been purchased. These remaining EDUs have been allocated for the following uses: Infill and Intensification (33 EDUs), Vacant or Multi-Lot properties (50 EDUs), Single Family Dwellings (17 EDUs), and Commercial properties (9 EDUs). Should the Commissioners wish to consider re-allocating an additional portion of the available capacity in Area 1 north of the airport to Area 2 south of the airport, such action should be carefully considered in accordance with the established priorities of the original allocation of the sewer capacity (see explanation below), and would require an additional amendment to the Water and Sewerage Plan and approval by MDE for such a change to shift EDUs from Area 1 to Area 2 since the EDU Allocation Table was officially adopted as part of the Plan as required by MDE.

Background on Original Allocation of New Sewer Capacity in Mystic Harbour: The expansion of the Mystic Harbour WWTP and funding from USDA in 2008 was predicated upon the need for infill and intensification of properties along the Route 50 commercial corridor and vicinity, service to vacant or multi-lot properties, single family dwellings converting from septic systems to public sewer, and commercial properties. The Worcester County Planning Commission recommended a rating system to rank priority allocations of the additional EDUs with highest priority to (1) infill lots, (2) expansion of existing facilities, (3) replacement of septic tanks, and (4) new developments. While staff recognizes that revisions to the original allocations may be prudent from time to time, any such re-allocations should be in keeping with the original intent of the Planning Commission and the County Commissioners in 2008 when the Mystic Harbour WWTP expansion was approved and upon which the USDA committed funding for the expansion project. Furthermore, since the EDU Allocation Table was officially incorporated into the Plan as required by MDE, a change to shift EDUs from Area 2 to Area 1 would require an amendment to the Plan with the approval of MDE and concurrence that such action is in keeping with the original purpose of the expansion and the priority allocations as established by the Planning Commission. In addition, once EDUs are reallocated from one category to another and sold, they will no longer be available for the originally intended purpose. In summary, approval of this request would result in a total of 238 EDUs (or 35.7% of the new capacity) being allocated to a single user (Frontier Town Campground) which is contrary to the primary purpose of this capacity to provide for infill and intensification of properties along the Route 50 commercial corridor and vicinity north of the airport, which is continuing to grow and redevelop as planned.

Options for Commissioners' Action on the Request:

Option 1 - Initiate an amendment to the Water and Sewerage Plan to shift 38 EDUs from Area 1 (north of the airport) to Area 2 (south of the airport) and upon Plan approval by MDE, approve the allocation of 38 EDUs from among one or more of the following use categories with remaining allocations for new development in Area 1 to be specified by the Commissioners:

Area 1 (north): 33 EDUs - Infill and Intensification
50 EDUs - Vacant or Multi-Lot properties
9 EDUs - Commercial

Option 2 - Initiate an amendment to the Water and Sewerage Plan and approve a portion of the requested 38 EDUs to be shifted from Area 1 (north of the airport) to Area 2 (south of the airport) from among one or more of the following use categories with remaining allocations for new development in Area 1 to be specified by the Commissioners:

Area 1 (north): 33 EDUs - Infill and Intensification
50 EDUs - Vacant or Multi-Lot properties
9 EDUs - Commercial

Option 3 - Deny the request for allocation of an additional 38 EDUs of sewer service from the MHSSA to provide for Phase II expansion of 112 campsites at Frontier Town since there is currently no remaining allocation available for that use in Area 2.

The Sewer Committee will be available to answer any questions which you may have with regard to this application in order for you to make the most informed decision on this request.

Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity as of 7/16/19)

North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"	Original Allocation	Current Adjusted Allocation	Sold and In Service	Sold and Not In Service	Remaining Allocation	Footnotes
Infill and Intensification of Properties in "Area 1"	154	114	0	81	33	3, 10, 12, 13, 14
Vacant or Multi-lot Properties in "Area 1"	80	80	0	30	50	13
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	0	71	9	4, 5, 7, 8, 11, 13, 14, 17
Subtotal EDUs in "Area 1"	331	291	0	182	109	
Airport and South of Airport, East of Route 611 - "Area 2"						
Commercial Infill South of Airport	20	20	0	20	0	15, 16
Vacant or Multi-lot Properties	4	4	0	3	1	6, 16
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	1	19	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	200	0	200	0	3, 10
Commercial Portion of Frontier Town Campground	30	0			0	
Subtotal EDUs in "Area 2"	335	375	120	224	31	
TOTAL EDUs	666	666	120	406	140	

Note: See attached map for location of EDU allocations

Footnotes:

- 1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.
- 2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.
- 3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.
- 4 - Sold 14 EDUs to Park Place on May 16, 2017.
- 5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.
- 6 - Approved the sale of 2 EDU's to Victor H. Birch Property on March 20, 2018.
- 7 - Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.
- 8 - Approved the sale of 3 EDU's to L & B Ocean City, LLC Properties on April 3, 2018.
- 9 - Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.
- 10 - Water and Sewerage Plan Amendment - 34 EDUs from "infill and intensification of properties in Area 1" to Frontier Town Campground for Expansion - approved on June 19, 2018 by County Commissioners (Resolution No. 18-17).
- 11 - Approved the sale of 9 EDUs to Stockyard Inc. Property on June 19, 2018.
- 12 - Approved the sale of 27 EDUs to GCR Development, LLC Property on July 3, 2018.
- 13 - Approved the sale of 63 EDUs - (29-infill, 30-vacant, 4-commercial) - to Sea Oaks, LLC property on Sept 18, 2018. Pending MDE approval.
- 14 - Approved the sale of 45 EDUs - (25-infill, 20-commercial) - to ODIE-1, LLC (Alamo Motel) property on October 23, 2018.
- 15 - Approved the sale of 6 EDUs to Assateague Island Farm, LLC property on January 22, 2019, subject to various conditions.
- 16 - Approved the sale of 15 EDUs to ES Adkins and Company property (14 commercial infill, 1 vacant) on February 19, 2019.
- 17 - Approved the sale of additional 7 EDUs to Stockyard Inc. Property on July 16, 2019.

CURTIS H. BOOTH
BRYNJA MCDIVITT BOOTH
HUGH CROPPER IV
THOMAS C. MARRINER*
ELIZABETH ANN EVINS
LYNDSEY J. RYAN

*ADMITTED IN MD & DC

LAW OFFICES
**BOOTH BOOTH
CROPPER & MARRINER P.C.**

9923 STEPHEN DECATUR HWY., D-2
OCEAN CITY, MARYLAND 21842

(410) 213-2681

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EASTON OFFICE
130 N. WASHINGTON STREET
EASTON, MARYLAND 21601
(410) 822-2929
FAX (410) 820-6586

WEBSITE
www.bbcmlaw.com

January 23, 2019

Mr. Kelly Shannanhan, Assistant CAO
Worcester County Commissioners
One West Market Street, Room 1103
Snow Hill, Maryland 21863

RE: **Frontier Town Campground Expansion**

Dear Mr. Shannanhan:

Sun TRS Frontier, LLC ("Sun") owns and operates the Frontier Town Campground, Frontier Town Western Theme Park, Waterslide, Zipline, retail area, among other entities, at the property described as Tax Map 33, Parcel 94, and described further in the attached tax assessment summary.

On March 1, 2016, the Worcester County Commissioners conducted a public hearing on Sun's request to rezone a portion of the property from C-2, General Commercial District, to A-2, Agricultural District. That rezoning was granted, and Rezoning Classification Resolution 16-02 was executed on March 15, 2016.

On May 12, 2016 and October 13, 2016, the Worcester County Board of Zoning Appeals granted special exceptions to expand the campground by 213 units.

On November 15, 2016, the Commissioners approved Resolution 16-26 to expand the Mystic Harbour Sanitary Service Area ("MHSSA") to provide sewer service to Frontier Town and allocated 166 EDU's for the existing campsites.

16

January 23, 2019

Page Two

On December 5, 2017, the Commissioners and Sun entered into a Small Project Wastewater and/Water Agreement pursuant to which Sun agreed to remove the existing septic systems at the campground, install new pump stations, and connect to a new regional pump station (designed and paid for by Sun). The pump station was designed to accommodate wastewater from the 585 existing campsites, the proposed 213 new campsites, and an additional 50 EDU's which could be allocated to other customers.

On February 8, 2017, the Worcester County Technical Review Committee reviewed the site plan for the 213 campsite expansion.

On July 6, 2017, the Worcester County Planning Commission approved the site plan for the 213 campsite expansion subject to Staff comments. The TRC and Planning Commission summaries are attached.

On November 21, 2017, Sun requested the allocation of 71 EDU's to accommodate the 213 campsite expansion. This request was denied. Subsequently, the 213 campsite was broken down into phases. Phase I consisted of 101 campsites. Pursuant to Resolution 17-19, Sun filed an application for the allocation of 34 EDU's to accommodate Phase 1 (101 campsites), which was granted.

Sun is in the process of constructing the 101 campsite addition. All of the charges associated with the total 200 EDU's have been paid for, in full.

Sun would like to thank the County Commissioners for allocating the 34 EDU's. The Frontier Town Campground has been very successful. It represents smart growth, and access to the Sinepuxent Bay. Business is great, and there is a higher demand than ever for the rental of campsites.

In addition, Sun expended almost six million dollars to completely tear down and rebuild the waterslide. They provided other amenities such as a first-class zipline. They upgraded the small boardwalk or retail area along Maryland Route 611.

Sun continues to pay substantial real estate taxes, hospitality taxes, sales taxes, among other things. Sun continues to employ a number of local people, many in year round jobs. Sun's business benefits this neighborhood, and the entire County. The residents of Sun's campground patronize other businesses in the area, as well as throughout the County.

January 23, 2019
Page Three

Sun has recognized the need for the Phase II, 112 campsite addition. As a result, Sun has filed this application for 37 EDU's, to accommodate the 112 campsite expansion area.

In accordance with Resolution 17-19, Sun has shown an existing demonstrated need in connection with an approved site plan. Sun has specified how and where the capacity will be allocated. This allocation will increase the tax base, increase hospitality taxes, increase sales taxes, provide jobs, and provide residents and visitors to Worcester County access to the first-class amenities, as well as the marina, docks, and Sinepuxent Bay.

The infrastructure is in place, having been designed and paid for by Sun specifically to accommodate this campground expansion.

Respectfully submitted,



Hugh Cropper IV

HC/tgb

Enclosures

CC: Robert J. Mitchell, LEHS
Maureen F.L. Howarth, Esquire
Tom O'Branovic
Kurt Beleck

Worcester County - Department of Public Works - Water and Wastewater Division
Mystic Harbour Sewer Service Application

New

Name: SunTRS Frontier, LLC Date: January, 2019
Mailing address: 40 Hugh Cropper IV, 9923 Stephen Dec Hwy, D-2, Ocean City MD 21842
Address of service location: 8428 Stephen Decatur Hwy, Berlin, MD 21811
Property identification (acct # & map/parcel): Map 33, Parcel .. 94; 16-026018

Type of project (circle one below):

Single Family Minor Site Plan **Major Site Plan** Residential Planned Community

Type of service requested (circle one): Residential **Commercial**

If commercial, list type of business, square footage and number of seats in restaurant (if applicable):

Campground

EDU's/gallons assigned to property: 200 EDU's to be purchased: 37

If developer new construction, will you be providing the meter (circle one): **Yes** No N/A

Name & license number of licensed plumber providing connection from meter to building:

Name & phone number of person to contact with regards to this application/account:
Hugh Cropper IV hcropper@bbcmllaw.com 410-213-2681

Signature: [Signature] Date: January, 2019

Attachments required to be submitted with application:

- Single Family- Copy of permit application.
- Minor Site Plans- Copy of TRC report or documentation of administrative waiver.
- Major Site Plans- Copy of TRC report.
- Residential Planned Community- Copy of Planning Commission's findings/recommendation for Step 1.

NOTICE: Please review attached Resolution No. 17-19 which details the EDU allocation process and the time frame in which the EDUs must be utilized or returned to the County for future allocation and utilization. If mains are to be installed by applicant a separate "Small Sewer and Water Project Agreement" will be required.

OFFICE USE ONLY:

Date received: _____ By: _____

Environmental Programs approval: _____ Date: _____

Treasurer's Office approval: _____ Date: _____

Public Work's approval: _____ Date: _____

FEES PAID:

Deposit \$1,000 per EDU X _____ (EDU's) = \$ _____

Remaining Balance \$6,964 per EDU X _____ (EDU's) = \$ _____

Future Capital Improvement Charge \$1,000 per EDU X _____ (EDU's) = \$ _____

Date received: _____ By: _____

RETURN TO:

Worcester County Treasurer's Office
Attn: Jessica Wilson
P.O. Box 349
Snow Hill, MD 21863
FULL POLICY ATTACHED AND INCORPORATED.

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 10 Account Number - 020018							
Owner Information									
Owner Name:		SUN TRS FRONTIER LLC			Use:		COMMERCIAL		
					Principal Residence:		NO		
Mailing Address:		27777 FRANKLIN RD STE 200 SOUTHFIELD MI 48034-0000			Deed Reference:		/06673/ 00477		
Location & Structure Information									
Premises Address:		8428 STEPHEN DECATUR HWY BERLIN 0-0000			Legal Description:		199.99 ACS & 2' X 30' E SIDE STEPHEN DECATUR RD FOR CONSV ESMNT SUN TRS FRONTIER LLC		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0033	0016	0094		75T0				2019	Plat Ref: 246/17
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1996		28,885 SF				199.9900 AC			
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		RETAIL STORE					2002		
Value Information									
		Base Value		Value		Phase-In Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2018		07/01/2019	
Land:		16,940,000		20,115,600					
Improvements		21,007,200		27,394,500					
Total:		37,947,200		47,510,100		37,947,200		41,134,833	
Preferential Land:		0						0	
Transfer Information									
Seller:		SUN TRS FRONTIER LLC			Date:		11/23/2015		
Type:		NON-ARMS LENGTH OTHER			Deed1:		/06673/ 00477		
Seller:		PARKEL CORPORATION THE			Date:		09/10/2015		
Type:		ARMS LENGTH MULTIPLE			Deed1:		/06630/ 00250		
Seller:		ENTERTAINMENT INC			Date:		11/20/1970		
Type:		NON-ARMS LENGTH OTHER			Deed1:		RHO /02412/ 00507		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							



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

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Kelly Shannahan, Assistant Chief Administrative Officer
From: Jennifer Keener, Zoning Administrator *JKK*
Date: March 11, 2020
Re: Frontier Town campsite expansion request

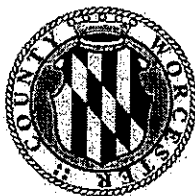
At the Technical Review Committee (TRC) meeting earlier today, the Committee reviewed a proposed site plan for the expansion of the Frontier Town campground by an additional 112 campsites. Attached you will find a copy of the Committee's comments relative to this request.

As a major site plan, this project will be required to be reviewed and approved by the Planning Commission once the developer has obtained certain approvals, such as but not limited to EDU allocations pursuant to Resolution No. 17-19.

Please do not hesitate to contact me if I can be of any further assistance.

Attachment

cc: Ed Tudor, Director



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Technical Review Committee (TRC) for March 11, 2020 Meeting

From: Environmental Programs Staff

Subject: Frontier Town Campground Expansion Phase II – TM 33 P 94

Date: March 5, 2020

Environmental Programs comments are based on the plans submitted. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

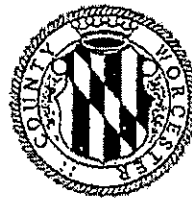
1. Frontier Town Campground meets the definition of a “camp” in COMAR 10.16.03.01-1.B(2) and is subject to all regulations set forth in COMAR 10.16.03. Before a request to amend the current annual campground DHMH operating permit can be approved and/or a revision to the current operating permit can be made, a layout plan of the current campground showing all existing and new campsites needs to be submitted to Environmental Programs for approval. This is a separate approval process from this site plan approval, and we can work with the owner’s representatives to secure this drawing.
2. Plumbing and gas permits will be required for this proposed expansion. Commercial plumbing plan reviews will be needed prior to issuance of the plumbing permits for the proposed new campground sites’ connections.
3. Septic abandonment reports, if tanks are taken out of service, should be submitted to this office.
4. Please indicate that this project is to be served by the Mystic Harbour Sanitary Service Area for sewer.
5. Plumbing Code is 2018 International Plumbing Code (IPC) 2018. Gas Code is the 2018 International Fuel Gas Code (IFGC). Please identify on the plans.

Citizens and Government Working Together

- *
6. While the property is included in the Mystic Harbour Sewer Planning Area, it is not allocated sanitary capacity from the Mystic Harbour Sanitary Area for this phase of the project and there is currently no available sanitary capacity in the southern part of the service area (Area 2) to service the sewer requirements for the proposed addition. This major site plan must have gone thru the TRC review process and have an EDU allocation from the County Commissioners prior to the project applying for final site plan signature approval from the Planning Commission. An application for an EDU allocation will need to be filed with the Enterprise Fund Controller in the Treasurer's office.
 7. Please show an EDU chart on the cover of the plan that addresses all uses, their assigned flow calculations and conversions to EDUs. Then indicate how many EDUs are currently assigned to this property and how many will need to be acquired and from which sanitary service area (Mystic Harbour). Existing campsites should be figured as 100GPD/site and that is in conformance with the campground flow listed in Table A of Worcester County Commissioner Resolution # 19-37. Based on the plans and the number of campsites proposed, this project would need thirty eight (38) EDUs at 300 gpd/EDU.
 8. If EDUs are allocated to this property by the County Commissioners, fees associated with the purchase of any additional EDUs should be paid before Environmental Programs can sign off on any building permits.

Citizens and Government Working Together

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



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County
GOVERNMENT CENTER

ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

September 19, 2008

COMMISSIONERS
VIRGIL L. SHOCKLEY, PRESIDENT
LOUISE L. GULYAS, VICE PRESIDENT
JUDITH O. BOGGS
LINDA C. BUSICK
JAMES C. CHURCH
ROBERT L. COWGER, JR.
JAMES L. FURNELL, JR.

GERALD T. MASON
CHIEF ADMINISTRATIVE OFFICER
JOHN E. "SONNY" BLOXOM
COUNTY ATTORNEY

TO: Gerald T. Mason, Chief Administrative Officer
FROM: Sonny Bloxom, County Attorney *JEB*
REF: Frontier Town Campground

Jerry, attached is an Amended and Restated Service Agreement for Frontier Town. The County entered into a previous agreement with Frontier Town on July 7, 1998. However, it has since been discovered that the terms of the agreement were in error and did not actually reflect the agreement of the parties and the actual situation regarding sewer service. Further, the existing agreement contemplated that billing would be done with a meter and using a commercial rate.

Well, none of that was ever done, and at present the billing is done using a formula developed by the County in lieu of a meter and a commercial rate. There is no commercial rate for the service area.

John Ross, Bob Mitchell, Jennifer Savage and I have been working with Mark Cropper, the attorney for Frontier Town and have agreed upon the attached Amended and Restated Agreement to reflect the intent of the parties and the situation as it actually exists.

This has to be approved by the Commissioners and we would like to have it placed on the next meeting agenda for consideration.

JEB/fac
encl

cc: John Ross, P.E., Deputy Director of Public Works
Bob Mitchell, R.S., Director of Environmental Programs
Jennifer Savage, CPA, Enterprise Fund Controller

H:\COATTY\frontiertown memo.wpd

AMENDED & RESTATED SERVICE AGREEMENT AND WAIVER OF SERVICE

THIS AMENDMENT AND RESTATEMENT OF SERVICE AGREEMENT AND WAIVER OF SERVICE ("Amendment") is entered into this 21st day of October, 2008, by and between The County Commissioners of Worcester County, Maryland, sitting as the governing body of Assateague Pointe Sanitary Service Area (hereinafter called "County") of One W. Market Street, Room 1103, Government Center, Snow Hill, Maryland 21863, and Parkel Corporation, a body corporate of the State of Maryland (hereinafter called "Parkel"), Post Office Box 691, Ocean City, Maryland 21842.

WHEREAS, Parkel owns four separate areas of land within the rental campground generally referred to and known as "Frontier Town Campground" (the "Project"), the legal descriptions for such land areas are attached hereto as Exhibits A, B, C, and D, respectively; and

WHEREAS, on July 7, 1998, the parties entered into a Service Agreement and Waiver of Service (the "Agreement") which provided, among other things, that Parkel waived its right to have sewer generated on the property described in Exhibit A treated by Assateague Point Service Area (the "Service Area") which amount is Six Thousand Six Hundred Seventy-Seven (6,677) gallons per day (hereinafter referred to as the Maximum Daily Flow or "MDF"), in exchange for the County agreeing that the Service Area treat up to that same amount of sewer on the property described in Exhibit B; and

WHEREAS, the aforesaid agreement was supposed to also allow the sewer from the area described in Exhibit "A", but did not properly reflect the intent of the parties thereto; and

WHEREAS, the Service Area in fact now provides service to the areas in "A", "B" and "C"; and

WHEREAS, the parties have agreed to amend herein the Agreement to enable Parkel to receive the full benefit of the MDF on the properties within the Project; and

WHEREAS, the County has determined that it is in the best interest of the health, safety and welfare of the County and of the customers of the Service Area, as well as the people of the County, that this sewage treatment arrangement be consummated.

NOW, THEREFORE, THE PARTIES WITNESSETH, that for One Dollar (\$1.00) and other good and valuable consideration, the sufficiency and receipt of which is hereby expressly acknowledged, the parties agree as follows:

1. The parties incorporate by reference, as if fully set forth herein, the preceding paragraphs of this Amendment.

Provided the MDF does not exceed 6677 GPD, the Service Area agrees to treat sewage from any of the properties described in Exhibits A, B, or C.

It shall be the responsibility of the Parkel Corporation to convey the effluent to the Service Area line. Only domestic sewage and commercial sewage generated by a laundromat, water slide and restaurant will be treated. No industrial sewage will be treated and no other commercial use will be permitted without the prior written approval of the County. All other sewage shall be domestic.

The County shall have the right to enter upon the lands as described in Exhibits A, B, C or D in order to ensure compliance with the provisions hereof.

5. Until such time that the Service Area develops a commercial rate, Parkel shall be charged for sewer treatment on a quarterly basis, by taking the 6,677 GPD, dividing it by 110 GPD

County Attorney
Worcester County

RETURN TO:

STEPHEN V. HALES
CLERK/CT.
WORCO

2008 OCT 21 P 12:02

CLERK'S NOTATION
Document submitted for
record in a condition not
permitting satisfactory
photographic reproduction.

(which is the EDU allocation for the trailers in Assateague Pointe), then multiplying that result by the current Assateague Pointe trailer home rate.


- 6. Parkel shall be responsible for installation and maintenance as required by County, of the sewer line running from the property and described in Exhibits A, B, or C to the Assateague Pointe property line.
- 7. The rates charged by the County to Parkel shall be nondiscriminatory. It is the intent hereof that Parkel pay for sewage treatment at a rate paid by other users within the Service Area provided, however, that no maintenance, service or other services will be provided to Parkel on Parkel's property.
- 8. This Amendment shall be terminable by County at such time as other provisions for public sewer treatment are provided to the property described in Exhibits A, B, C or D. This Agreement shall be terminable by Parkel at such time Parkel provides adequate sewer service to the property described in Exhibits A, B, C or D, through other means approved by County and the State of Maryland.
- 9. Should a property described in Exhibits A, B, or C, be subdivided at some future date, the parties agree to amend this Amendment to provide an allocation of sewage treatment for the parcels resulting from the subdivision created.
- 10. The Service Area shall provide wastewater to the Commercial Use Areas and 30 proposed new campsites within the Project. An additional 98 campsites, to be located on the lands described on Exhibit D, shall receive wastewater treatment from existing onsite septic systems located within the Project.
- 11. This Amendment shall be interpreted and controlled by the laws of the State of Maryland.
- 12. This Amendment shall be binding on and inure to the benefit of the parties hereto and their respective heirs, successors, administrators, personal representatives and assigns.

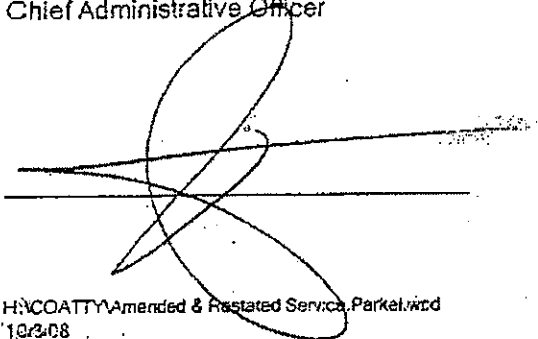
IN WITNESS WHEREOF, the parties have set their hands and seals all as in the day as first above written.

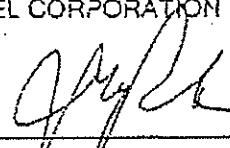
ATTEST:

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND


 Gerald T. Mason
 Chief Administrative Officer

By 
 Virgil L. Shocckley, President



PARKEL CORPORATION
 By  PRESIDENT
 Mitchell M. Parker, President

H:\COATTY\Amended & Restated Service, Parkel.wpd
10/3/08

From Frontier Town:

Frontier Town Water Usage Summary, June and July 2019

Meter Reading Date	5/31/2019	6/7/2019	6/14/2019	6/21/2019	6/28/2019	7/5/2019	7/12/2019	7/19/2019	7/26/2019
Campground Portion - Sewer is Tributary to Mystic Harbor									
Bath House #1	4,717,210	4,793,740	4,920,710	5,091,300	5,251,750	5,457,920	5,667,940	5,866,680	6,068,570
Bath House #3	<u>45,632,100</u>	<u>45,683,300</u>	<u>45,761,800</u>	<u>45,859,900</u>	<u>45,950,300</u>	<u>46,071,900</u>	<u>46,182,900</u>	<u>46,296,900</u>	<u>46,411,100</u>
Sum of meter Readings	50,349,310	50,477,040	50,682,510	50,951,200	51,202,050	51,529,820	51,850,840	52,163,580	52,479,670
Weekly Usage (Gallons)		127,730	205,470	268,690	250,850	327,770	321,020	312,740	316,090
Daily Use		18,247	29,353	38,384	35,836	46,824	45,860	44,677	45,156
Use per Site*		31.2	50.2	65.6	61.3	80.0	78.4	76.4	77.2
Water Park And Restaurant - Sewer is Tributary to Assateague Point									
Bath House #4	12,646,300	12,673,100	12,595,300	12,748,000	12,811,300	12,691,000	12,953,200	13,035,200	13,113,200
Bath House #5	<u>10,288,100</u>	<u>10,305,100</u>	<u>10,331,200</u>	<u>10,374,600</u>	<u>10,447,100</u>	<u>10,510,100</u>	<u>10,580,400</u>	<u>10,634,200</u>	<u>10,690,200</u>
Sum of Meter Readings	22,934,400	22,978,200	22,926,500	23,122,600	23,258,400	23,201,100	23,533,600	23,669,400	23,803,400
Weekly Consumption		43,800	(51,700)	196,100	135,800	(57,300)	332,500	135,800	134,000
Daily Consumption (gals)		6,257	(7,386)	28,014	19,400	(8,186)	47,500	19,400	19,143
Corrected Consumption			10,314	10,314		19,657	19,657		

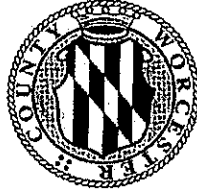
* Based on 585 Units

Luxury Campground Usage						
= Peak Usage						
Frontier Town						
Campsites- 585						
Capacity Purchased- 49,800 gpd - (166 EDUs based on 585 sites @ 85 gpd/site)						
Day	Date	gpd	Commercial	Campsites	EDU Equiv	gpd/Site
1	7/3/2019	57,900	6,677	51,223	171	88
2	7/4/2019	89,300	6,677	82,623	275	141
3	7/5/2019	94,700	6,677	88,023	293	150
4	7/6/2019	74,100	6,677	67,423	225	115
5	7/7/2019	59,800	6,677	53,123	177	91
6	7/8/2019	50,700	6,677	44,023	147	75
7	7/9/2019	54,500	6,677	47,823	159	82
8	7/10/2019	61,300	6,677	54,623	182	93
8 Day Avg		67,788	6,677	61,111	204	104
Castaways						
Campsites- 394						
Capacity Purchased- 26,400 gpd - (88 EDUs based on 394 sites @ 65 gpd/site)						
# of Days	Date	Total Flow	gpd	EDU Equiv	gpd/Site	
3 Day Avg	7/5-7/8, 2019	107,071	35,690	119	91	
10 Day Avg	6/28-7/8, 2019	338,840	33,884	113	86	

*

County
PRESENTED
AT HEARING

* Peak Flow = 150 gpd/site



Worcester County
Department of Environmental Programs

February 12, 2020

Bob Hufnagel, P.E.
Senior Project Manager
Atwell, LLC
311 N. Main Street
Ann Arbor, MI 48104

Re: Frontiertown Water Park Flow Monitoring
TM 33 P 94

Dear Mr. Hufnagel:

The above referenced project was discussed by County staff at the February Water and Sewer Committee meeting on February 6, 2020. We have previously communicated our concerns on flow regarding the proposed waterpark. The project application for a splash pad upgrade for the water park was reviewed in the Technical Review Committee (TRC) Meeting held on September 11, 2019. Comments from the Department of Public Works included a request that adequacy of wastewater treatment and disposal systems as well as compliance with previous agreements with Worcester County be confirmed before approval of this proposal could be considered. Within those comments were requests for a flow study, metering, and a separate engineering report of the ability of the Assateague Pointe WWTP to accept current and future flows for this park. The Department of Environmental Programs had similar comments that included compliance with the sewer service agreement and a request for a water flow study. Both departments would need to indicate agreement that their comments were satisfied by the applicant before signature approval could be given. Thus at this time, these approvals cannot be given as the above items have not been satisfactorily addressed by the applicant.

In reviewing your draft plan submitted via email, we have indicated that the County preference is a mag meter. Our public works department uses Siemans meters. Our Public Works staff identified a spot at the site that would be a good choice for the meter to be installed and accompanied that with a request that the park run two (2) wires from the meter to the pump station, one for power and the other for data so the county could monitor it in their SCADA system. If you put a meter on the common line, we would have no need for counters on the two grinders that supply that line with the flow from the golf, ice cream store and gift shop. These should be drawn into your plan. We reviewed the referenced plan for the meter vault. You noted on the email that you will add a note about obtaining power and signal from the

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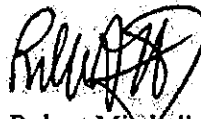
county pump station. You indicated that you want a panel at the vault so that Frontier Town staff has access to the flow data and can report daily readings.

Upon examination of your most recent email, our public works staff are indicating the vault elevation is not correct. They request that the plan detail straight pipe runs upstream and downstream of the meter to make it accurate. Also the campground needs to be sure it sees a full pipe at all times. Public Works still wants to see the campground run a line to the pump station for Mystic so they can tie the readings into our SCADA system.

At this time, we would request a specific plan, detailed in a letter or similar report, with the amended drawing referenced and included, for how the park generally proposes to monitor flow for the commercial portion of the campground. That plan should identify all the sources of flow to the main and meter and how campground flow is not going to the Assateague plant, that only flow the Assateague plant will receive is from the commercial structures and their facilities (water park, camp store, ice cream shop, Chrystal Pistol restaurant, and mini-golf). A discussion on how the park will comply with the Agreement for Service with the Assateague Pointe Sanitary Service Area should also be included in this report. We are requesting that this be submitted to this office within two weeks so we have a chance to review and comment on this submittal in time to allow equipment to be ordered and installed. Having an approved plan to monitor the flow in place before the water park season opens is essential. We will not permit this park to open until this plan is approved and the requisite equipment is installed and operational.

If you have any questions regarding this matter, please feel free to contact me at 410-632-1220 x1601.

Sincerely,



Robert Mitchell, LEHS
Director

Attachments

cc: Water and Sewer Committee


Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863-1249
TEL: 410-632-1220 FAX: 410-632-2012



Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer
From: Robert J. Mitchell, LEHS 
Director
Subject: **Public Hearing on the Amendment**
Amendment of the EDU Allocation Table
Mystic Harbour Sanitary Service Area
Frontier Town Campground
Case No. (SW-2020-02)

Date: June 8, 2020

The Planning Commission met on June 4, 2020, and reviewed this application. We are writing to forward the Planning Commission’s finding of consistency with the *Comprehensive Development Plan* and their recommendation to amend the *Comprehensive Water and Sewerage Plan* for an amendment to amend the EDU Allocation Table for sewer in the Mystic Harbour Sanitary Service Area.

I applied for the subject amendment on behalf of the Worcester County Commissioners to modify the Allocation of Sewer EDUs (table) in the Mystic Harbour SSA to reassign twenty nine (29) sewer EDU’s from the “Infill and Intensification” category for properties in Area 1 (North of Airport) and nine (9) EDU’s from the “vacant or Multi-lot properties” category properties in Area 1 (North of Airport) to the Frontier Town Campground category in Area 2 (South of Airport). The capacity is intended to serve a proposed 112 campsite expansion of the Frontier Town Campground. The new campsites are proposed to connect to the Mystic Harbour WWTP utilizing a pump station and force main constructed for the initial connection of the existing 584 campsites at the Frontier Town campground and a subsequent 101 site expansion. This second expansion of additional sites will be located on the existing Frontier Town property. The sewer EDU allocation table was included in the Maryland Department of Environment’s (MDE) modified approval of the Frontier Town and Mystic Harbour amendments to *The Plan*.

The County Commissioners, after reviewing this request, may approve or disapprove the proposed amendment. Enclosed are the following attachments:

1. Environmental Program’s transmittal letter and report to the Planning Commission; and
2. Minutes for the Planning Commission meeting on June 4, 2020 where the Planning Commission found unanimously to find this application consistent with the

Citizens and Government Working Together

Comprehensive Plan and recommended that they forward a favorable recommendation to the County Commissioners.

This is the supporting documentation for the Water and Sewerage Plan amendment that was part of the public hearing that was previously scheduled for the June 16th meeting. As always, I am available at any time for the presentation and to answer any questions on this matter.

Attachments

cc: WS File – Mystic Harbour – To Amend the EDU Allocation Table (SW-2020-02)



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410-832-1220 / FAX: 410-832-2012

LAND PRESERVATION PROGRAMS
STORMWATER MANAGEMENT
SEDIMENT & EROSION CONTROL
SHORELINE CONSTRUCTION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

May 26, 2020

Worcester County Planning
Commission
Government Center
1 West Market Street
Room 1201
Snow Hill, MD 21863

RE: Transmittal- Draft Comprehensive Water and
Sewerage Plan Amendment –Mystic Harbour
Revision of Allocation of Sewer EDUs
(SW-2020-02)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise the EDU allocation table for the Mystic Harbour Service Area to *The Plan*, for your review and comments.

The Department of Environmental Programs is the applicant on behalf of the Worcester County Commissioners. The applicant requests a revision of the EDU sewer allocation table for new capacity in the Mystic Harbour Sewer Planning Area in *The Plan*. The Sewer EDU Allocation Table was included in the Maryland Department of Environment's modified approval of the Frontier Town amendment to *The Plan* (approval October 29, 2015) and the modified approval of the Mystic Harbour Waste Water Treatment Plant expansion amendment (approved November 25, 2015), and subsequent approved amendments for the Mystic Harbour Sewer Planning Area including the first expansion of this campground approved under Resolution No. 18-17.

This amendment would modify the Allocation of Sewer EDUs (table) in the Mystic Harbour SSA to reassign twenty nine (29) sewer EDU's from the "Infill and Intensification" category for properties in Area 1 (North of Airport) and nine (9) EDU's from the "vacant or Multi-lot properties" category properties in Area 1 (North of Airport) to the Frontier Town Campground category in Area 2

28

(South of Airport). The capacity is intended to serve a proposed 112 campsite expansion of the Frontier Town Campground. The new campsites are proposed to connect to the Mystic Harbour WWTP utilizing a pump station and force main constructed for the initial connection of the existing 584 campsites at the Frontier Town campground and a subsequent 101 site expansion. This second expansion of additional sites will be located on the existing Frontier Town property. The sewer EDU allocation table was included in the Maryland Department of Environment's (MDE) modified approval of the Frontier Town and Mystic Harbour amendments to *The Plan*.

Other than a relabeling of the assigned EDUs within the service area on the map, this amendment also does not seek to amend or intensify the wastewater planning areas approved as modified by MDE in Resolution 14-26, with respect to the mapped planning areas in Figure 4-14.

In order to complete this project, the following infrastructure will be needed:

- Anticipated infrastructure changes include connecting force/gravity mains within the campground property for the new campsites to connect to the force main and pump station conveying the sewage from the existing campground to the Mystic Harbour WWTP.

To summarize, this amendment is prepared to revise the allocation of sewer EDUs within the Mystic Harbour Sewer Planning Area.

The Planning Commission is tasked by Section 1.4 of *The Plan* ("Procedures for Plan Amendments") to make a finding as to whether this amendment would be consistent with *The Comprehensive Plan*. The Planning Commission may also submit its project comments and recommendations. The findings and comments will be submitted to the County Commissioners. The County Commissioners will hold a public hearing and then take action on the proposal.

Comprehensive Plan Policies

The comprehensive plan assigns five land use designations to the West Ocean City and Mystic Harbour sewer planning area. These designations include commercial center, existing developed area, institutional, green infrastructure, and agriculture.

Existing Developed Centers are defined (p. 13) as follows:

- Existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained.
- Not designated as growth areas, these areas should be limited to infill development.

Commercial Centers are defined (p. 16) as follows:

- This category designates sufficient area to provide for anticipated needs for business, light industry, and other compatible uses.

Agriculture is defined (p. 18) as follows:

- This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted.
- Residential and other conflicting land uses although permitted are discouraged.

Institutional is defined (p. 20) as follows:

- Major public properties and facilities.

Green Infrastructure is defined (p. 19) as follows:

- Designated to preserve environmentally significant areas and to maintain the environmental functionality of the county's landscape.

The comprehensive plan goes on to state:

Chapter One, "Introduction" states:

- Provide for adequate public services to facilitate the desired amount and pattern of growth (p.8).

Chapter Three, "Natural Resources" states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).
- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the "Impaired Water Bodies (303d) List" to the point of their removal from this list (p. 33).

Chapter Three, "TMDLs" states:

- "all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards." (p.36)

Chapter Six, "Public Infrastructure" states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Use land application of treated wastewater as the preferred wastewater disposal method where appropriate (p. 73).
- Sewer systems should be sized to serve their service areas' planned for land uses (p. 74).

Chapter Seven, "Transportation", under Transportation Policies, Projects, and Recommendations, MD 611 (p. 85), states:

- 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.

Zoning

The *Planning Area* has already been approved under various amendments and is appropriately

zoned for the current and proposed uses planned for the existing sanitary area properties.

Staff's Comments

Staff comments are submitted below for your consideration. The Department of Public Works has no comments at this time.

1. This proposal seeks to meet new demand generated by infill development within the planning areas. The project would provide service to areas designated by the comprehensive plan and comprehensive water and sewerage plan for public sewer service.
2. The *Planning Area's* comprehensive plan designations and zoning permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program, critical area, and other local and state regulatory requirements.
3. This proposal does not require the expansion of the treatment facilities capability and can be adequately handled in the upgraded Mystic Harbour WWTP.
4. Current land use patterns will not change as a result of this project which is entirely located within the current property boundaries of the existing campground.
5. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning.

If you need further information, please contact us.

Sincerely,



Robert J. Mitchell, LEHS
Director

Attachments

cc: WS Amendment File (SW 2020-02)

Attachment 1

Revised Sewer Allocation Table (Proposed Revision to Page 4-31.6 in *The Plan*)

Current Figure 4-14 (*Current Mystic Sewer Planning Area*)

Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity as of 4/14/20)

North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"	Original Allocation	Current Adjusted Allocation	Sold and In Service	Sold and Not In Service	Remaining Allocation	Footnotes
Infill and Intensification of Properties in "Area 1"	154	114	0	110	4	3, 10, 12, 13, 14, 19
Vacant or Multi-lot Properties in "Area 1"	80	80	0	39	41	13, 19
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	43	33	4	4, 5, 7, 8, 11, 13, 14, 17, 18
Subtotal EDUs in "Area 1"	331	291	43	182	66	
Airport and South of Airport, East of Route 611 - "Area 2"						
Commercial Infill South of Airport	20	20	0	20	0	15, 16
Vacant or Multi-lot Properties	4	4	1	2	1	6, 16
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	1	19	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	238	166	72	0	3, 10, 19
Commercial Portion of Frontier Town Campground	30	0			0	
Subtotal EDUs in "Area 2"	335	413	287	95	31	
TOTAL EDUs	666	704	330	277	97	

Note: See attached map for location of EDU allocations

Footnotes:

- 1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.
- 2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.
- 3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.
- 4 - Sold 14 EDUs to Park Place on May 16, 2017.
- 5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.
- 6 - Approved the sale of 2 EDU's to Victor H. Birch Property on March 20, 2018.
- 7 - Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.
- 8 - Approved the sale of 3 EDU's to L & B Ocean City, LLC Properties on April 3, 2018.
- 9 - Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.
- 10 - Water and Sewerage Plan Amendment - 34 EDUs from "Infill and Intensification of properties in Area 1" to Frontier Town Campground for Expansion - approved on June 19, 2018 by County Commissioners (Resolution No. 18-17).
- 11 - Approved the sale of 9 EDUs to Stockyard Inc. Property on June 19, 2018.
- 12 - Approved the sale of 27 EDUs to GCR Development, LLC Property on July 3, 2018.
- 13 - Approved the sale of 63 EDUs - (29-infill, 30-vacant, 4-commercial) - to Sea Oaks, LLC property on Sept 18, 2018. Pending MDE approval.
- 14 - Approved the sale of 45 EDUs - (25-infill, 20-commercial) - to ODIE-1, LLC (Alamo Motel) property on October 23, 2018.
- 15 - Approved the sale of 6 EDUs to Assateague Island Farm, LLC property on January 22, 2019, subject to various conditions.
- 16 - Approved the sale of 15 EDUs to ES Adkins and Company property (14 commercial infill, 1 vacant) on February 19, 2019.
- 17 - Approved the sale of additional 7 EDUs to Stockyard Inc. Property on July 16, 2019.
- 18 - Approved the sale of additional 5 EDUs to Stockyard Inc. Property on December 3, 2019.
- 19 - Pending Water and Sewerage Plan Amendment - 29 EDUs from "infill and intensification" and 9 EDUs from "Vacant or Multi-lot properties" in Area 1 to Frontier Town Campground for Expansion - pending public hearing on June 16, 2020 by County Commissioners (Resolution No. 20-??).

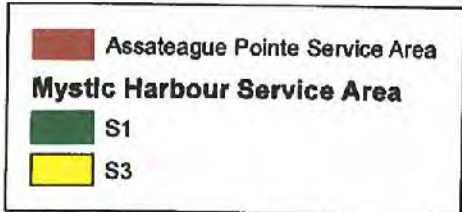
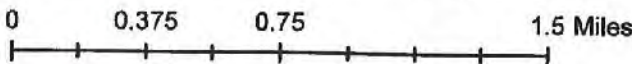
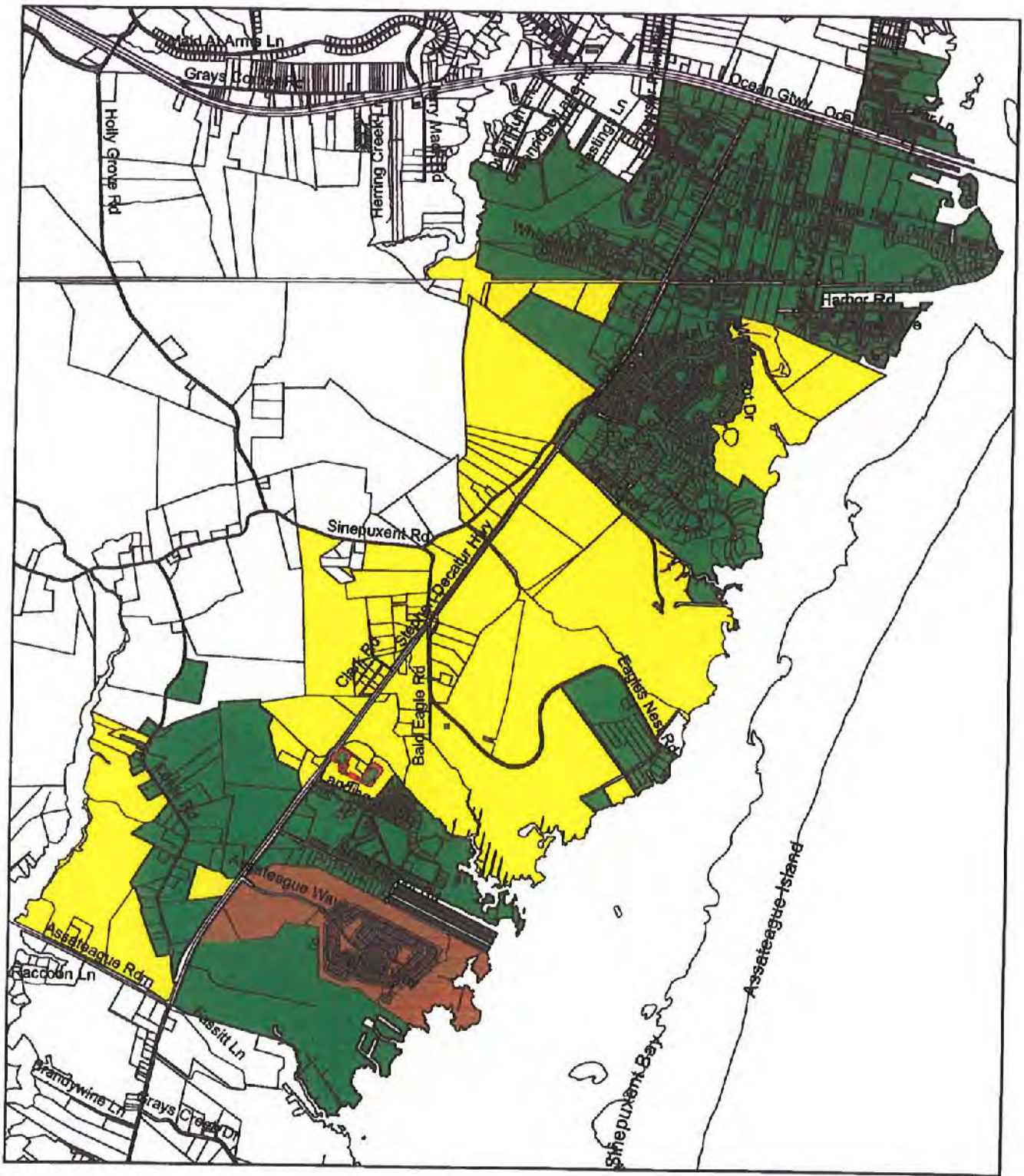


Figure 4-14
 Mystic Harbour Sewer Planning Area



Prepared by the Worcester County
 Department of Environmental Programs
 January 8, 2020

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: June 4, 2020

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Rick Wells

Betty Smith

Jerry Barbierri

Staff

Roscoe Leslie, County Attorney

Ed Tudor, Director

Phyllis Wimbrow, Deputy Director

Jennifer Keener, Zoning Administrator

Jessica Edwards, Customer Service Representative

Robert Mitchell, Director of Environmental Programs

Weston Young, Asst. CAO

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes – May 7, 2020 — As the next item of business, the Planning Commission reviewed the minutes of the May 7, 2020 meeting. Following the discussion, it was moved by Ms. Ott, seconded by Mr. Knerr, and carried unanimously to approve the minutes as submitted.

B. Board of Zoning Appeals agenda, June 11, 2020— As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals hearing scheduled for June 11, 2020. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. §ZS 1-325 Site Plan Review – Mad Fish Restaurant Waiver request

As the next item of business, the Planning Commission reviewed a loading space waiver request associated with the proposed redevelopment of the Mad Fish restaurant. The overall project consists of the construction of a 13,775 square foot restaurant with outdoor dining and an off-premise parking area, located on the north and south sides of Harbor Road, east of First Street, Tax Map 27, Parcel 376, 374 & 388, Lots 44, 2 & 3, Tax District 10, CM Commercial Marine and C-2 General Commercial Districts. Cole Taustin, owner, Eddie Johnson, manager, Hugh Cropper, IV, Esquire, Keith Iott, architect, and Mike Gershenfeld, Sysco Eastern Maryland, LLC, were present for the review. Mr. Cropper stated that in order to meet the 10% on-site parking requirements, they have to request a waiver to the 10' by 65' loading space requirement as required by the Zoning Code. If the Planning Commission were to do so, as a condition the applicant would replace it with an 11' by 46' 1.5" loading space/ dock, available during the morning hours.

Mr. Cropper provided the history of the previous restaurant prior to the fire and proposed redevelopment. He noted that the former Captains Galley restaurant had 495 seats, Mad Fish

IV. Text Amendment

As the next item of business, the Planning Commission reviewed a proposed text amendment request to include the E-1 Estate District as one of the zoning districts in which a home occupation may be in an accessory building of up to 3,000 square feet in gross floor area. Currently, this is limited to the A-1 and A-2 Agricultural Districts on parcels of greater than 80,000 square feet in area.

Mr. Mark Cropper, Esquire was present for the review. He noted that he is seeking to amend the section of the code to allow the E-1 Estate District to have the same development ability as those currently allowed on an A-1 or A-2 zoned property. He agreed fully with staff that the E-1 Estate District was supposed to be eliminated, and that this amendment will mirror the existing language. Mr. Cropper stated that while a text amendment is not site specific, obviously his client has property in the E-1 District that happens to be surrounded by A-1 and A-2 zoned properties. He said that his client should not be treated any different because the property is zoned E-1 Estate District.

Mr. Diffendal allowed the public to comment. Kathy Phillips with Assateague Coastal Trust was present and stated that she wanted to note that while she is aware that the Comprehensive Plan suggested the elimination of the E-1 zoning district, there has never been another comprehensive discussion on the way that the E-1 district should be rezoned since 2009. She stated that text amendments while seemingly general in nature, have been proposed as a result of a particular situation. She said that there has been no discussion with respect to sea level rise, storm inundation, and climate change in text amendments. She noted that when the Comprehensive Plan was written, those items were identified as significant issues, and the E-1 zoned properties are typically found in those low-lying areas. Overall, she wanted more than a piecemeal discussion on the E-1 Estate District uses, and suggested that other zoning districts (even ones not currently in the code) may be better suited.

Mr. Cropper responded that he would welcome another comprehensive review of the zoning maps and the code with respect to the items of her concern, but feels that in this matter, they are not directly specific to the request at hand.

Following the discussion, a motion was made by Mr. Barbieri, seconded by Ms. Ott, and carried unanimously to forward a favorable recommendation to the Worcester County Commissioners.

V. Water and Sewer Plan Amendment, No. SW 2020-02

As the next item of business, the Planning Commission reviewed an application associated with the addition of certain informational items in the Master Water and Sewerage Plan (The Plan) for the Mystic Harbour Sanitary Service (SW 2020-02). Robert Mitchell, Director of Environmental Programs, appeared on behalf of the applicant, the Worcester County Commissioners, and presented the staff report to the Planning Commission.

Mr. Mitchell explained that the applicant is requesting a revision of the EDU sewer allocation table for new capacity in the Mystic Harbour Sewer Planning Area in The Plan. This revision is

to provide sewer sanitary capacity to serve a proposed 112 campsite expansion of the Frontiertown Campground. He explained that the Sewer EDU Allocation Table was included in the state's modified approval of a prior amendment to The Plan. Since the EDUs are coming from the North Area to the South Area, the EDU chart must be revised. Mr. Mitchell stated that the County Commissioners have tentatively allocated the EDUs for this expansion, pending the submittal of this amendment and the upcoming public hearing on the project. The amendment would modify the Allocation of Sewer EDUs (table) in the Mystic Harbour Sewer Planning Area to reassign twenty-nine (29) sewer EDU's from the "Infill and Intensification" category for properties in Area 1 (North of Airport) and nine (9) EDU's from the "vacant or Multi-lot properties" category properties in Area 1 (North of Airport) to the Frontier Town Campground category in Area 2 (South of Airport). The sanitary capacity for the Frontiertown property would be similarly increased by a total of thirty-eight (38) sewer EDUs.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development within the Comprehensive Plan and land use designations, and that the proposed improvements would be permitted in accordance with existing zoning within the property boundaries of the current campground.

Following the discussion, a motion was made by Mr. Knerr, seconded by Ms. Smith, and carried unanimously to find this application consistent with the Comprehensive Plan and recommended that they forward a favorable recommendation to the County Commissioners.

VI. Water and Sewer Plan Amendment, No. SW 2020-03

As the next item of business, the Planning Commission reviewed an application associated with an expansion of the Sewer Planning Area in the Master Water and Sewerage Plan (The Plan) for the Mystic Harbour Sanitary Service (SW 2020-03). Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission. Hugh Cropper, attorney, was present on behalf of Mark Odachowski, who is the applicant for this amendment. Dane Bauer, from HB Solutions, also was present on behalf of the Applicant.

Mr. Cropper concurred with staff's findings on this report and offered that the owner already has part of the property within the Mystic Harbour sewer planning area and simply wants all of the property designated within the Mystic Area to acquire the capacity needed to complete his proposed development. The property already has a stem along its western edge to MD Route 707 designated as S-1 within the Mystic Harbour Sewer Planning Area. The remainder of the property is designated as S-1 within the West Ocean City Sewer Planning Area.

He also introduced Dane Bauer, a consultant, from H&B Solutions who testified on the project. Mr. Bauer testified that in his opinion the overlapping service areas sometimes cause problems. He also testified that the West Ocean City Sanitary Area had limited capacity as it was established to bring public sewer to an existing developed area to alleviate a public health matter

Mr. Mitchell explained the applicant requested the change in sewer service classification in order to serve a proposed residential development. The owner will need to seek an allocation of Mystic Harbour sewer EDUs from the County Commissioners to serve the proposed

**RESOLUTION AMENDING THE COMPREHENSIVE WATER AND SEWERAGE
PLAN FOR WORCESTER COUNTY TO AMEND THE EDU ALLOCATION TABLE
FOR THE MYSTIC HARBOUR SANITARY SERVICE AREA
FOR FRONTIER TOWN CAMPGROUND**

WHEREAS, the County Commissioners of Worcester County, Maryland adopted a Comprehensive Water and Sewerage plan for the County on August 23, 1994, pursuant to Section 9-503 of the Environment Article of the Annotated Code of Maryland; and

WHEREAS, the County Commissioners have received a request from Bob Mitchell, Director of Environmental Programs, on behalf of the Worcester County Commissioners, to amend the Equivalent Dwelling Unit (EDU) Allocation Table for the available sewage treatment capacity in the Mystic Harbour Sanitary Service Area to allocate 29 EDU's from the "Infill and Intensification" category in Area 1 (north of the airport) and 9 EDU's from the "Vacant of Multi-lot Properties" category in Area 1 (north of the airport) to the Frontier Town Campground category in Area 2 (south of the airport) to accommodate a 112 campsite expansion on the existing campground property; and

WHEREAS, the Worcester County Planning Commission reviewed the proposed amendment to the *Worcester County Comprehensive Water and Sewerage Plan* at their meeting of June 4, 2020 and found it to be consistent with the *Comprehensive Plan for Worcester County, Maryland*; and

WHEREAS, the County Commissioners held a duly advertised public hearing on June 16, 2020 to consider public comment on this amendment to the *Worcester County Comprehensive Water and Sewerage Plan*; and

WHEREAS, the County Commissioners reviewed the recommendation of the Planning Commission and staff report and as a result of their investigation and evaluation of the proposal in accordance with the provisions of Section 9-503 et. seq. of the Environment Article of the Annotated Code of Maryland, determined that the proposed amendment to the *Worcester County Comprehensive Water and Sewerage Plan* to amend the Equivalent Dwelling Unit (EDU) Allocation Table as proposed, is desirable.

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

1. The *Comprehensive Water and Sewerage Plan for Worcester County* (the Plan) is hereby amended as specified in the application of Bob Mitchell, Director of Environmental Programs, on behalf of the Worcester County Commissioners, to amend the Equivalent Dwelling Unit (EDU) Allocation Table for the available sewage treatment capacity in the Mystic Harbour Sanitary Service Area to allocate 29 EDU's from the "Infill and Intensification" category in Area 1 (north of the airport) and 9 EDU's from the "Vacant of Multi-lot Properties" category in Area 1 (north of the airport) to the Frontier Town Campground category in Area 2 (south

of the airport) to accommodate a 112 campsite expansion on the existing campground property, as shown on the attached revised allocation table.

AND BE IT FURTHER RESOLVED that this proposed amendment to the *Worcester County Comprehensive Water and Sewerage Plan* shall be forwarded to the Maryland Department of the Environment (MDE) for their review and approval in accordance with the provisions of Section 9-507 of the Environment Article of the Annotated Code of Maryland and that this amendment shall be officially incorporated into the *Worcester County Comprehensive Water and Sewerage Plan* upon approval by MDE.

PASSED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

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Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity as of 4/14/20)						
North of Airport, North of Antique Road, East and West of Route 611 - "Area 1"	Original Allocation	Current Adjusted Allocation	Sold and In Service	Sold and Not In Service	Remaining Allocation	Footnotes
Infill and Intensification of Properties in "Area 1"	154	114	0	110	4	3, 10, 12, 13, 14, 19
Vacant or Multi-lot Properties in "Area 1"	80	80	0	39	41	13, 19
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	43	33	4	4, 5, 7, 8, 11, 13, 14, 17, 18
Subtotal EDUs in "Area 1"	331	291	43	182	66	
Airport and South of Airport, East of Route 611 - "Area 2"						
Commercial Infill South of Airport	20	20	0	20	0	15, 16
Vacant or Multi-lot Properties	4	4	1	2	1	6, 16
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	1	19	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground Commercial Portion of Frontier Town Campground	130	238	166	72	0	3, 10, 19
	30	0			0	
Subtotal EDUs in "Area 2"	335	413	287	95	31	
TOTAL EDUs	666	704	330	277	97	
Note: See attached map for location of EDU allocations						
Footnotes:						
1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.						
2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.						
3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.						
4 - Sold 14 EDUs to Park Place on May 16, 2017.						
5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.						
6 - Approved the sale of 2 EDU's to Victor H. Birch Property on March 20, 2018.						
7 - Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.						
8 - Approved the sale of 3 EDU's to L & B Ocean City, LLC Properties on April 3, 2018.						
9 - Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.						
10 - Water and Sewerage Plan Amendment - 34 EDUs from "infill and intensification of properties in Area 1" to Frontier Town Campground for Expansion - approved on June 19, 2018 by County Commissioners (Resolution No. 18-17).						
11 - Approved the sale of 9 EDUs to Stockyard Inc. Property on June 19, 2018.						
12 - Approved the sale of 27 EDUs to GCR Development, LLC Property on July 3, 2018.						
13 - Approved the sale of 63 EDUs - (29-infill, 30-vacant, 4-commercial) - to Sea Oaks, LLC property on Sept 18, 2018. Pending MDE approval.						
14 - Approved the sale of 45 EDUs - (25-infill, 20-commercial) - to ODIE-1, LLC (Alamo Motel) property on October 23, 2018.						
15 - Approved the sale of 6 EDUs to Assateague Island Farm, LLC property on January 22, 2019, subject to various conditions.						
16 - Approved the sale of 15 EDUs to ES Adkins and Company property (14 commercial infill, 1 vacant) on February 19, 2019.						
17 - Approved the sale of additional 7 EDUs to Stockyard Inc. Property on July 15, 2019.						
18 - Approved the sale of additional 5 EDUs to Stockyard Inc. Property on December 3, 2019.						
19 - Pending Water and Sewerage Plan Amendment - 29 EDUs from "infill and intensification" and 9 EDUs from "Vacant or Multi-lot properties" in Area 1 to Frontier Town Campground for Expansion - pending public hearing on June 16, 2020 by County Commissioners (Resolution No. 20-??).						

NOTICE OF PUBLIC HEARING
FOR ESTABLISHMENT OF A
RESIDENTIAL PLANNED COMMUNITY (RPC) FLOATING ZONE

SHADY SIDE VILLAGE RPC
SOUTHERLY SIDE OF MD ROUTE 707 (OLD BRIDGE ROAD)
WEST OF GREENRIDGE LANE

TENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Sections 1-114 and 1-315 of the Worcester County Zoning Ordinance, application has been filed with the Worcester County Commissioners by Hugh Cropper, IV on behalf of Kathleen Clark to establish a Residential Planned Community (RPC) on property located on the southerly side of MD Route 707 (Old Bridge Road), west of Greenridge Lane. Located in the Tenth Tax District of Worcester County, Maryland, the property is designated on Tax Map 26 as Parcel 157. The Worcester County Planning Commission has reviewed the Shady Side Village Residential Planned Community application at its meeting of March 5, 2020 and granted a favorable recommendation to the Worcester County Commissioners.

Pursuant to Sections 1-114 and 1-315 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

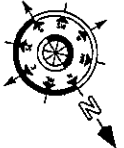
PUBLIC HEARING on
TUESDAY, JUNE 16, 2020 at 10:40 AM
in the County Commissioners' Meeting Room
Worcester County Government Center – Room 1101
One West Market Street, Snow Hill, Maryland 21863

At said public hearing the County Commissioners will consider the Residential Planned Community and the recommendation of the Planning Commission, any proposed 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 developed, and the advisability of reserving the power and authority to approve or disapprove the design of building, 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.

Once County Government Offices are opened to the public, the case file for this proposed project may be reviewed at the Department of Development, Review and Permitting, Government Center - Room 1201 (2nd Floor), One West Market Street, Snow Hill, Maryland 21863 between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday (except holidays). In the interim, the case file may be reviewed on the County website at www.co.worcester.md.us. Interested parties may also call (410) 632-1200.

All interested citizens are encouraged to attend the hearing and express their views on this matter. Both written and oral testimony will be accepted.

Joseph M. Mitrecic, President



SITE DEVELOPMENT SUMMARY

PARCEL DESCRIPTION
 157 TAX MAP 28, PARCEL 157
 WORCESTER COUNTY,
 MARYLAND

OWNER
 SHADYSIDE VILLAGE
 157 TAX MAP 28, PARCEL 157
 WORCESTER COUNTY, MARYLAND

DESIGNED BY
 ARCHITECTURE ENGINEERING INCORPORATED
 2011 LANSUNON ST. • SUITE 101
 WILMINGTON, MARYLAND 21801-1101

DATE
 MAY 8, 2020

SCALE
 1" = 20'-0"

STAGE
 SITE PLAN

DWG FILE
 19-020

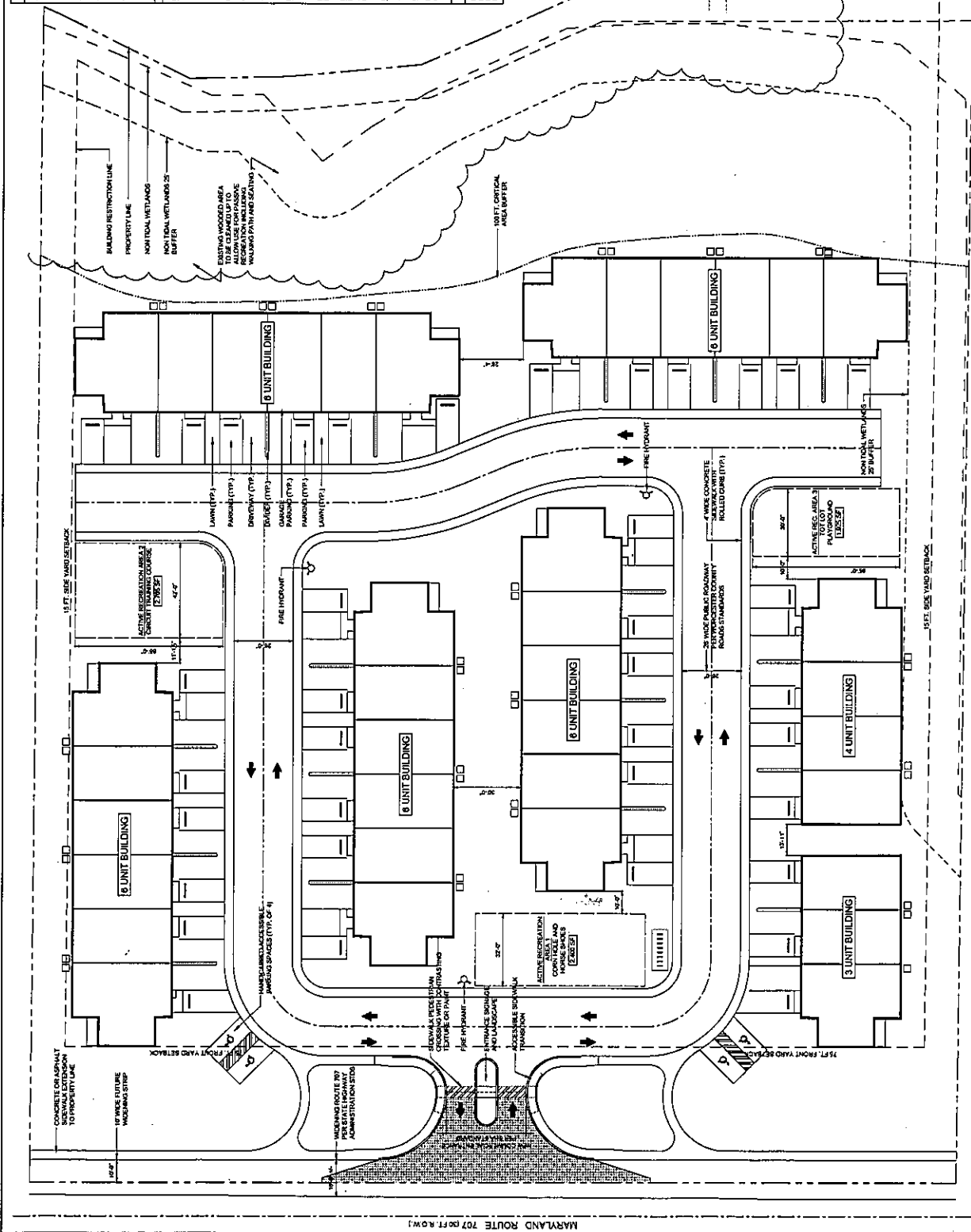
NO. DATE REMARKS

PARKING SUMMARY

NUMBER OF RESIDENTIAL UNITS	27 UNITS
MINIMUM PROVIDED PARKING	66 SPACES
PROVIDED PARKING	74 SPACES

LINE TYPE LEGEND

- PROPERTY LINE
- BUILDING RESTRICTION LINE
- NON-TOTAL WETLAND
- NON-TOTAL WETLAND 50' BUFFER
- 100 FT. CRITICAL AREA BUFFER



SITE DEVELOPMENT PLAN
 SCALE: 1" = 20'-0"

WORCESTER COUNTY
PLANNING COMMISSION

FINDINGS OF FACT

AND

RECOMMENDATION

SHADY SIDE VILLAGE

RESIDENTIAL PLANNED COMMUNITY

STEP I

March 5, 2020

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I. GENERAL INFORMATION:

Date of Planning Commission Review: March 5, 2020

Date of TRC Review: January 8, 2020

Approval requested: Step I Residential Planned Community – Establishment of the RPC Floating Zone

Project Description: Proposed 37-unit townhouse development

Location: South side of MD Route 707 (Old Bridge Road), west of Greenridge Lane, Tax Map 26, Parcel 157, Tax District 10, R-4 General Residential District

Owner: Kathleen Clark
12319 Ocean Gateway, Suite 304
Ocean City, MD 21842

Architect/Engineer: Iott Architecture & Engineering, Inc.
310 Hammond Street
Salisbury, MD 21804

Existing Conditions: The 4.82 acre site area is comprised of approximately 4.51 acres of uplands, 0.18 acres of non-tidal wetlands, and 0.06 acres of tidal wetlands. The majority of the property is cleared, with some existing forested areas to the rear.

Proposed Project: The Shady Side Village RPC as shown on the Step I plan is proposed to be a townhouse development comprised of a total of 37 residential units. The net lot area is a total of 4.67 acres once tidal wetlands and the road widening along MD Route 707 (Old Bridge Road) have been deducted. Proposed open space totals approximately 2.27 acres. Within this total, 0.16 acres of active recreation and 0.3 acres of passive recreation are proposed. The remaining 1.81 acres is set aside as natural open space. The Step I plan indicates that there will be one point of access to the project from Maryland Route 707 (Old Bridge Road).

II. COMMENTS RELATIVE TO COMPLIANCE WITH BASIC RPC REQUIREMENTS:

Zoning: A development is required to meet the major RPC standards when consisting of greater than 20 proposed units. RPC's are permitted in the R-4 General Residential District.

Permitted Uses: In that the proposed RPC is comprised of townhouse dwelling units, it complies with the RPC regulations relative to permitted uses.

Density: In the R-4 District, a maximum of eight units per one acre of the total gross lot area are allowed. The total permitted density is 38.56 units, and the applicant is proposing 37 units. Thus, the proposed density is approximately 7.7 units per acre.

Maximum limitation of 70% for residential uses: The project proposes to utilize 2.34 acres of its land area for residential uses including streets, or 49%.

Maximum limitation of 20% of retail and service uses: The project does not propose any commercial uses.

Minimum requirement of 30% for common use open space and recreational areas: Given the project's net acreage of 4.67 acres, a total of 1.4 acres is required to be provided for open space. A total of 2.27 acres of the site's acreage is proposed to be set aside in open space. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown is required as follows:

- **Minimum of 50% of required open space shall be retained in its natural state:** The project is proposing to provide 1.81 acres of the total open space in a natural state (uplands and wetlands). This information will need to be reflected in the open space chart as requested in the TRC comments.
- **Minimum of 10% of required open space shall be for active recreation:** The project is proposing to provide 0.16 acres (11%) of the total required open space in active recreation. Active recreation is defined as uses, areas or activities that are oriented towards potential competition and involving special equipment. The project includes features such as an area for a corn hole game and horse shoes, a playground and a circuit training course as active recreation. The circuit training course has been relocated outside of the Critical Area 100' buffer as requested during the TRC and Planning Commission reviews.
- **Minimum of 20% of required open space shall be for passive recreation:** The project is proposing to provide 0.3 acres (20.7%) of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. The plan proposes walkways within the wooded area/ Critical Area buffer.

III. FINDINGS AND RECOMMENDATIONS OF THE PLANNING COMMISSION:

1. The relationship of the RPC with the Comprehensive Plan, zoning regulations, and other established policy guidelines:

The subject property is currently in the "Existing Developed Areas" land use category of the Comprehensive Plan. One aspect of this land use category is to identify areas to be utilized for infill residential development. The project is

consistent with surrounding densities and type of development. It is also providing protection to the sensitive wetland areas and the Critical Area buffer that are an important environmental feature.

Connectivity to main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via a single commercial entrance onto MD Route 707 (Old Bridge Road), therefore limiting multiple points of access. An Access Permit will be required from the State Highway Administration, but no further traffic studies are being requested at this time.

Relative to consistency with the zoning regulations, the Planning Commission finds that the project site is zoned R-4 General Residential District, the R-4 District being a zoning classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS 1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open space and recreational areas, and types of permitted uses. Furthermore, the Planning Commission finds that the submittals relative to the proposed project comply with the requirements cited in §ZS 1-315(k)(2)A.1. For individual structures, there shall be no minimum lot area, setback, bulk, lot width, or road frontage requirements. Such standards shall be approved by the Planning Commission during the Step II review.

2. The general location of the site and its relationship to existing land uses in the immediate vicinity:

The subject property is located on the southerly side of MD Route 707 (Old Bridge Road), west of Greenridge Lane. The Planning Commission finds that this area can best be characterized as mainly residential land uses of varying types. The R-4 General Residential District encourages infill development and higher densities to encourage traditional neighborhood development while still utilizing conservation features in its design. Therefore, the Planning Commission finds that the proposed use as a townhouse development is consistent with existing land uses in the vicinity.

3. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services:

The Planning Commission finds that the properties proposed to be developed into the Shady Side Village RPC are presently zoned R-4 General Residential District. The surrounding developed lands are similarly zoned for residential uses. Due to the sites' R-4 General Residential District zoning classification, a townhouse development at a density of eight dwelling units per one acre is permitted by

zoning. Furthermore, residential planned communities of the same density are permitted by that zoning district. Thus, the proposed density of 7.7 dwelling units per acre was anticipated for this immediate vicinity. In addition, the development proposes to cluster the residential dwelling units in an effort to avoid the 100' Critical Area buffer while preserving the existing forested areas and wetlands, which is encouraged by the Comprehensive Plan. As part of the Critical Area buffer establishment requirements, the entire buffer will be required to be planted. Therefore, the Planning Commission concludes that the proposed Shady Side Village RPC will not have an adverse long-term implication on development patterns in the area. Relative to certain public facilities, public water and sewer is available to serve the proposed development; additional sewer EDUs will need to be transferred to the property and water EDUs will need to be purchased from the County.

As currently proposed, this RPC will be developed under a condominium regime, and the internal travelways are proposed to be private driveways built to a County Roads RPC standard. The specified road standard should be identified on the plans and approved by the County Roads Division of the Department of Public Works during the Step II and III reviews. With respect to parking, a total of 74 spaces are required, and 78 spaces are proposed. The parking to be provided over the minimum shall be of a pervious nature in accordance with §ZS 1-320(f)(1). As a note, parking spaces within the units may count towards the parking requirements, provided that a full 10' width and 20' depth can be achieved within the garage. Please keep in mind that stacked parking cannot be counted towards the code required minimum. Zoning Staff noted in their review that should these units be developed for rental purposes, one additional parking space per rental unit would be required for short-term rentals in accordance with §ZS 1-351.

Overall, the Planning Commission finds that there are adequate public facilities, services and utilities to serve the proposed development.

4. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5):

Relative to the protection of key environmental features, the Planning Commission finds that the development has taken steps to protect the sensitive areas on the subject property, such as the tract of existing forested areas and non-tidal wetlands located within the 100' Critical Area buffer. The open space provided exceeds the minimum required under the RPC regulations. The plan has been revised to remove the active open space and outdoor units (HVAC) associated with several of the townhouse units from the 100' Critical Area buffer. Any potential non-tidal wetland or buffer impacts will require approvals to be obtained from the Maryland Department of the Environment and a copy provided to the county during Steps II and III.

Relative to the general layout and clustering of the development, the Planning Commission finds that the proposed RPC consists of clustered townhouse buildings and minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces. The traffic circulation patterns promote connectivity within the proposed development, and limit access to the public road system to one commercial entrance. With respect to internal circulation, there are what would be considered two dead-ends adjacent to Buildings C and H; confirmation that this design is acceptable will be required from the County Roads Division of the Department of Public Works and the Fire Marshal's Office prior to Step II approval.

A sidewalk is proposed to be provided along the MD Route 707 road frontage for future connections. Internal pedestrian sidewalks are also found on both sides of the proposed private roads. County Roads Division is requesting a statement be added to the plans that the internal sidewalks are to be owned and maintained by the condominium association.

Overall, the Planning Commission generally finds that the RPC has demonstrated consistency with the general design standards contained in §ZS 1-315(j)(1) through (j)(5).

5. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project:

Within the narrative, a note relative to the phasing plan states that phasing of the project will be done based on market demand, and the recreational areas will be prorated based on the number of units constructed in the individual phases. The Zoning Division strongly encouraged the Planning Commission to consider how the passive and active recreation will be phased in during their Step II review, to ensure that adequate facilities are being provided as the project is developed, and are not an afterthought as the last improvements to be made.

6. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses:

The Step I plan indicates that there will be one point of access for vehicular traffic onto MD Route 707 (Old Bridge Road). As previously mentioned, no traffic study is required, however the applicant will need to apply for an Access Permit from the State Highway Administration. Relative to the adequacy of pedestrian and bicycle circulation, the road network appears to serve these functions, and a sidewalk has been provided along the front property line and internal to the site

should connectivity be provided for in the future. Based on the information provided, the Planning Commission concludes that the access point to MD Route 707 (Old Bridge Road) will not have a significantly adverse impact on traffic patterns in the area.

7. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines:

The Planning Commission finds that, according to the comments provided by the Department of Environmental Programs, the development is currently served by public sewer via the West Ocean City service area. A total of twenty-eight (28) sewer EDU's are already allocated to the property. The developer will need to purchase an additional nine (9) sewer EDU's based on the number of proposed units. In addition, the development has the ability to connect to the Mystic Harbour Sanitary Service Area for water and will need to apply to purchase thirty-seven (37) water EDU's.

IV. THE RECOMMENDATION OF THE PLANNING COMMISSION

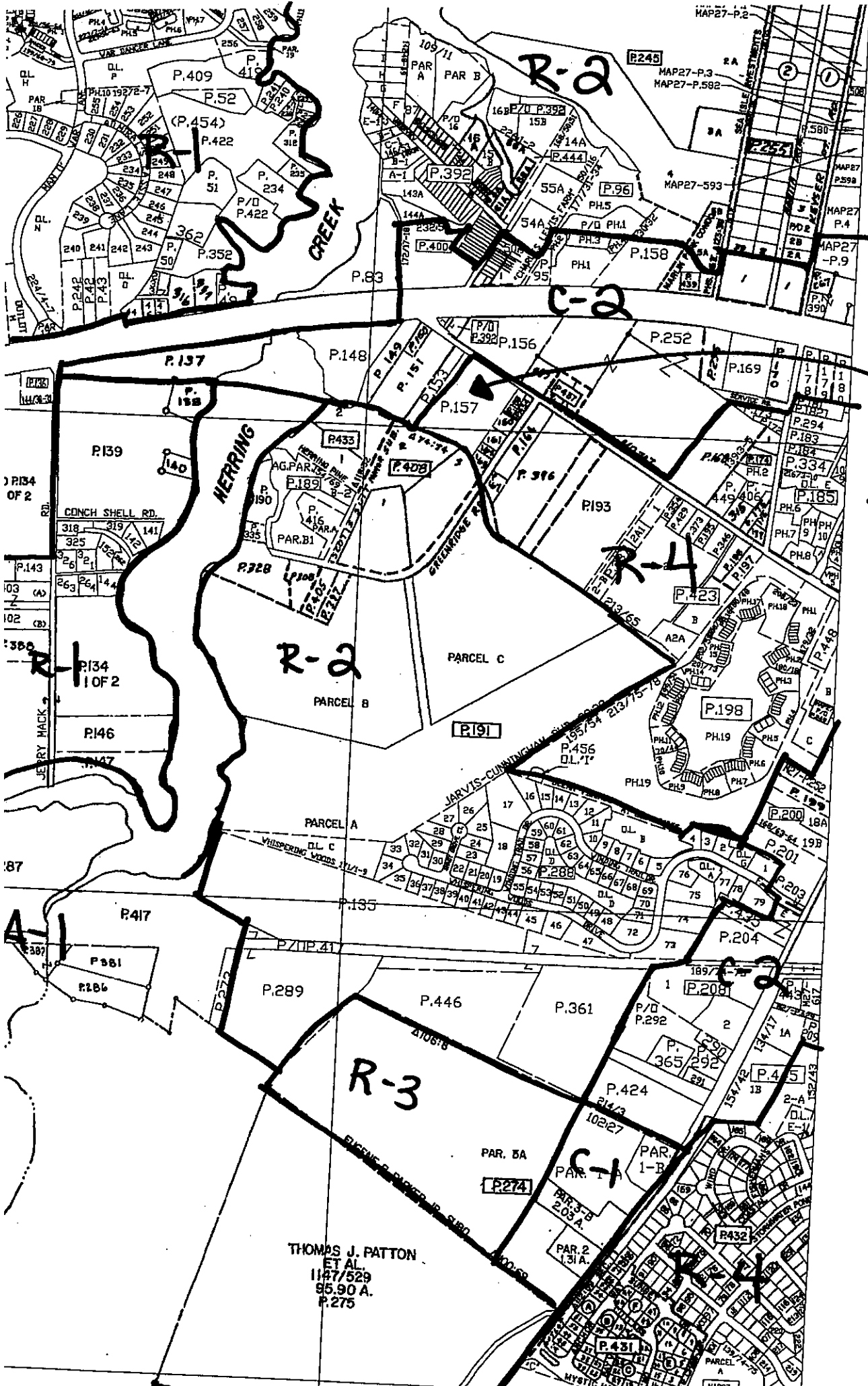
Based upon its findings, the Planning Commission finds that the area in which the subject property is located is currently in the "Existing Developed Areas" land use category of the Comprehensive Plan. The R-4 General Residential District as well as the Existing Developed Area recommends infill development and higher densities to encourage a diverse range of housing types and affordability within a traditional neighborhood development while still utilizing conservation features in its design. The R-4 General Residential District has a recommended density of eight units per one acre and therefore the Planning Commission concludes that the proposed Shady Side Village RPC, which has a density of 7.7 units per acre, is thus in accordance with the Comprehensive Plan. Additionally, the proposed project as submitted complies with the regulations as set forth in §ZS 1-315 relative to residential planned communities. The Planning Commission notes that the proposed project maintains sensitive non-tidal wetlands and existing wooded areas to the maximum extent practicable. The Planning Commission also concludes that the project will not have an adverse impact on local traffic and transportation patterns. The Planning Commission notes that the comments from the Department of Environmental Programs state that there is a water main available to the property for connection and that additional sewer EDUs will need to be transferred to the property. The applicants noted that additional sewer EDU's were lined up for purchase per their testimony at the Planning Commission meeting.

Therefore, based upon its review, the Planning Commission favorably recommends that the request for establishment of the residential planned community floating zone for Shady Side Village RPC be approved.

V. ATTACHMENTS

1. Zoning Map.
2. The Technical Review Committee Report, including the comments of Individual Committee members, the applicant's written narrative, and §ZS 1-315 of the Zoning and Subdivision Control Article are attached.

It should be noted that many comments submitted by various TRC members pertain more to later review stages such as the Step II and Step III implementation step, at which time subdivision plats would be submitted, or to the building/zoning permit stage.



Site of
Proposed
RPC

THOMAS J. PATTON
ET AL.
1127/529
65.90 A.
P.275

TECHNICAL REVIEW COMMITTEE

REPORT

SHADY SIDE VILLAGE

RESIDENTIAL PLANNED COMMUNITY

STEP I

January 8, 2020

GENERAL INFORMATION:

Date of TRC Review: January 8, 2020

Approval requested: Step I Residential Planned Community – Establishment of the RPC Floating Zone

Project Description: Proposed 37-unit townhouse development

Location: South side of MD Route 707 (Old Bridge Road), west of Greenridge Lane, Tax Map 26, Parcel 157, Tax District 10, R-4 General Residential District

Owner: Kathleen Clark
12319 Ocean Gateway, Suite 304
Ocean City, MD 21842

Architect: Iott Architecture and Engineering, Inc.
310 Hammond Street, Suite 100
Salisbury, MD 21804

Existing Conditions: The 4.82-acre site area is comprised of approximately 4.51 acres of uplands, 0.18 acres of non-tidal wetlands, and 0.06 acres of tidal wetlands. The majority of the property is cleared, with some existing forested areas to the rear.

Proposed Project: The Shady Side Village RPC as shown on the Step I plan is proposed to be a townhouse development comprised of a total of 37 residential units. The net lot area is a total of 4.67 acres once tidal wetlands and the road widening along MD Route 707 (Old Bridge Road) have been deducted. Proposed open space totals approximately 2.37 acres, consisting of 2.19 acres of uplands and 0.18 acres of non-tidal wetlands. Within this total, 0.16 acres of active recreation and 0.3 acres of passive recreation are proposed. The Step I plan indicates that there will be one point of access to the project from Maryland Route 707 (Old Bridge Road).

COMMENTS RELATIVE TO COMPLIANCE WITH BASIC RPC REQUIREMENTS:

Zoning: A development is required to meet the major RPC standards when consisting of greater than 20 proposed units. RPC's are permitted in the R-4 General Residential District.

Permitted Uses: In that the proposed RPC is comprised of townhouse dwelling units, it complies with the RPC regulations relative to permitted uses.

Density: In the R-4 District, a maximum of eight units per one acre of the total gross lot area are allowed. The total permitted density is 38.56 units, and the applicant is proposing 37 units. Thus, the proposed density is approximately 7.7 units per acre.

z

la

Maximum limitation of 70% for residential uses: The project proposes to utilize 2.3 acres of its land area for residential uses including streets, or 49%.

Maximum limitation of 20% of retail and service uses: The project does not propose any commercial uses.

Minimum requirement of 30% for common use open space and recreational areas: Given the project's net acreage of 4.67 acres, a total of 1.4 acres is required to be provided for open space. A total of 2.37 acres of the site's acreage is proposed to be set aside in open space. According to the Step I plan, it will consist of 2.02 acres of uplands and 0.18 acres of non-tidal wetlands. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown is required as follows:

- **Minimum of 50% of required open space shall be retained in its natural state:** The project is proposing to provide 1.91 acres of the total open space in a natural state (uplands and wetlands). This information will need to be reflected in the open space chart as requested in the TRC comments.
- **Minimum of 10% of required open space shall be for active recreation:** The project is proposing to provide 0.16 acres (11%) of the total required open space in active recreation. Active recreation is defined as uses, areas or activities that are oriented towards potential competition and involving special equipment. The project includes features such as an area for a corn hole game, a playground and a circuit training course as active recreation. The circuit training course will need to be relocated outside of the Critical Area 100' buffer.
- **Minimum of 20% of required open space shall be for passive recreation:** The project is proposing to provide 0.3 acres (20.7%) of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. The plan provides walkways within the wooded area/ Critical Area buffer which will be provided as passive recreation.

FINDINGS AND RECOMMENDATIONS OF THE TECHNICAL REVIEW COMMITTEE:

1. The relationship of the RPC with the Comprehensive Plan, zoning regulations, and other established policy guidelines:

The subject property is currently in the "Existing Developed Areas" land use category of the Comprehensive Plan. One aspect of this land use category is to identify areas to be utilized for infill residential development. The project is consistent with surrounding densities and type of development. It is also providing protection to the sensitive wetland areas that are an important environmental feature.

Connectivity to main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via a single commercial entrance onto MD Route 707 (Old Bridge Road), therefore limiting multiple points of access. An Access Permit will be required from the State Highway Administration, but no further traffic studies are being requested at this time.

Relative to consistency with the zoning regulations, the Technical Review Committee finds that the project site is zoned R-4 General Residential District, the R-4 District being a zoning classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS 1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open space and recreational areas, and types of permitted uses. Furthermore, the Technical Review Committee finds that the submittals relative to the proposed project comply with the requirements cited in §ZS 1-315(k)(2)A.1. The Technical Review Committee reminds the Planning Commission that for individual structures, there shall be no minimum lot area, setback, bulk, lot width, or road frontage requirements. Such standards shall be approved by the Planning Commission during the Step II review.

2. The general location of the site and its relationship to existing land uses in the immediate vicinity:

The subject property is located on the southerly side of MD Route 707 (Old Bridge Road), west of Greenridge Lane. The Technical Review Committee finds that this area can best be characterized as mainly residential land uses of varying types. The R-4 General Residential District encourages infill development and higher densities to encourage traditional neighborhood development while still utilizing conservation features in its design. Therefore, the Technical Review Committee finds that the proposed use as a townhouse development is consistent with existing land uses in the vicinity.

3. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services:

The Technical Review Committee finds that the properties proposed to be developed into the Shady Side Village RPC are presently zoned R-4 General Residential District. The surrounding developed lands are similarly zoned for residential uses. Due to the sites' R-4 General Residential District zoning classification, a townhouse development at a density of eight dwelling units per

one acre is permitted by zoning. Furthermore, residential planned communities of the same density are permitted by that zoning district. Thus, the proposed density of 7.7 dwelling units per acre was anticipated for this immediate vicinity. In addition, the development proposes to cluster the residential dwelling units in an effort to avoid the 100' Critical Area buffer while preserving the existing forested areas and wetlands, which is encouraged by the Comprehensive Plan. As part of the Critical Area buffer establishment requirements, the entire buffer will be required to be planted. Therefore, the Technical Review Committee concludes that the proposed Shady Side Village RPC will not have an adverse long-term implication on development patterns in the area. Relative to certain public facilities, public water and sewer is available to serve the proposed development, and water EDUs will need to be purchased.

As proposed, this RPC will be developed under a condominium regime, and the internal travelways are proposed to be private driveways built to a County Roads RPC standard. The specified road standard should be identified on the plans. With respect to parking, a total of 74 spaces are required, and 81 spaces are proposed. The parking to be provided over the minimum shall be of a pervious nature in accordance with §ZS 1-320(f)(1). As a note, parking spaces within the units may count towards the parking requirements, provided that a full 10' width and 20' depth can be achieved within the garage. Please keep in mind that stacked parking cannot be counted towards the code required minimum. Staff would also note that should these units be developed for rental purposes, one additional parking space per rental unit would be required for short-term rentals in accordance with §ZS 1-351.

Overall, the Technical Review Committee finds that there are adequate public facilities, services and utilities to serve the proposed development.

4. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5):

Relative to the protection of key environmental features, the Technical Review Committee finds that the development has taken steps to protect the sensitive areas on the subject property, such as the tract of existing forested areas and non-tidal wetlands located within the 100' Critical Area buffer. The open space provided exceeds the minimum required under the RPC regulations. The plan will need to be revised to remove the active open space and outdoor units associated with several of the townhouse units from the 100' Critical Area buffer as stipulated in the open space requirements above. Any potential non-tidal wetland or buffer impacts will require approvals to be obtained from the Maryland Department of the Environment and a copy provided to the county during Steps II and III.

Relative to the general layout and clustering of the development, the Technical Review Committee finds that the proposed RPC consists of clustered townhouse

buildings and minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces. The traffic circulation patterns promote connectivity within the proposed development, and limit access to the public road system to one commercial entrance. With respect to internal circulation, there are what would be considered two dead-ends adjacent to Buildings C and H; confirmation that this design is acceptable will be required from County Roads Division and the Fire Marshal's Office prior to Step II approval.

A sidewalk is proposed to be provided along the MD Route 707 road frontage for future connections. Internal pedestrian sidewalks are also found on both sides of the proposed private roads. County Roads Division is requesting a statement be added to the plans that the internal sidewalks are to be owned and maintained by the condominium association.

Overall, the Technical Review Committee generally finds that the RPC has demonstrated consistency with the general design standards contained in §ZS 1-315(j)(1) through (j)(5).

5. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project:

Within the narrative, a note relative to the phasing plan states that phasing of the project will be done based on market demand, and the recreational areas will be prorated based on the number of units constructed in the individual phases. The Zoning Division strongly encourages the Planning Commission to consider how the passive and active recreation will be phased in during their Step II review, to ensure that adequate facilities are being provided as the project is developed, and are not an afterthought as the last improvements to be made.

6. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses:

The Step I plan indicates that there will be one point of access for vehicular traffic onto MD Route 707 (Old Bridge Road). As previously mentioned, no traffic study is required, however the applicant will need to apply for an Access Permit from the State Highway Administration. Relative to the adequacy of pedestrian and bicycle circulation, the road network appears to serve these functions, and a sidewalk has been provided along the front property line and internal to the site should connectivity be provided for in the future. Based on the information provided, the Technical Review Committee concludes that the access point to MD

Route 707 (Old Bridge Road) will not have a significantly adverse impact on traffic patterns in the area.

7. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines:

The Technical Review Committee finds that, according to the comments provided by the Department of Environmental Programs, the development is currently served by public sewer via the West Ocean City service area. A total of twenty-eight (28) sewer EDU's are already allocated to the property. The developer will need to purchase an additional nine (9) sewer EDU's based on the number of proposed units. In addition, the development has the ability to connect to the Mystic Harbour Sanitary Service Area for water and will need to submit an application to purchase thirty-seven (37) water EDU's.

NOTE: Comments from the individual members of the Technical Review Committee are attached.

Comments of particular concern that should be addressed more immediately are as follows:

1. Please include the Natural Open Space calculations in your open space chart per the Zoning comments from TRC.
2. Based upon the Critical Area Report provided to the Department of Environmental Programs, Natural Resources Division, in conjunction with the buffer establishment requirements, the entire 100' Critical Area buffer will be required to be planted. Therefore, the circuit training course, which is shown in the buffer and is part of the active recreation open space requirements for the development will need to be relocated. The outdoor units associated with the HVAC systems for several of the townhouse units are also in the buffer. Please update the plan to reflect these changes and resubmit a copy of the plan to staff for review and comment prior to approval of the Step I RPC plan by the Worcester County Commissioners. For specific information regarding these requirements, and to confirm compliance with the Critical Area Law, please contact Jenelle Gerthoffer, Natural Resources Administrator.
3. Please provide confirmation from the County Roads Division and the Fire Marshal's Office that the dead-end streets adjacent to Building C and H are acceptable, or that culs-de-sac are required to be provided;

Procedure: The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the *Zoning and Subdivision Control Article*, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the Worcester County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate.

TECHNICAL REVIEW COMMITTEE

COMMENTS

JANUARY 8, 2020 REVIEW

TECHNICAL REVIEW COMMITTEE

STAFF PERSON: Jennifer Keener DATE OF MEETING: January 8, 2020
PROJECT: Shady Side Village Step I Residential Planned Community – Establishment of the RPC Floating Zone - Proposed 37 unit townhouse development, South side of MD Route 707 (Old Bridge Road), west of Greenridge Lane, Tax Map 26, Parcel 157, Tax District 10, R-4 General Residential District

APPLICANT(S) IN ATTENDANCE: Kathy Clark, Laura Stickley
Keith Iott

TRC MEMBERS IN ATTENDANCE:

- Keener, Zoning Administrator
- Zirkle, DRP Specialist II
- Edwards, Customer Service Rep.
- Miller, Building Plans Reviewer III
- Mitchell, Environmental Programs
- Marsh, Environmental Programs
- Bradford, Environmental Programs
- Birch, Environmental Programs
- Gerthoffer, Environmental Programs
- Mathers, Environmental Programs
- Owens, Fire Marshal
- Adkins, County Roads
- Berdan, County Roads
- Wilson, State Highway Admin.
- Conner, State Highway Admin.
- Ross, W & WW, DPW
- Clayville, Planning Commission Rep.

X This application is considered to be a Step I RPC plan. Ten copies of the revised concept plan and narrative which address the comments noted within will need to be resubmitted for Planning Commission review. The Technical Review Committee shall prepare a report within 90 days (by March 8, 2020). The applicants are responsible for submitting 10 copies of a revised Step I plan and updated narrative that addresses the Technical Review Committee’s concerns. The applicant and specified representatives will be notified of the tentative date and time at which this application will be considered by the Planning Commission. Should you have any questions regarding the attached comments, please feel free to contact the respective Technical Review Committee member.



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

<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

January 8, 2020

Jennifer K. Keener, AICP, Zoning Administrator

Department of Development, Review and Permitting

Worcester County Government Office Building

One West Market Street, Room 1201, Snow Hill, MD 21863

Project: Shady Side Village Step I Residential Planned Community – Establishment of the RPC Floating Zone - Proposed 37 unit townhouse development, South side of MD Route 707 (Old Bridge Road), west of Greenridge Lane, Tax Map 26, Parcel 157, Tax District 10, R-4 General Residential District

GENERAL PROCEDURE:

The Technical Review Committee shall review the application and meet with the applicants to provide comments for correction or discussion. The applicants are responsible for submitting 10 copies of a revised Step I plan and updated narrative that addresses the Technical Review Committee's concerns. Following the meeting, they shall prepare a report to be forwarded to the Planning Commission for review within 90 days.

The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the Zoning and Subdivision Control Article, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate within 90 days.

The County Commissioners shall review the application and the Technical Review Committee Report, the Planning Commission's findings, and hold a public hearing within 90 days of the receipt of the Planning Commission's recommendation. Notice of the public hearing shall have the same procedural formalities as a map amendment. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial. Any approval by the County Commissioners must be unconditionally accepted as approved in writing within 90 days.

Step I approval shall be valid for one year and shall automatically terminate if the Step II approval has not been obtained. The County Commissioners may grant a maximum of one additional year provided the request is made a minimum of 60 days in advance of the expiration of the Step I approval and granted prior to the expiration.

Any questions relative to the review process should be directed to Jennifer K. Keener at (410) 632-1200, extension 1123.

SPECIFIC COMMENTS:

The Step I plan for a similar project for duplex units and a single-family dwelling was approved by the Worcester County Commissioners in January 2018, but has since expired.

- ① In your open space chart, please include the amount of Natural Open Space required (50%) and provided (1.91 acres);
- ② Under the parking provided, please update the quantity to illustrate a total provided of 81 spaces. Any parking provided over the minimum will need to be of a pervious design per §ZS 1-320(f)(1) and included on any stormwater management plans/approvals;
- ✓ 3. Unless these units are to become fee simple, handicap accessible parking will need to be provided;
- ✓ 4. One bike rack will be required meeting the requirements of §ZS 1-320(f)(12);
- ⑤ The note on sheet C 200 states that this is to be a 26' wide "public roadway" per Worcester County Roads Standards. Please identify the particular road standard utilized.
 - a. Is this to be a public road with fee simple lots? Or will you be requesting an approved private road (and also possibly proposing a road standard)?

* Condominiumized *

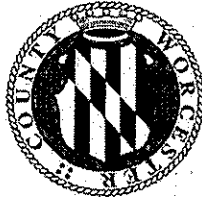
In general, the Planning Commission shall determine the lot requirements as part of their Step II review. In addition, buffering type landscaping will be required along the side property lines per §ZS 1-322(e)(5)A.2, and screening is required along the collector highway per §ZS 1-322(e)(6).

*relocate active open space out of CA Buffer or request variance
As of 2/24/2020, variance is not an option; entire buffer
must be planted per the CA report

* Condo for units/buildings, but
maybe public/private roads, not sure
* private streets per revised written narrative

The Technical Review Committee shall make findings relative to the items listed below. If any member has additional comments relative to regulations under their purview that they feel need to be further expounded upon, please notify me in writing no later than **Wednesday, January 15, 2020** so that the Technical Review Committee Report may be prepared.

- a. The residential planned community's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines, and with the Comprehensive Plan, zoning regulations, development policy guidelines and annexation policies of any municipality within one mile of the proposed project's boundaries.
- b. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the residential planned community's compatibility with those land uses.
- c. The availability and adequacy of public facilities, services and utilities to meet the needs of the residential planned community and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services.
- d. The consistency of the residential planned community with the general design standards as contained in Subsections (j)(1) through (j)(5) hereof.
- e. The relationship of the residential planned community's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project.
- f. The capacity of the existing road network to provide suitable vehicular access for the residential planned community, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
- g. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.



Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Technical Review Committee (TRC) for January 8, 2020 Meeting

From: Environmental Programs Staff

Subject: Shady Side Village, RPC, TM 26 P 157
Step I RPC Plan

Date: December 20, 2019

Environmental Programs comments are based on the plans submitted. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

1. Water & sewer are described in the narrative, but not shown on the site plan. Please show where they will come from & show connections. There are currently 28 sewer EDUs from the West Ocean City Sanitary Service Area for this property and these plans require an additional nine (9) EDUs to be purchased and transferred into this property as this is not in the Mystic Harbour Sanitary Service Area for sewer. An EDU Chart will need to be placed on the site plan and will also need to identify the sanitary areas that will supply service to this RPC.
2. There is a water main available to the property, but no water EDUs have been purchased. You would need to purchase thirty-seven (37) water EDUs from the Mystic Harbour Sanitary Service Area and pay hook-up fees. Please contact Jessica Wilson, the Enterprise Fund Controller at (410)632-0686 ext. 1217 for these applications and fees.
3. A natural gas main has been installed and is available to this community. Gas permits will be needed if gas utilized within the community.
4. Plumbing permits will also be needed. As part of site utility work, a plumbing permit will need to be obtained.
5. Plumbing Code is the 2015 National Standard Plumbing Code (NSPC) Illustrated (National Association of Plumbing-Heating-Cooling Contractors). The Gas Code is National Fuel Gas Code, ANSI Z223.1, NFPA 54, 2015 Edition, for natural gas.

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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

LAND PRESERVATION PROGRAM
STORMWATER MANAGEMENT
SEDIMENT AND EROSION CONTROL
SHORELINE COMMISSION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS/FORESTRY
COMMUNITY HYGIENE

TECHNICAL REVIEW COMMITTEE
CRITICAL AREA REVIEW

STAFF PERSON: Jenelle Gerthoffer (JG)

DATE OF MEETING: January 8, 2020

PROJECT: Shady Side Village RPC Step I

LOCATION: Tax Map 26, Parcels 157

OWNER/DEVELOPER: Kathleen Clark

SURVEYOR/ENGINEER: Iott Architecture & Engineering, Inc.

Critical Area:

This project is located in the Atlantic Coastal Bays Critical Area (ACBCA) program boundary designated Intensely Developed Area (IDA) and with a 100' Buffer. Please see following comments:

1. Ensure all items required within a Critical Area site plan NR 3-109(d)(1) have been provided. This includes, but is not limited to, identifying Habitat Protection areas, locating (or stating the lack there of) tributary streams and associated buffers, tidal wetlands, soils, lot coverage calculations, limits of disturbance, proposed clearing, etc.
2. Provide us with a Critical Area Report as defined within NR 3-109(d)(2).
3. Please add the standard Atlantic Coastal Bays Critical Area note: **Worcester County Atlantic Coastal Bays Critical Area Law**: *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 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. Provide documents that the site will meet the 10 percent pollution reduction requirements. The Department can provide you with a copy of the worksheet if needed.
5. Illustrate and/or provide documentation that the 15 percent afforestation requirement will be accomplished. If plantings are to be completed to achieve the 15 percent afforestation requirement, a Critical Area planting bond (and calculations) will be required.
6. Please provide our department a copy of the MDE authorization letter, allowing improvement to be within the 25 foot non tidal wetland buffer.
7. Proposed improvements cannot be located within the 100' Buffer without a variance granted from the Board of Zoning Appeals (BZA).
8. This project meets the requirement for the Maryland Critical Area Commission Project Notification parameters, therefore provide additional copies of the plan, Critical Area Report, 10 percent rule compliance details, and all other pertinent documents when submitted, will be forwarded to Commission Staff for review and comment.
9. Please submit the Critical Area review fee of \$320.50. Additional review fees will be collected at each step of the RPC process.

← circuit training course, AC outdoor units

Stormwater Management & Erosion and Sediment Control:

Stormwater Management Concept Plan approval has been received. Stormwater Management Site Design approval must be received prior to this project being reviewed by the Planning Commission as a Step II RPC. Please reference additional items below:

1. All Erosion and Sediment controls should comply with the 2011 Maryland Standards and Specifications for Erosion and Sediment Control.
2. All Stormwater Management practices shall be designed to meet the requirements of the 2007 Maryland Stormwater Management Act.
3. All projects over one (1) acre shall be required to file for a General Permit / Notice of Intent (NOI) for construction activity through Maryland Department of Environment. This is mandated through the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). Any permits to be issued by Worcester County for disturbance that exceeds one acre will not be issued without NOI authorization being obtained prior to.
4. Please reference the attached memo in regards to Stormwater Phasing.



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

LAND PRESERVATION PROGRAMS
STORMWATER MANAGEMENT
SEDIMENT AND EROSION CONTROL
SHORELINE CONSTRUCTION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

MEMORANDUM

DATE: December 11, 2019
TO: Applicant
FROM: Jenelle Gerthoffer, Natural Resources Administrator (JG)
SUBJECT: Stormwater/Sediment Erosion Control Plan/Permit

.....

Please note, if a Stormwater plan is approved by this office and does not include phasing, the corresponding permit can only receive Stormwater Final approval once all improvements are completed and the entire site is stabilized. This includes properties which have multiple Building or Zoning permits associated with the Stormwater plans. If a Stormwater Bond is required per the permit, the bond will only be released once a Stormwater Final approval takes place.

If you have any questions, please feel free to contact the Natural Resources Administrator, Jenelle Gerthoffer, at (410) 632-1220, ext. 1147.

January 2, 2020

Ms. Jennifer Keener, Zoning Administrator
Department of Developing, Review and Planning
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill MD 21863

Dear Ms. Keener:

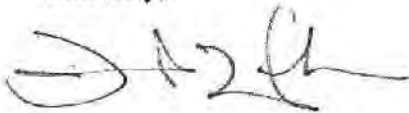
Thank you for the opportunity to review the plan submittal for the proposed Shadyside Village, located on the southerly side of MD 707, west of Greenridge Lane, in Worcester County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plans and we are pleased to respond.

The plan proposes the construction of a 37 unit townhouse development, with a monumental commercial entrance. As the plan proposes the new construction of a commercial development with a commercial access onto MD 707, it will require a Commercial Access Permit from this office.

Subject to our aforementioned comments, the applicant must submit four sets of approved plans, two sets of the Stormwater Report, and a CD containing the plans and supporting documentation in PDF format directly to James W. Meredith at 660 West Road, Salisbury, MD 21802, attention of Mr. Daniel Wilson. If you are unable to make a hard copy submission or would prefer to submit electronically, you can make an electronic project submittal by logging into:

<https://mdotsha.force.com/accesspermit/login?ec=302&inst=1B&startURL=%2Faccesspermit>. If you have any questions or require additional information please contact Mr. Dan Wilson, Access Management Regional Engineer, at 410-677-4048, by using our toll-free number (in Maryland only) at 1-800-825-4742 (x4048), or via email at dwilson12@sha.state.md.us.

Sincerely,



for James W. Meredith
District Engineer

Attachment

cc: Ms. Jana Potvin, Assistant District Engineer-Traffic, MDOT SHIA
Mr. Mike Marvel, Resident Maintenance Engineer, MDOT SHA
Mr. Daniel Wilson, Access Management Regional Engineer, MDOT SHA

- Don verifying on entrance design to allow left-turns out of the development

Needed for Initial Plan Review Submittal

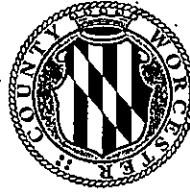
- Make sure all the requirements of the county/local jurisdiction have been fulfilled.
- The initial submittal should contain: four sets of plans, two sets of the Stormwater Management Report, and a CD containing the plans and supporting documentation in PDF format directly to Mr. James W. Meredith at 660 West Road, Salisbury, MD 21801, attention of Mr. Daniel Wilson.
- MDOT SHA Plan submittal should include a **Cover Sheet**, an **Existing Conditions/Sediment Control/Demolition Plan Sheet** (with a sequence of construction), a **Site/Utility/Landscape Plan Sheet** (with color coding of all utilities in plan view, according to the Miss Utility color code and illustrations of all landscaping proposed in the MDOT SHA right of way), an **Entrance Plan Sheet**, a **Stormwater Management/Grading Plan Sheet**, a **Signing and Pavement Marking Sheet**, and a **Cross Sections Sheet**. The plan sheets aren't required to be sequenced in this order, but the information generally provided on these sheets needs to be depicted in the plan set in some format.
- If you are unable to make a hard copy submission or would prefer to submit electronically, you can make an electronic project submittal by logging into:
<https://mdotsha.force.com/accesspermit/login?ec=302&inst=1B&startURL=%2Faccesspermit>.
- Please keep in mind that you can view the project status and identify who conducted the review process via the SHA Access Management web page
<http://www.roads.maryland.gov/pages/amd.aspx>.
- Please consult the MDOT SHA Access Manual for Entrance and Design specifications, at:
<https://www.roads.maryland.gov/index.aspx?PageId=393>.
- If you have any questions, please contact Daniel Wilson, Access Management Regional Engineer. See below for contact information.

Thanks,

Daniel Wilson
Maryland Department of Transportation
State Highway Administration
Regional Engineer
Access Management
District 1
660 West Road
Salisbury, MD 21801

Office: 410-677-4048
Cell: 410-251-9571
Email: dwilson12@mdot.maryland.gov

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Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

MEMORANDUM

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TEL: 410-632-5623
FAX: 410-632-1753

TO: Jennifer Kenner, Zoning Administrator
FROM: Keith Berdan, Roads Supervisor *KB*
DATE: December 26, 2019
SUBJECT: TRC Meeting – January 8, 2020

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

.....
Section 1-315 Residential Planned Communities

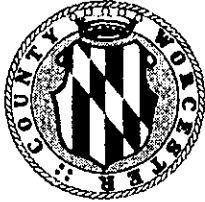
A. Shady Side Village

1. Reserve comments pending further review of construction drawings.

cc: John H. Tustin, P.E.

KB:ll
\\wcfile2\users\llawrence\TRC\2020\1.8.20

WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE



Department of Development Review & Permitting
Worcester County Government Center
1 W. Market St., Room 1201
Snow Hill, Maryland 21863
pmiller@co.worcester.md.us

Project: Shady Side Village Townhomes

Date: 1/8/2020

Tax Map: 26 Parcel: 157 Section: _____ Lot: _____ Block: _____

SITE SPECIFIC COMMENTS

Items listed in this review are not required for Technical Review Committee approval.

- 1. Current Codes: 2015 International Residential Code
2015 International Energy Conservation Code
2017 NEC

*** Worcester County anticipates adoption of the 2018 I-Codes in March of 2020 ***

- 2. Comply with Worcester County Floodplain Regulations (where applicable).
- 3. Footings shall be supported on undisturbed natural soils or engineered fill.
Soils report and compaction testing required prior at permit submittal.
- 4. Townhouse units to provide architect sealed plans for design and review.

There is not enough information provided at this time to provide additional comments.



GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1003

SNOW HILL, MARYLAND 21863-1194

TEL: 410-632-5666

FAX: 410-632-5664

TECHNICAL REVIEW COMMITTEE COMMENTS

PROJECT: **Shady Side Village RPC Floating Zone**

TRC #: **2019662**

LOCATION: **Tax Map 26; Parcel 157**

CONTACT: **Kathleen Clark**

MEETING DATE: **January 8, 2020**

COMMENTS BY: **Matthew Owens**

Chief Deputy Fire Marshal

As you requested, this office has reviewed plans for the above project. Construction shall be in accordance with applicable Worcester County and State of Maryland fire codes. This review is based upon information contained in the submitted TRC plans only, and does not cover unsatisfactory conditions resulting from errors, omissions or failure to clearly indicate conditions. A full plan review by this office is required prior to the issuance of a building permit. The following comments are noted from a fire protection and life safety standpoint.

Scope of Project

Establishment of the RPC Floating Zone for a proposed 37 unit townhouse development.

General Comments

1. A water supply for fire protection shall be identified indicating the following:
 - a. Water Source
 - b. Engineering study for reliability of water source
 - c. Size (in gallons) of water source
 - d. Replenishment of water supply
 - e. Diameter of in ground pipe
 - f. Number of hydrants
 - g. Location of hydrants
 - h. Roadway width and surface types
 - i. Distance from hydrant to roadway
2. If public water source, approved plans by the public works department.
3. Water source plans must be approved prior to recording of plat.

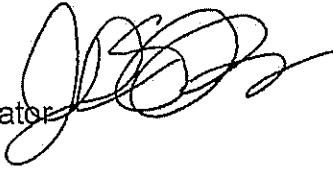
4. Fire hydrants shall be located within 3 ft. of curb line. Placement of fire hydrants shall be coordinated with this office prior to installation.
5. Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible.
6. All underground water mains and hydrants **shall be installed, completed, and in service** prior to construction work or as soon as combustible material accumulates, which ever comes first. A stop work order will be issued if fire hydrants are not in service prior to construction work start.
7. Fire Lanes shall be provided at the start of a project and shall be maintained throughout construction. Fire lanes shall be not less than 20'ft. in unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 13 ft. 6 in. of vertical clearance. Fire lane access roadways must be established prior to construction start of any structure in the project. Failure to maintain roadways throughout the project will be grounds to issue stop work orders until the roadway access is corrected.
8. Coordinate 9-1-1 addressing with Worcester County Department of Emergency Services (410) 632-1311.

Specific Comments

1. The proposed residential units shall be protected by an automatic sprinkler system. Plans shall be submitted and approved by this office prior to the installation of such system.
2. The placement and location of fire hydrants shall be coordinated with our office. A fire hydrant shall be located within 100 feet of all Fire Department Connections.
3. Provide the appropriate code compliant fire rated separation between units.
4. Complete set of building plans shall be submitted and approved prior to start of construction.
5. No further comments at this time.

**WORCESTER COUNTY
DEPARTMENT OF PUBLIC WORKS
WATER & WASTEWATER DIVISION
INTEROFFICE MEMORANDUM**

TO: Jennifer K. Keener, Zoning Administrator
Development Review and Permitting



FROM: John S. Ross, P.E., Deputy Director

DATE: January 3, 2020

SUBJECT: TRC Meeting – January 8, 2020

Step III Preliminary Plat Review

A. Shady Side Village - Request for Establishment of the RPC Floating Zone – Proposed 37 unit townhouse development, South side of MD Route 707 (Old Bridge Road), west of Greenridge Lane, Tax Map 26, Parcel 157, Tax District 10, R-4 General Residential District, Kathleen Clark, owner/ Iott Architecture & Engineering, Inc., architect;

1. Confirm required EDUs are assigned to the project
2. Reserve further comments pending receipt of construction drawings

cc: John H. Tustin, P.E. Director

PC Review
3-5-2020

**SHADY SIDE VILLAGE RESIDENTIAL
PLANNED COMMUNITY**

TAX MAP 26, PARCEL 157 TENTH
ELECTION DISTRICT
WORCESTER COUNTY, MARYLAND

PREPARED FOR

NEW ENGLAND DEVELOPERS, INC.
12319-201 OCEAN GATEWAY OCEAN
CITY, MD 21842

PREPARED BY

Iott Architecture – Engineering, Inc.
310 Hammond Street
Salisbury, Maryland 21804
410-749-7229

February 19, 2020

Shady Side Village is a proposed Residential planned Community (RPC) consisting of 37 residential townhouse units, associated parking, surface and garage enclosed. Active Recreational Amenities will include a Children's Play Area, and Corn Hole Area and a Cross Training Circuit. Passive Recreational Areas will include Walking Trails through the existing wooded area, pedestrian access to the tidal waters and hard-surfaced paved sidewalks on all streets.

The total site area is 4.82 acres gross. After subtracting state tidal wetland and a strip of land dedicated for the widening of Old Bridge Road the net site area is 4.67 acres.

Shady Side Village is consistent with the goals and objectives of the Worcester County Comprehensive plan in that a large portion (+/-70%) of the project is within the Existing Developed Area designation of the Worcester County Comprehensive plan. The Existing Developed Area (EDA) designation calls for infill development consistent with the character of the surrounding EDA. The balance of the property is in the Commercial Center designation of the Comprehensive plan. There is no commercially zoned area within the property.

Shady Side Village is zoned R-4, General Residential. The R-4 zoning allows single family dwellings, multi-family dwellings and townhouse dwelling by right. The R-4 density allows 8 units per acre. Shady Side Village proposes 7.89 units per net acre.

Single family, multi-family and townhouses developments consisting of 20 units or more are required to conform to the Residential Planned Community (RPC) criteria and process of the Worcester County zoning ordinance. Shady Side Village's design is consistent with RPC and zoning code criteria and requirements. The design clusters the residential uses while conserving open space. *All open* space requirements for the project are met or exceeded with the design.

Shady Side Village is located on the south side of Maryland Route 707, locally known as Old Bridge Road, which is designated a minor collector in the Worcester County Zoning Ordinance. The project proposes one commercial entrance to Old Bridge Road. The entrance is centered on the MD Route 707 frontage.

The Maryland State Highway Administration (SHA) deems the project to be minor and will not require a traffic impact study. An access permit will be required from SHA and the project will meet all SHA access and construction standards and criteria. As part of the SHA access requirements bicycle accessibility will be required. A sidewalk along the project frontage is being proposed with perpendicular walks that connect to the internal driveways for pedestrian access.

There are numerous residential subdivision in the neighborhood including West Harbor Village, Whispering Woods, Ocean Village and South Point Village to name a few. Shady Side Village is compatible with the scale, density and uses *in* the neighborhood. Shady Side Village will serve as an infill development and will compliment and be consistent with the character of the surrounding neighborhood.

Sewer and water will be provided via the West Ocean city service area facilities which have sufficient capacity for the project. The project will require 37 water and sewer EDUs. EDUs are currently available in the service area. The developer will need to buy the EDUs from the Worcester County. Sewer and water design and construction will meet county requirements.

Shady Side Village's design has identified key environmental features and avoided disturbances to non-tidal wetlands, floodplains, critical, and/or special habitat and aquifer recharge areas. The project clusters residential uses in a pedestrian friendly scale.

The clustered design of Shady Side Village minimizes the consumption of land, optimizes open space and maximizes open space while reducing impervious surfaces.

Shady Side Village is entirely within the Intensely Developed Area designation of the Atlantic Coastal Bays Critical Areas program (ACBCA). As part of the development process the 100' Critical area buffer, as measured from the field delineated tidal wetlands line, will be planted in native vegetation. The entire buffer will be planted with the exception of limited fixed equipment for the proposed Cross Training Circuit. The existing and proposed vegetated buffer will be used for passive recreation for walking and bird watching the ACBCA allows for these passive uses as long as no coverage is proposed.

Shady Side Village construction is anticipated to begin in the summer/fall of 2020. Phasing will consist of construction of all sewer, water services for the project. Construction of the residential units will be based on market demand. Recreational areas will be provided in accordance with code requirements and prorated based on the number of units constructed in the individual phases. A more detailed phasing plan will be provided during Step 2 review.

Shady Side Village will be platted as a condominium regime with the potential for sale of individual townhouse units. The internal roadways will be private streets, owned and maintained by the condominium association. The private streets will be constructed in accordance with Worcester County Roads standard WO-100.11. Street width will be 26 ft. Four foot wide sidewalks constructed from asphalt or concrete will be provided.

Subtitle ZS1:III. Supplementary Districts and District Regulations

§ ZS 1-315. RPC residential planned communities.

- (a) Purpose and intent. Residential planned communities are intended to encourage the best possible design of building forms and site planning for tracts of land under a unified plan of development. Holistic control over an entire development, rather than lot-by-lot regulation, and flexibility in requirements is intended to produce a well-designed development that will provide a variety of housing types, preserve open space and natural vegetation for scenic and recreational uses, reduce impervious surfaces, and have a beneficial effect upon the health, safety and general welfare of the people of the County. The regulations established in this section allow flexibility and thus permit and encourage more imaginative and environmentally sensitive development. To ensure that a residential planned community shall conform to the character and nature of the district in which it is located, achieve a maximum of coordination between the residential planned community and neighboring land uses, promote the intent and purposes of this Title and encourage the most appropriate use of land within the area of the residential planned community, specific and additional standards are established as set forth in this section.
- (b) Classification, location and area requirements. Residential planned communities shall be reviewed and approved by the pertinent body and shall be designated as either minor or major. Major residential planned communities shall be established as floating zones by the County Commissioners. Minor residential planned communities shall be defined as those having twenty or fewer residential units while major residential planned communities shall be those having more than twenty residential units. A series of separate minor residential planned communities created from the same parcel as it existed on the effective date hereof shall be considered a major residential planned community when the cumulative effect of such separate residential planned communities meets the criteria of a major residential planned community. Residential planned communities may be permitted in accordance with the provisions hereof in the E-1, V-1, R-1, R-2, R-3 and R-4 Districts. Land zoned RP which is within the boundaries of the property subjected to a residential planned community may be included within the residential planned community boundaries. Land within the boundaries of the residential planned community which is located in any C or CM District may be included in the residential planned community if the area of the C or CM District does not exceed five percent of the gross area of a minor residential planned community or fifteen percent of the gross area of a major residential planned community. Furthermore, each major residential planned community containing land in the C or CM District shall utilize a minimum of fifty percent of the gross acreage of the C or CM zoned land for retail or service uses as permitted in the C-2 General Commercial District somewhere in the project.

[Amended 8-15-2017 by Bill No. 17-8]

- (c) Permitted uses and structures. The following uses and structures may be permitted in a residential planned community:
- (1) Minor residential planned communities: Permitted principal uses and structures shall be limited to the permitted principal uses and accessory uses allowed by the district regulations of the underlying zoning district. Any use allowed by special exception is permitted in a minor residential planned community, provided the approval of the Board of Zoning Appeals is obtained. Commercial use up to the maximum percentage cited herein shall be limited to the permitted principal uses cited in the C-1 Neighborhood Commercial District regulations.
 - (2) Major residential planned communities: Permitted principal uses and structures shall be the permitted principal uses, special exception uses and accessory uses allowed by the R-4 General Residential District, regardless of the underlying zoning district. Residential units may be located in, over or as a part of buildings or structures also used for commercial purposes. Commercial use up to the maximum percentage cited herein shall be limited to the permitted principal and special exception uses cited in the C-2 General Commercial District regulations. Uses cited as special exceptions uses shall not require approval by the Board of Zoning Appeals.
 - (3) Any use or structure which is determined by the County Commissioners to be of the same general character as the above-permitted uses or accessory uses not specifically mentioned in another district but is deemed by the County Commissioners to be compatible with the character and intent of the residential planned community.
- (d) Area limitations for uses. Within a residential planned community, the following percentages of the total gross lot area [as defined in § ZS 1-305(a) hereof] but excluding state wetlands [as defined in § ZS 1-103(b) hereof] shall be devoted to the following uses:
- (1) For minor residential planned communities:
 - A. Retail and service uses: a maximum of five percent and limited to the permitted principal uses cited in the C-1 District regulations. No retail or service uses are permitted in a residential planned community in the E-1 District.
 - B. Common use open space and recreational areas: While a minimum percentage is not required, common use open space and recreational areas are encouraged. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas.
 - C. Residential uses: There is no maximum percentage. Residential use shall be limited to single-family and two-family dwellings, multi-family dwellings, townhouses, manufactured homes and planned senior developments. Land devoted to residential use shall be deemed to include those streets, alleys and parking and service areas which abut and service primarily the residences or groups of residences.
 - (2) For major residential planned communities:

- A. Retail and service uses: a maximum of twenty percent and limited to the permitted principal and special exception uses cited in the C-2 District regulations. No retail or service uses are permitted in a residential planned community in the E-1 District.
- B. Common use open space: a minimum of thirty percent and in accordance with the following provisions and requirements:
 - 1. Open space shall be limited to areas for recreation or the growing of trees, vegetable, field or nursery crops or for purposes of conservation of natural resources. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space.
 - 2. Recreational areas shall be limited to public and private noncommercial social and recreational areas, public and private (commercial and noncommercial) golf courses, private (noncommercial) marinas and playgrounds.
 - 3. The terms "open space" and "recreational areas" shall not include space devoted to roads and parking. Except as provided in Subsection (d)(2)B2 hereof, open space shall be free of residential, service, business or industrial structures and uses.
 - 4. Reasonable restrictions and fees may be placed upon the use of active recreation areas.
 - 5. Requirements for open space shall be as follows:
 - (i) A minimum of fifty percent of the required open space must be retained in its natural state and not used to satisfy the requirements for passive or active recreation. No more than fifty percent of this area may be private wetlands.
 - (ii) A minimum of ten percent of the required open space must be for active recreation.
 - (iii) A minimum of twenty percent of the required open space must be for passive recreation.
 - (iv) All open space and areas for active and passive recreation required by Subsection (d)(2)B5 hereof shall be dedicated, developed and perpetually protected to satisfy the requirements as contained herein.
 - 6. The Planning Commission may grant waivers to this subsection where it determines that conditions exist such that the full provisions for open space as required by this subsection are otherwise satisfied. The Planning Commission shall consider proximity to public open spaces, lot size and other appropriate factors.
- C. Residential uses: a maximum of seventy percent. Residential use shall be limited to single-family and two-family dwellings, multi-family dwellings, townhouses, manufactured homes and planned senior developments. Land devoted to residential use shall be deemed to include those streets, alleys and parking and service areas which abut and service primarily the residences or

groups of residences but may not include usable open space or recreational areas.

- (e) Residential density. The maximum number of residential units which may be permitted in a residential planned community in areas other than those designated as Growth Areas by the Land Use chapter of the Comprehensive Plan shall be as follows. Major fractions of units may be counted as a full unit.
- (1) In the E-1 District, one unit per two acres of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (2) In the V-1 District, five units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (3) In the R-1 District, one unit per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (4) In the R-2 District, four units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (5) In the R-3 District, six units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (6) In the R-4 District, eight units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (7) Land in the RP, C or CM Districts may be included within the residential planned community in accordance with Subsection (b) hereof but the acreage of such land may not be included within the total lot area used for the calculation of permitted density.
- (f) Residential planned communities in areas designated as Growth Areas by the Land Use chapter of the Comprehensive Plan. Such projects shall promote mixed-use community centers with declining density toward the perimeter of the growth area, thus creating a center, an edge and a variety of housing types in between. The average residential density shall be no less than three and one-half dwelling units per acre of the total lot area used for residential, open space and recreation purposes. The core of the growth area should provide a maximum density of up to ten dwelling units per acre and mixed uses to provide commercial services to meet the residents' and visitors' needs and various housing types. Maximum lot sizes at the growth area's core shall not exceed five thousand square feet. Residential densities shall decrease as one moves away from the core of the growth area, to a perimeter density of not more than one dwelling unit per acre. Maximum lot sizes at the growth area's perimeter shall not exceed twenty thousand square feet. A surrounding natural forested or agricultural greenway should be the outermost perimeter of the growth area in order to blend into the surrounding landscape. The densities cited herein are applicable to the growth area as a whole, not to individual parcels within the growth area. Individual projects should be reviewed relative to their placement within the growth area and how their proposed design helps achieve the growth area's design principles and densities cited herein.
- (g) Lot, road and parking requirements. For individual structures, there shall be no minimum lot area, setback, bulk, lot width, area or road frontage requirements. Such standards shall be as approved by the Planning Commission. No structure or group of structures, such as semidetached dwellings or a row of townhouses, shall be erected

within ten feet of any other structure or group of structures. The supplemental regulations contained in Subtitle ZS1:III hereof shall apply. All roads, parking areas and access points shall meet County standards. However, in those areas designated for commercial uses, the parking space dimensions of not less than sixty percent of the required parking shall measure not less than ten feet in width and eighteen feet in length. The parking space dimensions of not more than forty percent of the required parking shall measure not less than nine feet in width and eighteen feet in length.

- (h) Height regulations. Buildings and structures within two hundred feet of the development perimeter shall be limited to the maximum height permitted by the underlying zoning district. All other buildings in the residential planned community shall be limited to a maximum height of six stories and seventy feet. No accessory structure shall exceed either two stories or twenty-five feet in height.
- (i) Other regulations. In regulating the development of a residential planned community, the provisions of this section shall first apply. When a matter is not specifically regulated by this section, the other provisions of this Title and of the underlying zoning district in which the residential planned community is located shall apply.
- (j) General design standards. In order to provide for more efficient use of land, protection of the environment, more livable communities, and consistency with the Comprehensive Plan, the following design standards shall apply to all residential planned communities:
 - (1) All development plans shall first identify key environmental features and then design the development plan in such a manner as to protect and avoid disturbance of these resources. Special consideration shall be given to wetlands, forested areas, existing significant trees, floodplains, source water and aquifer recharge protection areas, areas of critical or special habitat, water bodies on the state's impaired waters list or having an established total maximum daily load requirement and other important environmental features.
 - (2) Particularly for major residential planned communities, provide clustered, mixed use (where appropriate), pedestrian-scale development, preferably taking its design guidance in terms of scale, layout, uses, architectural style and landscaping from existing County towns and villages, to allow convenient access to products and services, improve community vitality and diminish the need for vehicle trips.
 - (3) Cluster residential and commercial land uses to minimize the consumption of vacant lands, maximize open space and reduce impervious surfaces.
 - (4) Limit the use of culs-de-sac and dead-end streets and instead promote street, trail and sidewalk connectivity to reduce vehicle miles traveled and improve community walkability.
 - (5) Preserve existing forested areas and natural areas as greenways within and around developments for environmental and recreational purposes and to blend the man-made and natural environments.
- (k) Review and approval procedure.
 - (1) For minor residential planned communities: Review and approval shall take place in two steps. The first step must be completed in its entirety, including the obtaining of all necessary approvals, prior to initiating the second step.

- A. Step I concept plan approval. In this step the applicant shall submit adequate plans and other pertinent documents sufficiently addressing the required elements for review by the Technical Review Committee and Planning Commission and this submission shall constitute the residential planned community application.
1. The Step I concept plan shall include the following:
 - (i) A sketch plan at a readable scale. The submitted plan shall show contours at five-foot intervals, except where the average slope is less than three percent, in which case two-foot contours are required, all existing natural and man-made features, existing zoning, a vicinity map, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
 - (ii) A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a delineation of the one-hundred-year floodplain, and a forest stand delineation, particularly existing significant trees.
 - (iii) A conceptual schematic plan generally identifying the type, location, densities and acreage of all proposed land uses.
 - (iv) A requested land use density for the total project.
 - (v) A schematic plan generally identifying the proposed drainage pattern and potential stormwater management measures.
 - (vi) The proposed method and adequacy of wastewater disposal and potable water supply.
 - (vii) A written statement addressing the residential planned community's consistency with the Comprehensive Plan, zoning regulations and other established development policy guidelines, its topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity, efforts to adequately protect sensitive areas, the availability and suitability of vehicular access, and the availability and adequacy of water and sewer facilities.
 - (viii) Such other information as the Technical Review Committee or Planning Commission may require.
 2. The Technical Review Committee shall meet with the applicant to review the Step I concept plan and shall subsequently in writing identify areas of concern and issues to be addressed by the Planning Commission. The Technical Review Committee may solicit other agency comments prior to making its recommendation and may require additional information, studies or reports.
 3. The Planning Commission shall then meet with the applicant to review the Step I concept plan and the Technical Review Committee's comments and recommendations. The Planning Commission shall address the areas identified by the Technical Review Committee and such other areas of concern and such requirements as it may deem necessary and

appropriate. The Planning Commission shall take action to either approve, with or without conditions, or disapprove the Step I concept plan and thus the residential planned community application. Alternatively, the Planning Commission may remand the residential planned community application back to the Technical Review Committee for further review and refinement and then subsequently consider and act upon the revised application. The Planning Commission's findings and decision shall be made in writing and made a part of the record. Once the Planning Commission has approved the Step I concept plan, the applicant may proceed with seeking approval of the Step II implementation plan.

- B. Step II implementation plan. This step shall guide the project through the customary subdivision process as prescribed in Title 2 of this Article or the site plan review process as prescribed in § ZS 1-325 hereof, as appropriate.
1. The Step II implementation plan consists of detailed subdivision plats or site plans which shall be submitted for review and approval in the manner specified in the subdivision and site plan regulations as applicable. All such plats or plans shall conform to Step I concept plan approvals. The Technical Review Committee or Planning Commission may request such information and details on the plats or plans as is determined necessary. Any construction shall comply with the approved Step II implementation plan.
 2. Requirements relative to action by the Planning Commission on the Step II implementation plan shall be those specified in the subdivision or site plan regulations as applicable.
 3. Expiration of subdivision plats or site plans approved as part of the Step II implementation plan shall be as prescribed in Title 2 of this Article or in § ZS 1-325 hereof, respectively. In the event of the expiration of the Step II approval, all previous residential planned community approvals, including the Step I concept plan approval, are rendered null and void.



(2) For major residential planned communities: Review and approval shall take place in three sequential steps. Each step must be completed in its entirety, including the obtaining of all necessary approvals, prior to initiating the next step.

A. Step I concept plan approval. In this step the applicant shall submit adequate plans and other pertinent documents sufficiently addressing the required elements for review by the Technical Review Committee, Planning Commission and the County Commissioners and this submission shall constitute the residential planned community application.

1. The Step I concept plan shall include the following:
 - (i) A sketch plan at a readable scale. The submitted plan shall show contours at five-foot intervals, except where the average slope is less than three percent, in which case two-foot contours are required, all existing natural and man-made features, existing zoning, a vicinity map, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
 - (ii) A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a

delineation of the one-hundred-year floodplain, a forest stand delineation, greenways, areas of critical or special habitat, source water and aquifer recharge protection areas, and proposed methods for protection of important environmental features.

- (iii) A conceptual schematic plan generally identifying the type, location, densities and acreage of all proposed land uses.
- (iv) A requested land use density for the total project.
- (v) A schematic plan generally identifying the proposed drainage pattern and potential stormwater management and minimization of impervious surfaces.
- (vi) A preliminary capacity and availability analysis of water and wastewater facilities for projects proposed to be served by existing public utilities or, where new facilities are proposed to serve the project, a preliminary feasibility analysis of wastewater disposal capabilities and potable water production.
- (vii) The existing and proposed circulation patterns for vehicles, pedestrians and bicycles, both internal and external to the project, and a preliminary capacity analysis of the existing road network's ability to serve the project without undue detriment to levels of service.
- (viii) Such other information as the Technical Review Committee, Planning Commission or County Commissioners may require.
- (ix) A written statement addressing the following:
 - a. The residential planned community's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines, and with the Comprehensive Plan, zoning regulations, development policy guidelines and annexation policies of any municipality within one mile of the proposed project's boundaries.
 - b. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the residential planned community's compatibility with those land uses.
 - c. The availability and adequacy of public facilities, services and utilities to meet the needs of the residential planned community and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services.
 - d. The consistency of the residential planned community with the general design standards as contained in Subsections (j)(1) through (j)(5) hereof.
 - e.

The relationship of the residential planned community's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project.

- f. The capacity of the existing road network to provide suitable vehicular access for the residential planned community, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
 - g. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.
2. The Technical Review Committee shall meet with the applicants and shall review the residential planned community application, including the Step I concept plan and required written statement. The Technical Review Committee shall, subsequent to the meeting and review, identify areas of concern and issues to be addressed by the Planning Commission. It shall report its findings and recommendations to the applicants and to the Planning Commission in writing in a report known as the "Technical Review Committee Report." The Technical Review Committee may solicit other agency comments prior to making its report and may require additional information, studies or reports. The Technical Review Committee shall review the submission and present its report within ninety days after receipt of the applicant's submission of a complete application, unless extended by the Planning Commission.
3. The Planning Commission shall then meet with the applicant to review the submission and the Technical Review Committee Report and may as a group visit the site of the proposed project. The Planning Commission shall produce findings based on the items considered under Subsections (k)(2)A1(ix)a through (k)(2)A1(ix)g hereof. The Planning Commission shall also produce a recommendation to the County Commissioners as to approval or disapproval of the residential planned community application, which may address the areas identified in the Technical Review Committee Report and such other areas of concern and such requirements as the Planning Commission may deem necessary and appropriate to advise the County Commissioners. The Planning Commission shall submit its recommendation within ninety days after receipt of the Technical Review Committee Report, unless extended by the County Commissioners.
4. The County Commissioners shall consider the application and recommendation and hold a public hearing within ninety days of receipt of the Planning Commission's recommendation, unless extended by the County Commissioners. The hearing shall have the same procedural formalities as a map amendment as described in § ZS 1-113(c) hereof.

Notice of such public hearing shall be as required in § ZS 1-114 hereof. The County Commissioners shall review the application, Technical Review Committee Report and Planning Commission's recommendation and shall, following the public hearing, approve or disapprove the application and, if approved, establish the residential planned community floating zone. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial of the application. In granting an approval, the County Commissioners may impose conditions which shall become a part of the approval regulating the residential planned community. In addition, the County Commissioners may require independent reports of consultants, at the expense of the developer, prior to Step I concept plan approval. Any residential planned community approved by the County Commissioners must be unconditionally accepted as approved, in writing, by the applicant requesting such use within ninety days after approval by the County Commissioners. Failure to so accept, in writing, any such residential planned community so approved by the County Commissioners shall be considered a rejection and abandonment by the applicant of the approval, and thereafter any such residential planned community so approved shall be null and void and of no effect whatsoever. Any transfers of the property shall be subject to the approved plan. Step I concept plan approval by the County Commissioners shall be considered a reclassification and subject to appeal as such.

5. Step I approval shall automatically expire and terminate unless the Step II approval is obtained within one year from the date of Step I approval. The County Commissioners may extend the Step I approval for a maximum of one additional year, provided the one-year extension is requested not less than sixty days prior to the expiration of the Step I approval and granted prior to expiration as well.

B. Step II master plan approval. Upon completion of Step I, an applicant shall develop and submit to the Technical Review Committee and the Planning Commission a detailed plan which shall serve as a master plan for the entire project and which shall be in accordance with the Step I approval.

1. The applicant shall meet with the Technical Review Committee and Planning Commission in that order. The Planning Commission shall have the authority to approve or disapprove the application.
2. The master plan shall conform to the regulations as set forth in this Title and include any details and specifications as may be required by the Technical Review Committee and the Planning Commission. The master plan shall include, at a minimum, the following:
 - (i) An accurate topographic and boundary line survey of the project site, including the survey location of the perimeter of all forested areas, existing significant trees, the one-hundred-year floodplain line, the Critical Area boundary line, where applicable, the tidal and nontidal wetland lines and their buffers, location of important habitat or sensitive areas, and source water and aquifer recharge areas and a location map showing its relationship to surrounding properties.

- (ii) Proposed extent of forest clearing, wetland and buffer impacts, Critical Area buffer impacts or variances, and the proposed percentage of impervious area.
- (iii) The use, type, size and location of proposed structures, particularly with regard to the provision of mixed uses and clustering.
- (iv) The general size, arrangement and location of any lots and proposed building groups.
- (v) The pattern of existing and proposed access points, public and private roads, vehicular travelways, parking, pedestrian and bicycle paths, internal and external circulation and connectivity, particularly to surrounding residential, commercial and recreational development and uses, and the intended design and construction standards.
- (vi) The general location, type and size of proposed landscaping.
- (vii) The location of existing and proposed water and wastewater facilities, including how and when such facilities are to be provided.
- (viii) Architectural drawings, elevations, sketches or models illustrating the general design, character and pedestrian-scale of the proposed structures and a written description of how they relate to the architectural style and landscape design in the existing County towns, villages, and surrounding development.
- (ix) The general location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, community centers, libraries, fire stations and park sites, and any open space to be owned and maintained by a property owners' association. Areas proposed for active and passive recreation shall be shown, along with a description of the facilities and equipment to be provided in these areas.
- (x) The existing topography and drainage pattern and the proposed stormwater management system showing basic topographic changes.
- (xi) Statistical data on the total size of the project area, density computations, proposed number of residential units by type, compliance with area limitations and requirements for uses, area in streets, area in parking and parking tabulation and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- (xii) A detailed time schedule for the implementation and construction of the development and, if appropriate, a plan for phasing the construction of the residential planned community, showing the general geographical coverage of future plats or plans, their approximate sequence of submission, each of which must meet pertinent requirements either on their own or in conjunction with prior phases.

3. The Technical Review Committee will meet with the applicant and review the Step II master plan and any associated documents. The Technical Review Committee shall, within ninety days after the submission of a complete application, submit its written findings and recommendation to the Planning Commission. In the review of the application, the Technical Review Committee and, subsequently, the Planning Commission shall be guided by the standards set forth in this Title and principles of good planning and shall also give consideration to whether:
 - (i) The plans for the development fulfill the goals and objectives and comply with the recommendations of the Comprehensive Plan and are compatible with and complement the character and nature of existing and anticipated development in the vicinity of the proposed development.
 - (ii) The design of the development will, as its first priority, protect to the greatest extent feasible existing forested areas and greenways, floodplains, the Critical Area, where applicable, tidal and nontidal wetlands, sensitive areas or special habitats, and source water and aquifer recharge areas.
 - (iii) The residential planned community's design lends itself to a clustered, pedestrian scaled development, providing mixed uses where appropriate, and is in keeping with the scale, layout, uses, architectural style and landscape design of existing County towns and villages and blends the natural and built environments.
 - (iv) The residential planned community's design minimizes impervious surfaces and the consumption of vacant lands while maximizing open space.
 - (v) The project's layout and design promote street, trail and sidewalk connectivity within the project and to and through adjoining properties and neighborhoods.
 - (vi) The types and extent of uses and structures in the project will not adversely affect the future development or value of undeveloped neighboring areas or the use, maintenance and value of neighboring areas already developed.
 - (vii) The development will secure for the residents of the County a development which is consistent with the Comprehensive Plan and which is compatible with and complementary to established development in the County.
4. The Planning Commission will meet with the applicant and review the Step II master plan, any associated documents and the Technical Review Committee's recommendations. In its review, the Planning Commission is empowered to request any changes or additional information that it may deem necessary. Following its review, the Planning Commission shall either approve or disapprove the application. In the case of disapproval, the Planning Commission shall present the applicant with a written report of its findings, including the reasons for disapproval. In the case of approval, the Planning Commission may attach conditions concurrent

with the approval of the residential planned community and impose time limits on the development.

5. Substantial modification of the plan, as determined by the Department, may only be processed as a new Step II master plan in accordance with the provisions hereof and shall require Planning Commission review and action. Any significant modification to the detailed time schedule will require Planning Commission approval upon a showing of reasonable cause by the developer filed in writing. Minor modifications to the Step II master plan may be approved by the Department when limited to the layout, road alignment, landscaping, and stormwater management. Other amendments to the Step II approval and any conditions which may be imposed thereon may be granted by the Planning Commission upon the request of the applicant. Changes in the density or bulk of the residential planned community's structures may only be approved by the County Commissioners as an amendment to the approved Step I concept plan after a duly advertised public hearing where they determine the change to be of such significance that a public hearing is necessary.
 6. Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a particular project may be cause for cancellation of the approval for said project.
 7. All approvals shall be in writing. An applicant may withdraw an application for a residential planned community at any time within sixty days after Step II master plan approval. In the event of withdrawal, the Step I concept plan and Step II master plan approvals shall be rendered null and void.
 8. Step III implementation plan approval must be obtained within three years from the date of the Step II master plan approval or the Step I concept plan and Step II master plan approvals shall automatically expire. Provided that a request for extension is made in writing no less than sixty days prior to the expiration, the Planning Commission may grant a single one-year extension to the Step II master plan approval. For the purposes of this subsection, Step III implementation plan approval shall be construed to be obtaining the approval of final plats or site plans, as appropriate, for no less than twenty percent of the residential units or residential lots in the residential planned community.
 9. The Department shall delineate and designate approved residential planned communities on the Official County Zoning Maps for informational and reference purposes.
- C. Step III implementation plan approval. This step shall guide the project through the customary subdivision process as prescribed in Title 2 of this Article or the site plan review process as prescribed in § ZS 1-325 hereof, as appropriate, and the project shall be subject to all procedures and requirements as contained therein. All subdivision plats, site plans or other necessary documents submitted as part of the Step III implementation plan shall be in accordance with the approved Step II master plan.
1. Detailed implementation plans consisting of subdivision plats or site plans, as appropriate, shall be submitted to the Technical Review

Committee and Planning Commission for review and approval. All such plans shall conform to the approved Step II master plan.

2. Construction shall not commence until all required approvals and permits have been obtained and all construction must be conducted in accordance with the approved subdivision plats, site plans or other necessary documents that serve as the approved Step III implementation plan.
 3. Limitations on review time and the expiration of subdivision plats or site plans approved as part of Step III implementation plan shall be as prescribed in Title 2 of this Article or in § ZS 1-325 hereof, respectively. In the event of the expiration of the Step III implementation plan approval, all previous residential planned community approvals, including the Step I concept plan and Step II master plan, are rendered null and void.
- (l) Appeals. There shall be but one opportunity for appeal to the Circuit Court from a decision of the County Commissioners or Planning Commission under this section. That appeal shall be from the action of the County Commissioners or Planning Commission in granting, conditioning or denying the Step I concept plan application for a major or minor residential planned community, respectively, and shall be subject to appeal in the same manner as a map amendment.



20

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER
ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
JOSEPH M. MITRECIĆ, PRESIDENT
THEODORE J. ELDEH, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND
21863-1195

May 20, 2020

FAXED
5/20/20 @ 6:47pm

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

Please print the attached Notice of Introduction of Bill 20-4 in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on May 28, 2020 and June 11, 2020. Thank you.

NOTICE OF INTRODUCTION OF BILL 20-4 WORCESTER COUNTY COMMISSIONERS

Take Notice that Bill 20-4 (Natural Resources - Forest Conservation Law) was introduced by Commissioners Nordstrom and Purnell on May 19, 2020.

A fair summary of the bill is as follows:

§ NR 1-413(c). (Repeals and reenacts this subsection of the Worcester County Forest Conservation Law regarding the amount of payment in lieu of afforestation and reforestation to require a person subject to this law to demonstrate to the satisfaction of the Board of Zoning Appeals that they are unable to accomplish afforestation or reforestation onsite or offsite before they shall be permitted to contribute money into the Forest Conservation Fund; and establishes a rate of thirty cents per square foot for payments in lieu of afforestation and reforestation for projects located within a priority funding area, and 120 percent of the aforesaid rate for projects located outside a priority funding area.)

§ NR 1-413(d). (Adds a new subparagraph 2 to this subsection of the Worcester County Forest Conservation Law regarding the use of payments in lieu of afforestation and reforestation to require that the County must reforest or afforest the equivalent number of acres for which the payment in lieu is contributed within the greater of 2 years or 3 growing seasons after receipt of the payment; and provides that any funds not used for said purposes shall be returned to the person who contributed the payment in lieu.)

§ NR 1-416(a)(1). (Adds a new subparagraph F to this subsection of the Worcester County Forest Conservation Law regarding the power of the Board of Zoning Appeals to provide that an adjustment of or exception to the terms of this Subtitle shall not be granted unless the applicant has demonstrated that appropriate credits generated by a forest mitigation bank in the County or watershed are not available before an applicant may pay money into the Forest Conservation Fund.)

A Public Hearing

will be held on Bill 20-4 at the Commissioners' Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland, on Tuesday, June 16, 2020 at 11:00 a.m.

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103, is available for public inspection in Room 1103 of the Worcester County Government Center once County Government Offices are opened to the public. In the interim, a full copy of the bill is available on the County Website at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-4

BY: Commissioners Nordstrom and Purnell

INTRODUCED: May 19, 2020

A BILL ENTITLED

AN ACT Concerning

Natural Resources - Forest Conservation Law

For the purpose of amending the Worcester County Forest Conservation Law to comply with revisions to the Maryland Forest Conservation Act adopted by the Maryland General Assembly in 2019.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-413(c) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (c) Amount of payment. If a person subject to this ordinance demonstrates to the satisfaction of the Department or Board of Zoning Appeals that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished, the person shall contribute money into the Forest Conservation Fund. Such payment must be received by the County Commissioners prior to recordation of a subdivision plat, approval of a site plan, or issuance of a grading permit or sediment control permit for the subject area. The payment will be calculated as follows:
- (1) For a project located inside a priority funding area, at a rate of 30 cents per square foot, which may be adjusted for inflation as determined by annual State regulation, of the area of required planting; or
 - (2) For a project located outside a priority funding area, at a rate that is 20 percent higher than the rate set under NR 1-413(c)(1) hereof, of the area of required planting.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-413(d) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (d) Use of payments.
- (1) All payments made to the Forest Conservation Fund pursuant to this

section shall be used by the County Commissioners only on the costs directly related to reforestation and afforestation projects, including site acquisition and preparation, maintenance of existing forests and achieving urban canopy goals. However no more than ten percent of said payments may be used for the purchase of equipment necessary to accomplish reforestation and afforestation.

- (2) The Department must accomplish the reforestation or afforestation for the equivalent number of acres for which the money is deposited within 2 years or 3 growing seasons, whichever is a greater time period, after the receipt of the money. Any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-416(a)(1) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland regarding the power to grant adjustments and exceptions be repealed and reenacted to read as follows:

(a) Power to grant.

- (1) The Board of Zoning Appeals may grant, upon specific appeal, such adjustments of and exceptions to the requirements of this Subtitle as will not be contrary to the purposes hereof, where, owing to special or unique conditions, a literal enforcement of the provisions of this Subtitle would result in unnecessary hardship. An adjustment of or exception to the terms of this Subtitle shall not be granted unless the applicant has demonstrated each of the following:
 - A. Specifically how the unwarranted hardship would be caused;
 - B. How enforcement of this Subtitle will deprive the applicant of rights commonly enjoyed by others;
 - C. How the case, which is subject to the appeal, is unique and what special conditions apply;
 - D. How the intent of the Subtitle will be satisfied;
 - E. How the adjustment or exception may not adversely affect water quality; and
 - F. That appropriate credits generated by a forest mitigation bank in the County or watershed are not available before an applicant may pay money into the Forest Conservation Fund.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2020..

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

4. A maintenance agreement for a period of at least two years, describing how the areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:
 - i. Watering;
 - ii. Reinforcement planting provision if survival rates fall below required standards, as set forth in the Worcester County Forest Conservation Manual;
 - iii. Provisions for access by the department to the afforestation or reforestation site; and
 - iv. Such guaranty as required by § NR 1-415 hereof.
 5. A copy of the property's deed.
 6. Title information demonstrating the ability to enter into a forest mitigation banking easement and to provide sufficient access to the property for inspection purposes.
 7. A description of a forest mitigation bank credit exchange tracking system.
- (4) The owner of the proposed forest mitigation bank site and the County shall enter into a forest mitigation banking agreement that includes:
- A. The approved afforestation or reforestation plan;
 - B. A system for marking and tracking debited portions of the bank; and
 - C. An easement, deed restriction or covenant which requires the subject land to remain forested in perpetuity and to be used in a manner consistent with forest conservation as described in the Worcester County Forest Conservation Manual; and
 - D. A statement that the bank may not debit any portion of the forested land until at least two years of successful growth has been achieved unless:
 1. The property owner has planted twenty-five percent more area than the area of the debited tract; and
 2. The property owner has posted a bond or alternate form of security with the department.

§ NR 1-413. Payment in lieu of afforestation and reforestation.

- (a) Forest Conservation Fund. The County Commissioners shall establish, by resolution, a Forest Conservation Fund, which shall be managed in accordance with the County Financial Management Rules. Payments made to the fund shall be used only for the purpose authorized by this Subtitle and may not revert to the general fund of the county.

- (b) Exception required. A person required to afforest or reforest may apply for an exception or adjustment pursuant to § NR 1-416 herein to allow for payment to the Forest Conservation Fund in lieu of any or all required acres of afforestation or reforestation.
- (c) Amount of payment. The County Commissioners shall establish a schedule of the amount of required payment, on a per acre basis, based upon the value of nearby land and the estimated cost of performing the reforestation or afforestation planting and maintenance. Such payment must be received by the County Commissioners prior to recordation of a subdivision plat, approval of a site plan, or issuance of a grading permit or sediment control permit for the subject area.
- (d) Use of payments. All payments made to the Forest Conservation Fund pursuant to this section shall be used by the County Commissioners only on the costs directly related to reforestation and afforestation projects, including site acquisition and preparation, maintenance of existing forests and achieving urban canopy goals. However no more than ten percent of said payments may be used for the purchase of equipment necessary to accomplish reforestation and afforestation. [Amended 1-18-2011 by Bill No. 10-1]
- (e) Project location. The County Commissioners shall determine suitable and desirable reforestation and afforestation project sites which may include existing or planned county park land.

§ NR 1-414. Standards for reforestation and afforestation. [Amended 6-18-2002 by Bill No. 02-7]

- (a) Tree species and planting techniques. Tree species used for afforestation or reforestation shall be native to Worcester County and selected from a list of approved species as set forth in the Worcester County Forest Conservation Manual. Planting techniques and maintenance of trees planted shall be as established in the Worcester County Forest Conservation Manual.
- (b) Hierarchy of priorities for location. The hierarchy of priorities for location of afforestation and reforestation areas is as follows:
- A. Of highest priority shall be those areas within fifty feet of the mean high tide line of the coastal bays and their tributaries and within fifty feet of tidal wetlands.
 - B. Of second priority shall be those areas within fifty feet of nontidal wetlands and intermittent and perennial streams; those areas within one-hundred-year floodplains, steep slopes, and critical habitats; those areas suitable to establish or enhance corridors (three hundred feet in width if practical) to connect existing forests; and those areas suitable to increase the size of existing forests.
 - C. Of third priority are areas within land use buffers.
 - D. Of lowest priority are other areas as determined by the department.
- (c) Street trees. Street trees may be used in a municipal corporation with a tree management plan, in an existing population center designated in the County Master Plan, or in any other designated area approved by the department as part of a local program. Such use of

(g) Perpetual protective agreements.

- (1) Any person required to retain, reforest or afforest shall enter into a perpetual protective agreement to ensure that the forest retained or planted shall be protected against clearing.
- (2) The department may accept as a protective agreement any one of the following which, in the determination of the County Commissioners, ensures compliance with the intent of this Subtitle.
 - A. State Forest Conservation Management Agreement as established in the Tax Property Article of the Annotated Code of Maryland.
 - B. Any forest or tree conservation program or reforestation program established under the Natural Resources Article of the Annotated Code of Maryland.
 - C. An agreement in a form required by the County Commissioners.

(h) Right of entry. Forest conservation plans, short term management agreements and perpetual protective agreements shall include such rights of entry and easements to ensure compliance therewith and with this Subtitle as the County Commissioners may reasonably require.

§ NR 1-416. Adjustments and exceptions.

(a) Power to grant.

- (1) The Board of Zoning Appeals may grant, upon specific appeal, such adjustments of and exceptions to the requirements of this Subtitle as will not be contrary to the purposes hereof, where, owing to special or unique conditions, a literal enforcement of the provisions of this Subtitle would result in unnecessary hardship. An adjustment of or exception to the terms of this Subtitle shall not be granted unless the applicant has demonstrated each of the following:
 - A. Specifically how the unwarranted hardship would be caused;
 - B. How enforcement of this Subtitle will deprive the applicant of rights commonly enjoyed by others;
 - C. How the case, which is subject to the appeal, is unique and what special conditions apply;
 - D. How the intent of the Subtitle will be satisfied; and
 - E. How the adjustment or exception may not adversely affect water quality.
- (2) The exception or adjustment may not be based upon conditions or circumstances which are a result of actions of the applicant. The condition or circumstances for which the adjustment or exception is granted shall not be one that would be reasonably addressed under legislation of general applicability consistent with the intent of this Subtitle. The Board of Zoning Appeals may not exempt any person



Worcester County
Department of Environmental Programs

Introduced as
Bill 20-4, Public Hearing
on June 16, 2020

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEIIS 
Director, Environmental Programs

Subject: Text Amendment – Worcester County Forest Conservation Code
Local Forest Conservation Funds

Date: May 11, 2020

APPROVED
Worcester County Commissioners

Date 4th 5/19/20

During the 2019 legislative session the Maryland General Assembly passed Chapter 602 (Sections § 5-1610 and § 5-1613 of the Natural Resources Article, Annotated Code of Maryland) made changes to the Maryland Forest Conservation Act and these changes necessitate changes to local governments' forest conservation programs. This Department is submitting this text amendment to provide the necessary changes to our local code to be compliant with the updated law.

The state bill makes specified changes relating to local forest conservation funds under the Forest Conservation Act (FCA), requiring (1) a demonstration of the unavailability of appropriate credits generated by a forest mitigation bank in the same county or watershed before a payment is made into the funds; (2) specified mitigation plans and detailed accounting procedures for local forest conservation funds; (3) assurance of mitigation of the equivalent number of acres for which money is collected and paid into a local forest conservation fund; and (4) inclusion, in an existing annual report, of acreage information relating to fees collected by the funds.

As indicated, in the attached memorandum from Jenelle Gerthoffer, Natural Resources Administrator, staff has reviewed the proposed amendment and drafted the text amendment language. I have completed minor revisions to the bill in communication with the County Attorney.

As reviewed and renovated, Environmental Programs staff gives this amendment a favorable recommendation and finds that the text change is consistent with the intentions of our local Forest Conservation Code and state law. The state legislation requires these changes to be made and this

Department has previously reported to the state our local mitigation plan and account procedures relative to these changes.

Attached you will find a copy of the entire application package and a draft paper copy of the proposed amendment in Bill form. An electronic version of the draft legislation has been transmitted to your office for your convenience should one of the County Commissioners wish to introduce the amendment at the upcoming legislative session on April 21, 2020. A draft advertisement has similarly been drafted for publication with an electronic version to County Administration.

Both Ms. Gerthoffer and I will be available to discuss the proposal with you and the County Commissioners at your convenience. In the interim please do not hesitate to contact me should you have any questions or require additional information.

Attachments

cc: Roscoe Leslie
David Bradford
Jenelle Gerthoffer



Worcester County
Department of Environmental Programs
Natural Resources Division

Memorandum

To: Robert Mitchell, Director, Environmental Programs
From: Jenelle Gerthoffer, Natural Resources Administrator (JG)
Subject: Text Amendment to the Worcester County Forest Conservation Code
Date: April 21, 2020

As adopted by Maryland Department of Natural Resources (DNR), Senate Bill 234 provided changes to the Forest Conservation Law. These changes include the demonstration of the unavailability of forest mitigation bank credits, procedures and assurance of mitigation, and an update to the Fee in Lieu rates. These updates will be added to § NR 3-102 (d), Worcester County Code page NR 3: I: 31-32. In addition, a new definition is proposed to be added to § NR 3-102 (a), Worcester County Code page NR 3: I: 6-16.

A. Proposed revised text, addition (underlined text) or deletion (strikethrough text):

§ NR 1-413(c). Amount of payment. ~~The County Commissioners shall establish a schedule of the amount of required payment, on a per acre basis, based upon the value of nearby land and the estimated cost of performing the reforestation or afforestation planting and maintenance.~~ If a person subject to this ordinance demonstrates to the satisfaction of the Department, or Board of Zoning Appeals, that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished, the person shall contribute money into the Forest Conservation Fund. Such payment must be received by the County Commissioners prior to recordation of a subdivision plat, approval of a site plan, or issuance of a grading permit or sediment control permit for the subject area.

(1) For a project located inside a priority funding area, at a rate of 30 cents per square foot, or at a rate adjusted for inflation as determined by annual State regulation, of the area of required planting; or

(2) For a project located outside a priority funding area, at a rate of 36 cents per square foot, or at a rate that is 20 percent higher than the rate set under NR 1-413(c)(a), of the area of required planting.

Citizens and Government Working Together

§ NR 1-413 (d). Use of payments. All payments made to the Forest Conservation Fund pursuant to this section shall be used by the County Commissioners only on the costs directly related to reforestation and afforestation projects, including site acquisition and preparation, maintenance of existing forests and achieving urban canopy goals. However no more than ten percent of said payments may be used for the purchase of equipment necessary to accomplish reforestation and afforestation. [Amended 1-18-2011 by Bill No. 10-1]

(1) The Department must accomplish the reforestation or afforestation for the equivalent number of acres for which the money is deposited within 2 years or 3 growing seasons, whichever is a greater time period, after the receipt of the money. Any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money.

§ NR 1-416 (d)(1). Adjustments and exceptions. The Board of Zoning Appeals may grant, upon specific appeal, such adjustments of and exceptions to the requirements of this Subtitle as will not be contrary to the purposes hereof, where, owing to special or unique conditions, a literal enforcement of the provisions of this Subtitle would result in unnecessary hardship. An adjustment of or exception to the terms of this Subtitle shall not be granted unless the applicant has demonstrated each of the following:

(F) Demonstrate that appropriate credits generated by a forest mitigation bank in the same County or watershed are not available before an applicant may pay money into the Forest Conservation Fund.

B. Reasons as to why the text amendment or text change is necessary and therefore requested:

All changes are being proposed pursuant to Senate Bill 234. This bill requires these changes to be made, in addition to requiring additional information on annual audit reports completed by this Department. Also, as part of Senate Bill 234, the Department submitted a general mitigation plan and accounting procedures for the Forest Conservation fee in lieu fund to the Department of Natural Resources

As per NR 1-420, the Forest Conservation subtitle may be amended as require; however, all amendments are subject to approval by Maryland DNR. Prior to the amendment being reviewed by DNR, we would like to present to the County Commissioners for review and comment. If you have any further questions please let me know. I will make myself available the day that this will be presented to the Commissioners in the event any questions are raised.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-4

Add to
20

BY: Commissioners Nordstrom and Purnell

INTRODUCED: May 19, 2020

AMENDED: JUNE 16, 2020

A BILL ENTITLED

AN ACT Concerning

Natural Resources - Forest Conservation Law

Strike and REPLACE
with proposed changes
by County Attorney

For the purpose of amending the Worcester County Forest Conservation Law to comply with revisions to the Maryland Forest Conservation Act adopted by the Maryland General Assembly in 2019.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-413(c) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

(c) Amount of payment. If a person subject to this ordinance demonstrates to the satisfaction of the Department ~~or Board of Zoning Appeals~~ that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE COUNTY OR THE SAME WATERSHED ARE NOT AVAILABLE, the person shall contribute money into the Forest Conservation Fund. Such payment must be received by the County Commissioners prior to recordation of a subdivision plat, approval of a site plan, or issuance of a grading permit or sediment control permit for the subject area. The payment will be calculated as follows:

- (1) For a project ~~located~~ inside a priority funding area, AS DEFINED IN NATURAL RESOURCES ARTICLE § 5-1610, ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED, at a rate of 30.5 cents per square foot, ~~which may be adjusted for inflation as determined by annual State regulation;~~ of the area of required planting WHICH MAY BE ADJUSTED FOR INFLATION AS DETERMINED BY ANNUAL STATE REGULATION; or
- (2) For a project ~~located~~ outside a priority funding area, at a rate that is 20 percent higher than the rate set under NR 1-413(c)(1) hereof, of the area of required planting.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-413(d) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

(d) Use of payments.

- (1) All payments made to the Forest Conservation Fund pursuant to this section shall be used by the County Commissioners only on the costs directly related to reforestation and afforestation projects, including site acquisition and preparation, maintenance of existing forests and achieving urban canopy goals. However no more than ten percent of said payments may be used for the purchase of equipment necessary to accomplish reforestation and afforestation.
- (2) The Department must accomplish the reforestation or afforestation for the equivalent number of acres for which the money is deposited within 2 years or 3 growing seasons, whichever is a greater time period, after the receipt of the money. Any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money.

~~Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection NR 1-416(a)(1) of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland regarding the power to grant adjustments and exceptions be repealed and reenacted to read as follows:~~

~~(a) Power to grant.~~

- ~~(1) The Board of Zoning Appeals may grant, upon specific appeal, such adjustments of and exceptions to the requirements of this Subtitle as will not be contrary to the purposes hereof, where, owing to special or unique conditions, a literal enforcement of the provisions of this Subtitle would result in unnecessary hardship. An adjustment of or exception to the terms of this Subtitle shall not be granted unless the applicant has demonstrated each of the following:~~
 - ~~A. Specifically how the unwarranted hardship would be caused;~~
 - ~~B. How enforcement of this Subtitle will deprive the applicant of rights commonly enjoyed by others;~~
 - ~~C. How the case, which is subject to the appeal, is unique and what special conditions apply;~~
 - ~~D. How the intent of the Subtitle will be satisfied;~~

~~_____ E. How the adjustment or exception may not adversely affect water quality; and~~

~~_____ F. That appropriate credits generated by a forest mitigation bank in the County or watershed are not available before an applicant may pay money into the Forest Conservation Fund.~~

Section 4 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

Chapter 602

(Senate Bill 234)

AN ACT concerning

Natural Resources – State and Local Forest Conservation Funds

FOR the purpose of requiring a person that is subject to the Forest Conservation Act to demonstrate that appropriate credits generated by a forest mitigation bank in the same county or watershed are not available before the person may pay money to a State or local forest conservation fund to meet any afforestation or reforestation requirements; requiring a local authority that has established a forest conservation fund to provide to the Department of Natural Resources a certain plan ~~for~~ identifying areas for mitigation projects and certain accounting procedures to track money into and out of the fund; requiring that local forest conservation fund mitigation plans and accounting procedures be made available to the public; prohibiting a local authority from collecting money for deposit into its forest conservation fund unless it has ~~identified afforestation, reforestation, or conservation projects sufficient to provide full mitigation~~ submitted to the Department ~~a certain~~ the mitigation plan and accounting procedures; requiring a local authority to ensure that ~~acres~~ a certain amount ~~the equivalent number of acres~~ for which money is collected and paid into its local forest conservation fund is ~~fully~~ mitigated in accordance with certain provisions of law; altering the information that the Department is required to include in its annual report to certain committees of the General Assembly under the Forest Conservation Act; providing for the application of this Act; making a certain technical correction; and generally relating to State and local forest conservation funds.

BY repealing and reenacting, with amendments,

Article – Natural Resources
 Section 5–1610 and 5–1613
 Annotated Code of Maryland
 (2018 Replacement Volume)

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

Article – Natural Resources

5–1610.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Fund” means the Forest Conservation Fund.

(3) "Priority funding area" has the meaning stated in § 5-7B-02 of the State Finance and Procurement Article.

(b) There is a Forest Conservation Fund in the Department.

(c) Except as provided in subsection (h) of this section, if any person subject to this subtitle demonstrates to the satisfaction of the appropriate State or local authority that the requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished **AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE**, the person shall contribute money to the Fund:

(1) On or before September 30, 2014:

(i) For a project inside a priority funding area, at a rate of 30 cents per square foot of the area of required planting; and

(ii) For a project outside a priority funding area, at a rate of 36 cents per square foot of the area of required planting; and

(2) After September 30, 2014:

(i) For a project inside a priority funding area, at a rate adjusted for inflation as determined by the Department annually by regulation; and

(ii) For a project outside a priority funding area, at a rate that is 20% higher than the rate set under item (2)(i) of this subsection.

(d) Money collected by the State or a local authority under § 5-1608(c) or § 5-1612 of this subtitle for noncompliance with this subtitle or regulations adopted under this subtitle or for noncompliance with a forest conservation plan or the associated 2-year management agreement shall be deposited in the Fund.

(e) (1) The Department shall accomplish the reforestation or afforestation for which the money is deposited within 2 years or 3 growing seasons, as appropriate, after receipt of the money.

(2) Money deposited in the Fund under subsection (c) of this section shall remain in the Fund for a period of 2 years or 3 growing seasons, and at the end of that time period, any portion that has not been used to meet the afforestation or reforestation requirements shall be returned to the person who provided the money to be used for documented tree planting in the same county or watershed beyond that required by this subtitle or other applicable statutes.

(f) (1) (i) Money deposited in the Fund under subsection (c) of this section may only be spent on reforestation and afforestation, including site identification,

acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals, and may not revert to the General Fund of the State.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(2) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, the reforestation or afforestation requirement under this subsection shall occur in the county and watershed in which the project is located.

(ii) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the State in which the project is located.

(iii) If the reforestation or afforestation cannot be reasonably accomplished in the county or watershed in which the project is located, then the reforestation or afforestation shall be accomplished through purchase of credits in, establishment, or maintenance of a forest mitigation bank in accordance with regulations of the Department. The Reforestation Fund may not be used to finance administrative activities associated with a mitigation bank and any credits created by the Reforestation Fund may not be sold to compensate for additional forest impacts.

(g) Money deposited in the Fund under subsection (d) of this section may be used by the Department for the purpose of implementing this subtitle.

(h) (1) In lieu of a State Forest Conservation Fund, any local authority with an approved forest conservation program may establish a forest conservation fund, to be administered by the local authority, to allow a payment by any person who has demonstrated to the satisfaction of the local authority that [the]:

(I) THE requirements for reforestation and afforestation on-site and off-site cannot be reasonably accomplished; AND

(II) APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE.

(2) (i) Subject to subparagraph (ii) of this paragraph, the rates shall be:

1. For a project inside a priority funding area, at least the same as the rates established for the State Forest Conservation Fund under subsection (c) of this section; and

2. For a project outside a priority funding area, 20% higher than the rates established under item 1 of this subparagraph.

(ii) Subject to subparagraph (iii) of this paragraph, if a local jurisdiction establishes rates for projects that are higher than the minimum rates established under subsection (c) of this section, the local authority may use a rate for a project:

1. Inside a priority funding area that is 20% lower than the rate calculated under subparagraph (i)2 of this paragraph; or

2. Outside a priority funding area that is 20% higher than the rate calculated under subparagraph (i)1 of this paragraph.

(iii) The rate established under subparagraph (ii)1 of this paragraph for a project inside a priority funding area may not be lower than the rate established for the State Forest Conservation Fund under subsection (c) of this section.

(H-1) (1) A LOCAL AUTHORITY THAT HAS AN ESTABLISHED FOREST CONSERVATION FUND SHALL PROVIDE TO THE DEPARTMENT:

(I) A GENERAL PLAN ~~FOR~~ IDENTIFYING APPROPRIATE AND POTENTIALLY AVAILABLE AREAS FOR MITIGATION PROJECTS; AND

(II) DETAILED ACCOUNTING PROCEDURES FOR ACCURATELY TRACKING MONEY RECEIVED INTO AND EXPENDED OUT OF THE FOREST CONSERVATION FUND.

(2) LOCAL FOREST CONSERVATION FUND MITIGATION PLANS AND ACCOUNTING PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC.

(i) (1) Money deposited in the local forest conservation fund under subsection (h) of this section may only be spent on reforestation and afforestation, including the costs directly related to site identification, acquisition, prepurchase, and preparation, maintenance of existing forests, and achieving urban canopy goals, and may not revert to any other local general fund.

(2) (i) Except as provided in subparagraph (ii) or (iii) of this paragraph, the reforestation or afforestation requirement under this subsection shall occur in the county and watershed in which the project is located.

(ii) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the State in which the project is located.

(iii) If the reforestation or afforestation cannot be reasonably accomplished in the county or watershed in which the project is located, then the

reforestation or afforestation shall be accomplished through purchase of credits in, establishment, or maintenance of a forest mitigation bank in accordance with regulations of the local forest conservation program. The Reforestation Fund may not be used to finance administrative activities associated with a mitigation bank and any credits created by the Reforestation Fund may not be sold to compensate for additional forest impacts.

(3) A LOCAL AUTHORITY, CONSISTENT WITH § 5-1606 OF THIS SUBTITLE:

(I) MAY NOT COLLECT MONEY FOR DEPOSIT INTO ITS FOREST CONSERVATION FUND UNLESS THE LOCAL AUTHORITY HAS ~~IDENTIFIED AFFORESTATION, REFORESTATION, OR CONSERVATION PROJECTS SUFFICIENT TO PROVIDE THE FULL MITIGATION ACREAGE REQUIRED FOR THE UNDERLYING DEVELOPMENT PROJECT SUBMITTED TO THE DEPARTMENT THE GENERAL MITIGATION PLAN AND ACCOUNTING PROCEDURES REQUIRED UNDER SUBSECTION (H-1) OF THIS SECTION;~~ AND

(II) SHALL ENSURE THAT ~~THE ACREAGE AN EQUAL THE EQUIVALENT~~ NUMBER OF ACRES FOR WHICH MONEY IS COLLECTED AND PAID INTO ITS FOREST CONSERVATION FUND IS ~~FULLY~~ MITIGATED IN ACCORDANCE WITH AFFORESTATION, REFORESTATION, AND CONSERVATION PRIORITIES AND TECHNIQUES AUTHORIZED UNDER § 5-1607 OF THIS SUBTITLE.

(j) Money collected by the local authority under § 5-1608(c) of this subtitle for noncompliance with this subtitle or regulations or ordinances adopted under this subtitle for noncompliance with a forest conservation plan or the associated 2-year management agreement shall be deposited in the local fund. The rate shall be 30 cents per square foot of the area found to be in noncompliance with the required forest conservation.

(k) Money deposited in a local forest conservation fund under subsection (j) of this section may be used by the local authority for purposes related to implementing this subtitle.

5-1613.

On or before September 30 of each year, the Department shall submit, subject to § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House [Environmental Matters] ENVIRONMENT AND TRANSPORTATION Committee a statewide report, compiled from local authorities' reports to the Department, on:

(1) The number, location, and type of projects subject to the provisions of this subtitle;

(2) The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the 100 year floodplain, in connection with a development project;

(3) The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **THE NUMBER OF ACRES FOR WHICH THE FEES WERE COLLECTED, AND THE NUMBER OF ACRES REFORESTED, AFFORESTED, OR CONSERVED USING THE FEES;**

(4) The costs of implementing the forest conservation program;

(5) The size, location, and protection of any local forest mitigation banks which are created under a local or State program;

(6) The number, location, and type of violations and type of enforcement activity conducted in accordance with this subtitle; and

(7) To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any money deposited into the Forest Conservation Fund or a local forest conservation fund before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.

State Model Ordinance

C. The following are considered a priority for afforestation and reforestation:

- (1) Those techniques that enhance existing forest and involve selective clearing or supplemental planting on-site;
- (2) On-site afforestation or reforestation where the retention options have been exhausted, using methods selected in accordance with Subsection F of this section, and the location being selected in accordance with this subsection;
- (3) Off-site afforestation or reforestation in the same watershed or in accordance with an approved master plan where the applicant has demonstrated that no reasonable alternative on-site exists, or where:
 - (a) Any on-site priority areas for afforestation or reforestation have been planted in accordance with this subsection; and
 - (b) The applicant has justified to the Department's satisfaction that environmental benefits associated with off-site afforestation or reforestation exceed those derived from on-site planting.

D. In the cases cited in Subsection C of this section, the method shall be selected in accordance with Subsection F of this section and the location shall be selected in accordance with Subsection C of this section.

E. Off-site afforestation or reforestation may include the use of forest mitigation banks which have been so designated in advance by the Department.

F. Standards for meeting afforestation or reforestation requirements shall be established using one or more of the following methods:

- (1) Establish or enhance forest buffers adjacent to intermittent and perennial streams, and coastal bays and their buffers, to widths of at least 50 feet;
- (2) Establish or increase existing forested corridors to connect existing forests within or adjacent to the site and, where practical, forested corridors should be a minimum of 300 feet in width to facilitate wildlife movement;
- (3) Establish or enhance forest buffers adjacent to critical habitats where appropriate;
- (4) Establish or enhance forested areas in the 100-year floodplains;
- (5) Establish plantings to stabilize slopes of 25 percent or greater and slopes of 15 percent or greater with a soil K value greater than 0.35 including the slopes of ravines or other natural depressions;
- (6) Establish buffers adjacent to areas of differing land use when appropriate, or adjacent to highways or utility rights-of-way;
- (7) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover, when appropriate; and
- (8) Use native plant materials for afforestation or reforestation, when appropriate.

G. A person required to conduct afforestation or reforestation under this article shall accomplish it within 1 year or two growing seasons, whichever is a greater time period, following development project completion.

Article X Payment Instead of Afforestation and Reforestation.

10.1 Forest Conservation Fund.

A. There is established a forest conservation fund in the local program that meets the requirements of Natural Resources Article, §5-1610(h-1), Annotated Code of Maryland.

B. If a person subject to this Ordinance demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished and appropriate credits generated by a forest mitigation bank in the same county or watershed are not available, the person shall contribute money into the county forest conservation fund:

*

(1) For a project inside a priority funding area, as defined in Natural Resources Article, §5-1610, Annotated Code of Maryland, at a rate of 30.5 cents per square foot of the area of required planting with the amount adjusted by the Department based on the previous year's inflation rate; and

(2) For a project outside a priority funding area, at a rate of 36.6 cents per square foot of the area of required planting.

C. Money contributed instead of afforestation or reforestation under this article shall be paid within 90 calendar days after development project completion.

D. The county shall accomplish the reforestation or afforestation for the equivalent number of acres for which the money is deposited within 2 years or 3 growing seasons, whichever is a greater time period, after receipt of the money.

E. Money deposited in the local forest conservation fund:

(1) May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, preparation, maintenance of existing forests, and achieving urban canopy goals;

(2) Shall be deposited in a separate forest conservation fund; and

(3) May not revert to the general fund.

F. Sites for Afforestation or Reforestation Using Fund Money.

(1) Except as provided in Subsection G(2) of this section, the reforestation or afforestation requirement under this article shall occur in the county and watershed in which the project is located.

(2) If the reforestation or afforestation cannot be reasonably accomplished in the county and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.

G. If there is no local forest conservation fund established, a person may contribute to the State fund. The Department of Natural Resources shall determine when contribution is allowable under COMAR 08.19.02.02I.

Article X-1 Payment by Credits From a Forest Mitigation Bank.

10.1.1 Use of Forest Mitigation Bank.

A. If a person subject to this Ordinance demonstrates to the satisfaction of the Department that requirements for reforestation or afforestation onsite or offsite cannot be reasonably accomplished, the person may contribute credits from a forest mitigation bank. A credit is required for each tenth of an acre of an area of required planting.

B. The credits shall be debited from an approved forest mitigation bank within 90 calendar days after development project completion.

Article X-2 Establishing Forest Mitigation Banks.

10.1.2 Forest Mitigation Banks.

A. A person may create a forest mitigation bank from which applicants may purchase credits to meet the afforestation and reforestation requirements of this Ordinance.

B. The forest mitigation bank shall:

(1) Afforest or reforest an area of land in accordance with a forest mitigation bank agreement;

(2) Be protected by an easement, deed restrictions, or covenants which require the land in the bank to remain forested in perpetuity and are enforceable by the Department and the Department of Natural Resources;

(3) Limit the use of the land in the bank to those activities which are not inconsistent with forest conservation such as recreational activities, forest management under a forest conservation and management program under Tax-Property



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

May 20, 2020

21

HAROLD L. HIGGINS, CPA
CHIEF ADMINISTRATIVE OFFICER

ROSCOE R. LESLIE
COUNTY ATTORNEY

COMMISSIONERS
JOSEPH M. MITRECIĆ, PRESIDENT
THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
JOSHUA C. NORDSTROM
DIANA PURNELL



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

Please print the attached Notice of Introduction of Emergency Bill 20-5 in *The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today* on May 28, 2020 and June 11, 2020. Thank you.

NOTICE OF INTRODUCTION OF EMERGENCY BILL 20-5 WORCESTER COUNTY COMMISSIONERS

Take Notice that **Emergency Bill 20-5 (Zoning - Height of Manufactured and Mobile Homes)** was introduced by Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell on May 19, 2020.

A fair summary of the bill is as follows:

§ ZS 1-314. (Repeals and reenacts several subsections of the manufactured and mobile homes and manufactured and mobile home park district regulations, specifically subsections: ZS 1-314(a)(9); ZS 1-314(c)(4)A; ZS 1-314(c)(4)B; ZS 1-314(e)(2); ZS 1-314(f)(2)B.1; ZS 1-314(f)(2)B.2; and ZS 1-314(f)(2)B.3, to remove the height restriction of fifteen feet and instead to provide that any manufactured or mobile home or addition thereto shall not to exceed one story in height.)

A Public Hearing

will be held on Emergency Bill 20-5 at the Commissioners' Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland, **on Tuesday, June 16, 2020 at 11:00 a.m.**

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103, is available for public inspection in Room 1103 of the Worcester County Government Center once County Government Offices are opened to the public. In the interim, a full copy of the bill is available on the County Website at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

EMERGENCY BILL 20-5

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: May 19, 2020

AN EMERGENCY BILL ENTITLED

AN ACT Concerning

Zoning - Height of Manufactured and Mobile Homes

For the purpose of amending the Zoning and Subdivision Control Article to remove the maximum height requirement for one story manufactured and mobile homes.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-314(a)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (9) No manufactured or mobile home or addition thereto for nonresidential purposes shall exceed one story in height.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-314(c)(4)A of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- A. For any manufactured or mobile home or addition thereto not exceeding one story in height the minimum lot requirements shall be: manufactured or mobile home site area, five thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback and rear yard setback, five feet.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-314(c)(4)B of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- B. For any manufactured or mobile home or addition thereto not exceeding one story in height the minimum lot requirements shall be: manufactured or mobile home site area, six thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback, five feet; and rear yard setback, twenty feet. Furthermore, where such units are to be utilized, all roads within the manufactured or mobile home park and the incidental drainage shall comply with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Additionally, adequate easements or rights-of-way for utilities shall be provided.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-314(e)(2) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (2) A manufactured or mobile home may be placed or replaced on any previously approved manufactured or mobile home site within the park. However, where the replacement manufactured home exceeds one story in height, it must be in accordance with the provisions of Subsection (c)(4)B hereof.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-314(f)(2)B.1 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

1. Where the manufactured or mobile home or addition thereto does not exceed one story in height in a nonconforming manufactured or mobile home park, no portion of a manufactured or mobile home, excluding the tongue, shall be located closer than ten feet side to side, eight feet end to side or six feet end to end horizontally to any other manufactured or mobile home or principal building.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-314(f)(2)B.2 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

2. Where the manufactured or mobile home or addition thereto does not exceed one story in height in a conforming manufactured or mobile home park, the minimum lot requirements shall be: manufactured or mobile home site area, five thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback and rear yard setbacks, five feet.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-314(f)(2)B.3 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

3. For any manufactured or mobile home or addition thereto not exceeding one story in height the minimum lot requirements shall be: manufactured or mobile home site area, six thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback, five feet; and rear yard setback, twenty feet. Furthermore, where such units are to be utilized, all roads within the manufactured or mobile home park and the incidental drainage shall comply with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Additionally, adequate easements or rights-of-way for utilities shall be provided.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill, having been declared an Emergency Bill, shall take effect immediately upon its passage.

PASSED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

travelway or parking area by a vegetated or man-made barrier. Proposed recreational areas must be specified on the site plan for review and approval by the Planning Commission and shall be in accordance with the following ratios for the cumulative total of dwelling units within the development:

- A. For one to five dwelling units, at least one thousand square feet of recreational area shall be required.
 - B. For six to ten dwelling units, at least two thousand five hundred square feet of recreational area shall be provided.
 - C. For eleven to twenty dwelling units, at least seven thousand five hundred square feet of recreational area shall be provided.
 - D. No recreational area shall be required to exceed twenty-five percent of the total area of the development.
 - E. Any townhouse development containing greater than twenty dwelling units shall provide open space in accordance with the provisions of § ZS 1-315(d)(2)B hereof.
 - F. The Planning Commission may grant waivers to this subsection where it determines that conditions exist such that the full provisions for open space as required by this subsection are otherwise satisfied. The Planning Commission shall consider proximity to public open spaces, lot size and other appropriate factors.
- (9) Landscaping of setback areas for the development and buffering of perimeter property lines shall be in accordance with the provisions of § ZS 1-322 hereof.
 - (10) In granting site plan approval under § ZS 1-325 hereof, the Planning Commission may attach such additional conditions or make such modifications to the project as it deems necessary to ensure full compliance with the provisions and intent of this Title.
 - (11) If the project is to involve subdivision, no building permit shall be issued nor construction begun until the project has fully complied with the provisions of Title 2, Subdivision Regulations. The Planning Commission may accept the submission required under § ZS 1-325 hereof in lieu of the sketch plan submission provided for in Title 2, Subdivision Regulations.

§ ZS 1-314. Manufactured and mobile homes and manufactured and mobile home parks.

- (a) Manufactured and mobile homes generally. No manufactured or mobile home, whether placed singly upon an individual lot or placed in a manufactured or mobile home park, shall be located in any district except in conformity with the following provisions:

- (1) No manufactured or mobile home, wherever located, shall be used as a residence except in compliance with all requirements as to water supply and wastewater disposal.
 - (2) The use of manufactured or mobile homes is prohibited except where specifically allowed in the district regulations.
 - (3) Any portion of a manufactured or mobile home, excluding the tongue, shall not be located closer than ten feet side to side, eight feet end to side or six feet end to end horizontally to any other manufactured or mobile home or principal building.
 - (4) Only one manufactured or mobile home may be placed on any lot, unless otherwise specifically provided herein.
 - (5) All manufactured or mobile home units shall be securely anchored to the ground and fully skirted with a durable material as approved by the Department.
 - (6) No manufactured or mobile home shall be parked overnight on any public road, public park, public boat landing or other public place, except in an emergency or in areas specified for such use.
 - (7) No person shall place, replace or enlarge a manufactured or mobile home on an individual lot or in a manufactured or mobile home park without first securing a building permit authorizing such placement or replacement.
 - (8) All manufactured or mobile home units shall be subject to the off-street parking provisions of § ZS 1-320 hereof.
 - (9) No manufactured or mobile home or addition thereto for nonresidential purposes shall exceed either fifteen feet or one story in height.
- (b) Standards for manufactured homes. Where a manufactured home is allowed as a principal permitted use by the district regulations in accordance with this subsection, it must meet the following criteria:
- (1) The manufactured home must be comprised of multiple sections and have at least one thousand square feet in gross floor area and a minimum depth of at least twenty feet as measured from front outside wall to rear outside wall.
 - (2) The manufactured home must be placed on a continuous foundation constructed of concrete masonry units, brick or poured concrete without any openings other than those required for access, ventilation or flood equalization by the terms of the building code.
 - (3) The minimum pitch of the main roof shall not be less than five inches of rise for every one foot of horizontal run and the roof shall have a minimum of a twelve-inch overhang beyond all exterior walls. Any roofing material commonly used for site-built dwellings shall be acceptable.
 - (4) The manufactured home shall have siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit down to the top of the perimeter foundation. The exterior siding must have the same appearance and be

constructed of the same materials and systems commonly used for site-built dwellings. The manufactured home shall not have siding composed of metal panels or sheets installed in a vertical orientation.

- (5) All transportation equipment, including hitches, tongues, axles and wheels, shall be removed upon delivery of the manufactured home to the site.
- (c) Manufactured and mobile home parks generally. In addition to the provisions of Subsection (a) hereof, all manufactured and mobile home parks, regardless of their form of ownership, shall conform to the following additional provisions:
- (1) Every application for a manufactured or mobile home park shall be subject to review and approval by the Planning Commission in accordance with the provisions of § ZS 1-325 hereof.
 - (2) Minimum lot requirements for the manufactured or mobile home park shall be: lot area, eighty thousand square feet; maximum density, six manufactured or mobile homes per net acre; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and each side yard setback and rear yard setback, fifty feet if abutting an A, E, V, R or RP District or thirty feet if abutting a C, I or CM District, except that the thirty feet may be reduced to fifteen feet if the manufactured or mobile home park is screened from abutting property by a solid fence or solid wall at least six feet high [see limiting provisions of § ZS 1-305(k)(3) hereof] and landscaped in accordance with the provisions of § ZS 1-322 hereof.
 - (3) Required yards for the manufactured or mobile home park shall be landscaped with trees, shrubs, ornamental walls or fences in accordance with § ZS 1-322 hereof.
 - (4) Each manufactured or mobile home site, plot or location shall meet the following minimum requirements:
 - A. For any manufactured or mobile home or addition thereto not exceeding fifteen feet or one story in height the minimum lot requirements shall be: manufactured or mobile home site area, five thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback and rear yard setback, five feet.
 - B. For any manufactured or mobile home or addition thereto exceeding fifteen feet or one story in height the minimum lot requirements shall be: manufactured or mobile home site area, six thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; each side yard setback, five feet; and rear yard setback, twenty feet. Furthermore, where such units are to be utilized, all roads within the manufactured or mobile home park and the incidental drainage shall comply with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Additionally, adequate easements or rights-of-way for utilities shall be provided.

- (5) Accessory buildings may not be located in the front yard setback nor less than six feet from any other property line nor separated by less than six feet from any other manufactured or mobile home or structure on the same lot or any other lot. An accessory building shall not be used for human habitation or sleeping quarters and shall not contain any plumbing or plumbing fixtures.
- (6) Only amenities which are noncommercial and purely incidental and subordinate to the operation of the manufactured or mobile home park and intended only for its occupants shall be permitted.
- (7) In a manufactured or mobile home park, not less than twenty-five percent of the park shall be devoted to common use open space and recreational areas. Such areas must be landscaped in accordance with § ZS 1-322 hereof and may include recreational facilities but shall not include utility and other service areas, roads and off-street parking and loading areas, except underground utility areas. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas. Within such common use open space there shall be provided commonly owned areas to serve as recreational areas for games, sports, social gatherings, etc. for residents of the park. One recreational area shall be required for each twenty-five manufactured or mobile home sites or fraction thereof within the park. Recreational areas shall be a minimum of five thousand square feet in area each. Where more than one recreational area is required, they may be consolidated. Such recreational areas shall consist of contiguous lands not containing any wetlands, tidal or nontidal, and be of sufficient configuration as determined by the Planning Commission that they can suitably function for the purpose stated above. All recreational areas shall be separated from any adjacent vehicular travelway or parking area by a vegetated or man-made barrier. Proposed recreational areas must be specified on the site plan for review and approval by the Planning Commission.
- (8) Boundary lines for the manufactured or mobile home park and the boundary lines for the individual manufactured or mobile home sites shall be monumented in accordance with the provisions of Title 2, Subdivision Regulations.
- (9) All enlargements or extensions to existing manufactured or mobile home parks shall require site plan review and approval in accordance with § ZS 1-325 hereof. The Planning Commission may require the existing portion of the park to comply with all or part of the provisions of this Title if the Planning Commission deems such to be desirable and economically feasible.
- (10) Approved water supply and wastewater disposal systems shall be provided to each manufactured or mobile home site.
- (11) Prior to site plan approval for a manufactured or mobile home park, the Department of Public Works has reviewed and approved the proposed design and construction of the park's roads and the associated drainage facilities. All roads in manufactured or mobile home parks shall comply with the roads standards for campground subdivisions.

- (12) In the approval of a site plan for a manufactured or mobile home park, the Planning Commission may require special conditions to be met, such as additional setback requirements, additional landscaping, sidewalks, drainage facilities, traffic control and deed restrictions, in order to safeguard the general health, safety and welfare of the public.
- (d) Park trailers in existing manufactured and mobile home parks. Where the area and/or dimensions of a lot or lots within a manufactured or mobile home park which has existed since prior to the adoption date of this Title would preclude the use of the lot by any current commercially available manufactured or mobile home as determined by the Department, a park trailer which measures four hundred square feet or greater, exclusive of any additions, may be permitted to be placed on the lot.
- (e) Existing nonconforming manufactured and mobile home parks. Within the district and under the provisions established by this Title there may exist manufactured and mobile home parks which were lawful when established but which are prohibited or restricted under the terms of this Title. It is the intent of this Title to permit these existing nonconforming manufactured and mobile home parks to continue subject to the following provisions:
- (1) Lawfully existing manufactured or mobile homes in the park shall not be deemed nonconforming structures in such district but shall without further action be considered conforming structures.
 - (2) A manufactured or mobile home may be placed or replaced on any previously approved manufactured or mobile home site within the park. However, where the replacement manufactured home exceeds fifteen feet or one story in height, it must be in accordance with the provisions of Subsection (c)(4)B hereof.
 - (3) Customary incidental accessory structures may be erected on any previously approved manufactured or mobile home site within the park.
 - (4) Manufactured or mobile homes within the manufactured or mobile home park shall comply with the provisions of Subsections (a) and (c)(4)B hereof.
- (f) Cooperative manufactured and mobile home parks.
- (1) No new cooperative manufactured or mobile home parks shall be permitted except as provided for in Subsections (f)(3) and (f)(4) hereof.
 - (2) In addition to the provisions of Subsections (a) and (c) hereof, the following provisions apply to all cooperative manufactured and mobile home parks:
 - A. Words as used herein where defined in § 5-6B-01 of the Corporations and Associations Article of the Annotated Code of Maryland, as from time to time amended, shall be defined as therein set forth.
 - B. For any manufactured or mobile home or addition thereto the following requirements shall apply:

1. Where the manufactured or mobile home or addition thereto does not exceed fifteen feet or one story in height in a nonconforming manufactured or mobile home park, no portion of a manufactured or mobile home, excluding the tongue, shall be located closer than ten feet side to side, eight feet end to side or six feet end to end horizontally to any other manufactured or mobile home or principal building.
 2. Where the manufactured or mobile home or addition thereto does not exceed fifteen feet or one story in height in a conforming manufactured or mobile home park, the minimum lot requirements shall be: manufactured or mobile home site area, five thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and side and rear yard setbacks, five feet.
 3. For any manufactured or mobile home or addition thereto exceeding fifteen feet or one story in height the minimum lot requirements shall be: manufactured or mobile home site area, six thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; each side yard setback, five feet; and rear yard setback, twenty feet. In addition, all manufactured or mobile home park roads and incidental drainage must comply with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Adequate easements or rights-of-way for utilities shall be provided.
- C. Cooperative manufactured and mobile home parks shall comply with all Department of Health and Mental Hygiene and Department of Development Review and Permitting regulations and other requirements prescribed by law or regulations for such use.
- D. All cooperative manufactured and mobile home parks must have a central sewage collection and disposal system. Sewage effluent disposal fields and adequate reserve areas must be provided for in the common areas. In no case shall a subsurface disposal field or reserve area be contained within the boundaries of any lot.
- E. The documents establishing the cooperative manufactured or mobile home park shall provide for a managing person or board having the authority to assess the units in the project for the purpose of raising the necessary funds to maintain the common areas and common improvements within the boundaries of the cooperative manufactured or mobile home park, including without limitation all improvements, recreational facilities, wastewater systems, water systems, streets, and roads, the authority to collect such assessments and the responsibility to maintain any such amenities.
- F. It is the intent of this section to provide a mechanism whereby those manufactured or mobile home parks permitted to be established as cooperative manufactured or mobile home parks herein and which have some degree of nonconformity enjoy the benefit of § ZS 1-122 hereof and be



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

Introduced as
Bill 20-5, Public Hearing
on June 16, 2020

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: May 7, 2020
RE: Planning Commission Recommendation - Text Amendment Application -
Maximum Height Limitations - Manufactured and Mobile Homes

The Department has received and processed a text amendment application submitted by Edward E. Sowers seeking to amend the manufactured and mobile home and manufactured and mobile home parks regulations to remove the current maximum height of 15 feet for any unit while retaining the limitation of one story by revising various subsections of § ZS 1-314 of the Zoning and Subdivision Control Article.

The proposed text amendment was reviewed by the Planning Commission at its meeting on May 7, 2020. Following their discussion, the Planning Commission gave a favorable recommendation to the amendmen. Attached herewith you will find a copy of the entire text amendment file, which includes the draft amendment in bill form. An electronic version has also been sent to your office for use should one of the Commissioners wish to introduce it at their upcoming legislative session.

As always, I will be available to discuss the matter with you and the County Commissioners at your convenience.

Attachments

cc: Phyllis H. Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator

APPROVED
Worcester County Commissioners
Date *HH 5/19/20*

AN ACT Concerning

Zoning – Manufactured and mobile homes and manufactured and mobile home parks

For the purpose of amending the Zoning and Subdivision Control Article to remove the maximum height limitation for one story manufactured and mobile homes.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-314(a)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (9) No manufactured or mobile home or addition thereto for nonresidential purposes shall exceed ~~either fifteen feet or~~ one story in height.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-314(c)(4)A of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- A. For any manufactured or mobile home or addition thereto not exceeding ~~fifteen feet or~~ one story in height the minimum lot requirements shall be: manufactured or mobile home site area, five thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback and rear yard setback, five feet.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-314(c)(4)B of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- B. For any manufactured or mobile home or addition thereto not exceeding ~~fifteen feet or~~ one story in height the minimum lot requirements shall be: manufactured or mobile home site area, six thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback, five feet; and rear yard setback, twenty feet. Furthermore, where such units are to be utilized, all roads within the manufactured or mobile home park and the incidental drainage shall comply with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Additionally, adequate easements or rights-of-way for utilities shall be provided.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-314(e)(2) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (2) A manufactured or mobile home may be placed or replaced on any previously approved manufactured or mobile home site within the park. However, where the replacement

manufactured home exceeds ~~fifteen feet~~ or one story in height, it must be in accordance with the provisions of Subsection (c)(4)B hereof.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-314(f)(2)B.1 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

1. Where the manufactured or mobile home or addition thereto does not exceed ~~fifteen feet~~ or one story in height in a nonconforming manufactured or mobile home park, no portion of a manufactured or mobile home, excluding the tongue, shall be located closer than ten feet side to side, eight feet end to side or six feet end to end horizontally to any other manufactured or mobile home or principal building.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-314(f)(2)B.2 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

2. Where the manufactured or mobile home or addition thereto does not exceed ~~fifteen feet~~ or one story in height in a conforming manufactured or mobile home park, the minimum lot requirements shall be: manufactured or mobile home site area, five thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback and rear yard setbacks, five feet.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-314(f)(2)B.3 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

3. For any manufactured or mobile home or addition thereto not exceeding ~~fifteen feet~~ or one story in height the minimum lot requirements shall be: manufactured or mobile home site area, six thousand square feet; minimum site width, fifty feet; front yard setback, twenty feet; and each side yard setback, five feet; and rear yard setback, twenty feet. Furthermore, where such units are to be utilized, all roads within the manufactured or mobile home park and the incidental drainage shall comply with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Additionally, adequate easements or rights-of-way for utilities shall be provided.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2020.



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ZONING DIVISION
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MEMORANDUM

TO: Edward A. Tudor, Director
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*
DATE: May 7, 2020
RE: Planning Commission Recommendation - Text Amendment Application -
§ ZS 1-314 - Maximum Height Limitations - Manufactured and Mobile Homes

The purpose of this memo is to forward the Planning Commission's comments and recommendation regarding a text amendment application submitted by Edward E. Sowers which seeks to amend various subsections of the manufactured and mobile home and manufactured and mobile home park regulations as found in § ZS 1-314 of the Zoning and Subdivision Control Article to remove the current maximum height of fifteen feet for any such unit while retaining the limitation of one story.

In their report to the Planning Commission the staff expressed belief that the current 15 foot height limitation is an antiquated carryover from early codes written at a time when most manufactured homes were of a flat roof design whereas today most manufactured homes have a gable roof design and in fact resemble many stick-built small ranch type homes. Additionally, current floodplain regulations require that all structures in the floodplain be elevated above the base flood elevation and this can cause many homes to struggle to stay below the 15 foot height limitation. The staff noted that in recent years the single-wide manufactured homes within the parks are being replaced with double-wide manufactured homes. The permitting trends have shown that these units are typically being constructed with steeper roof pitches that mimic the appearance of a modular dwelling while also providing some attic storage space, all without adding a second story. As to any concern regarding the potential for extreme heights, the staff concluded that there will be limited potential of this, firstly because regardless of the location of a manufactured or mobile home, it will still be governed by the height limitations of the zoning district in which it is located, just as stick-built dwellings are. Secondly, § ZS 1-314(b)(3) requires that all manufactured and mobile homes have a minimum 12 inch overhang beyond the exterior walls. If a manufactured home was constructed of great height by virtue of a very steep

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roof pitch up to the district height limitations, it would quickly pass the point of being able to maintain the minimum roof overhang without the roof extending far down the exterior wall of the house. If it were placed on any type of elevated foundation, over seven feet, six inches in height, it would be considered a two-story unit.

The Planning Commission reviewed the proposed text amendment at its meeting on May 7, 2020 and concurred with the staff that the maximum height limit of 15 feet is antiquated. The Planning Commission concluded that allowing for increased roof pitch while also ensuring compliance with floodplain regulations is appropriate. Following the discussion the Planning Commission gave a favorable recommendation to the text amendment application as submitted by the applicant.

A copy of the staff report includes the application and is attached, as is a draft bill should any of the County Commissioners wish to introduce it. Should you have any questions or require additional information, please do not hesitate to contact me.



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ZONING DIVISION
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TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Worcester County Planning Commission
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*
DATE: April 20, 2020
RE: Text Amendment Application - § ZS 1-314 - Maximum Height Limitation -
Manufactured and Mobile Homes

The attached text amendment application was submitted by Edward E. Sowers and seeks to amend various subsections of the manufactured and mobile home and manufactured and mobile home park regulations as found in Section 1-314 of the Zoning and Subdivision Control Article to remove the maximum height of fifteen feet for any such unit while retaining the limitation of one story.

Following our customary practice, once I received the text amendment application I forwarded it to Ed Tudor, Director, Jennifer Keener, Zoning Administrator, and Roscoe Leslie, County Attorney and Planning Commission Attorney, for their review and comment. The comments of both Mr. Tudor and Ms. Keener are attached. Mr. Tudor notes that Mr. Sowers initially contacted him after finding out that the new manufactured home he had ordered and which was ready to be placed in Delmarva Park exceeded the current maximum height of 15 feet. After discussing the matter with Mr. Sowers, the staff worked on his behalf to prepare the necessary language for a text amendment to remove this maximum height limitation. Mr. Tudor states that he agrees with Mr. Sower's assertion that the current 15 foot height limitation is an antiquated carryover from early codes written at a time when most manufactured homes were of a flat roof design. He relates that most manufactured homes supplied today have a gable roof design and in fact resemble many stick-built small ranch type homes. Mr. Tudor further remarks that current floodplain regulations require that all structures in the floodplain be elevated above the base flood elevation and that this can cause many homes to struggle to stay below the 15 foot height limitation. Mr. Leslie had voiced concern about needed some form of limitation beyond the one story maximum so as to avoid the potential for extreme heights. Mr. Tudor explained that

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there will be limited potential of this, firstly because regardless of the location of a manufactured or mobile home, it will still be governed by the height limitations of the zoning district in which it is located, just as stick-built dwellings are. Secondly, § ZS 1-314(b)(3) requires that all manufactured and mobile homes have a minimum 12 inch overhang beyond the exterior walls. If a manufactured home was constructed of great height, by virtue of a very steep roof pitch up to the district height limitations, it would quickly pass the point of being able to maintain the minimum roof overhang without the roof extending far down the exterior wall of the house. If it were placed on any type of elevated foundation, over seven feet, six inches in height, it would be considered a two-story unit. Mr. Tudor states that for these reasons he has no concerns about extreme heights.

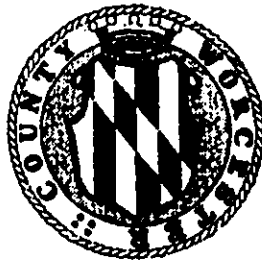
Mrs. Keener states that she has no objection to the draft language as proposed. She notes that in recent years the single-wide manufactured homes within the parks are being replaced with double-wide manufactured homes. The permitting trends have shown that these units are typically being constructed with steeper roof pitches that mimic the appearance of a modular dwelling while also providing some attic storage space, all without adding a second story. She reiterated Mr. Tudor's comment about the need for elevation of some manufactured or mobile home units in order to comply with base flood elevation and the difficulty of also complying with the maximum height of 15 feet at the same time.

I concur with the comments of Mr. Tudor and Mrs. Keener and conclude that the maximum height limitation of 15 feet is antiquated and should be removed while still retaining the one story limitation.

Therefore, the staff gives a favorable recommendation to the text amendment application as specifically requested. A draft bill is attached for your reference

Should you have any questions or require additional information, please do not hesitate to contact me.

cc: Edward A. Tudor
Roscoe Leslie
Jennifer Keener



Please Type
or
Print in Ink

**Worcester County Commissioners
Worcester County Government Center
1 W. Market St., Room 1103
Snow Hill, Maryland 21863**

**PETITION FOR AMENDMENT OF OFFICIAL TEXT
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE**

(Office Use Only - Please Do Not Write In This Space)

Date Received by Office of the County Commissioners: _____

Date Received by Planning Commission: 4/13/2020

Date Reviewed by Planning Commission: _____

Planning Commission Recommendation Received by _____

on _____
(Date)

1. Application - Proposals for amendments to the text of the Zoning Ordinance may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agencies of the County. Check applicable status below:

A. Resident of Worcester County.

B. Taxpayer of Worcester County.

C. Governmental Agency. _____
(Name of Agency)

2. Proposed Change to Zoning Ordinance Text.

A. Section Number: ZS1-314

B. Page Number: ZS1: III: 37

C. Proposed revised text, addition or deletion:

See attached draft legislation.

III. Reasons for Requesting Text Change.

A. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:

Remove maximum height limitation because more modern mobile or manufactured homes have pitched roofs and because floodplain regulations, where applicable, often require such units to be elevated, thus causing the unit to exceed the maximum height.

IV. Signature of Applicant

<u>Signature</u>	<u>Address</u>	<u>Phone</u>	<u>Date</u>
<u>Ellen K. Sowers</u>	<u>651 ... Road Chambersburg PA 17202</u>	<u>717-658-4633</u>	<u>4/9/2020</u>

V. General Information Relating to the Text Change Process.

- A. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- B. Procedure for Text Amendments - Text amendments shall be passed by the County Commissioners of Worcester County as public local laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.



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ZONING DIVISION
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MEMORANDUM

TO: Edward A. Tudor, Director
Jennifer K. Keener, Zoning Administrator
Roscoe Leslie, County Attorney

FROM: Phyllis H. Wimbrow, Deputy Director *PJW*

DATE: April 14, 2020

RE: Text Amendment Application - Maximum Height Limitation
of One Story Manufactured or Mobile Homes

The attached text amendment application has been submitted by Edward Sowers. It seeks to amend various subsections of manufactured and mobile home and manufactured and mobile home park regulations as found in Section 1-314 of the Zoning and Subdivision Control Article to remove the maximum height of fifteen feet for any such unit while retaining the limitation of one story.

I anticipate scheduling this text amendment for consideration by the Planning Commission at a forthcoming meeting. So that I may incorporate them into the staff report, please submit your comments to me no later than May 1, 2020.

Should you have any questions or require additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

attachment

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DEPARTMENT OF
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ZONING DIVISION
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TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Edward A. Tudor, Director *EAT*
DATE: April 16, 2020
RE: Text Amendment Application - Maximum Height of Manufactured Homes

Pursuant to your request, I have reviewed the draft text amendment application submitted by Mr. Edward Sowers which seeks to remove the 15 foot maximum height limitation for manufactured homes in manufactured home parks. As submitted the amendment covers all types of manufactured home parks, regardless of the type of park ownership.

As you know, Mr. Sowers originally contacted me after finding out that the new manufactured home he had ordered and which was ready to be placed in Delmarva Park would exceed the current 15 foot height limitation. After speaking with Mr. Sowers and explaining that it appeared his only remedy would be a text amendment, the staff worked to prepare the necessary language for him.

In my opinion, and as stated by Mr. Sowers in his application, the current 15 foot height limitation is an antiquated limitation carried over from early codes at a time when most manufactured homes were of a flat roof design. Most all manufactured homes supplied today have a gable roof design and resemble many stick-built small ranch type homes. Additionally, current floodplain regulations require that all structures in the floodplain be elevated above the base flood elevation. This can cause many homes to struggle to stay below the 15 foot limitation.

I understand that there may be some concern that by removing the 15 foot limitation we could possibly have manufactured homes constructed to greater heights. However, I do not believe that to be the case. First, regardless of their location, they will still be limited to the height limitations established by the zoning district in which they are located, as are all stick-built

homes in the same district. Secondly, another limiting factor can be found in § ZS 1-314(b)(3). § ZS 1-314(b) in general establishes standards for all manufactured homes when permitted as a principal use by the district regulations. Subsection (b)(3) requires that all manufactured homes that meet that criteria (which all do in the manufactured home parks) have a minimum 12 inch overhand beyond the exterior walls. If a manufactured home was constructed of great height, by virtue of a very steep roof pitch up to the district height limitations, it would quickly pass the point of being able to maintain the minimum roof overhang without the roof extending far down the exterior wall of the house. If it were placed on any type of elevated foundation, over seven feet, six inches in height, it would be considered a two-story unit. For these reasons, I have no concern with the amendment as proposed.

As always, I will be available to discuss the matter in greater depth if need be when it is reviewed by the Planning Commission.

cc: Jennifer Keener



DEPARTMENT OF
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DATA RESEARCH DIVISION
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TECHNICAL SERVICES DIVISION

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Phyllis Wimbrow, Deputy Director
From: Jennifer Keener, AICP, Zoning Administrator *JKK*
Date: April 15, 2020
Re: Text Amendment Application – Maximum Height Limitation of One Story
Manufactured or Mobile Homes

This memorandum is in response to your request for comments on the text amendment submitted by Mr. Edward Sowers. The language proposes to strike the 15-foot height limitation for one story units located in a manufactured or mobile home park as defined in §ZS 1-314. Upon consideration of the request, I have no objection to the language as proposed.

The height of a building is outlined in §ZS 1-103 Definitions as follows:

“Building, Height of – The height for buildings and structures shall be measure as the vertical distance from the averaged finished grade at the base of the building to the highest point of the coping of a flat roof or the ridge of a gable, hip, mansard, gambrel or other pitched roof.”

In recent years, single-wide manufactured homes within these parks are being replaced with double-wide manufactured homes. Our permitting experience has shown that these units are typically being constructed with steeper roof pitches so that they mimic the appearance of a modular dwelling and also provide some attic storage space, without creating a second story. Furthermore, there are certain manufactured or mobile home parks that are located within the 100-year floodplain, requiring that the unit be further elevated to comply with the base flood elevation. The combination of these design factors could easily exceed the 15-foot height limitation.

INTD ✓

RECEIVED
APR 24 2020
Worcester County Admin

April 15, 2020

Copy: Ed Tustaf ✓

Worcester County Development Review & Permitting
Worcester County Government Center
1 W. Market Street – Room 1201
Snow Hill, Maryland 21863

Worcester County Commissioners
Worcester County Government Center
1 W. Market Street – Room 1103
Snow Hill, Maryland 21863

RE: Application of Edward Sowers
For Text Amendment of Zoning Ordinances

Dear Commissioners:

I am the President of the Board of Directors for Delmarva Park, Inc. I am authorized by the Board to write this letter. The Park strongly supports the above-referenced application to resolve recurring problems with the current height limitations in the Zoning Code. The current limitations unnecessarily curb and restrict modern building designs and products and make it difficult to comply with fire sprinkler requirements. The revisions will promote practical and desirable building designs which will improve the appearance and value of our community.

Thank you for your consideration.

Please call me if you have questions.

Sincerely,



Harry Gladwin
President – Delmarva Park, Inc.
Phone: 410-925-9557

BRIAN PETER COSBY

via e-mail to kellys@co.worcester.md.us

May 14, 2020

Worcester County Commissioners
c/o Kelly Shannahan
Worcester County Government Center
1 W. Market Street – Room 1103
Snow Hill, MD 21863

RE: ZS-314 Text Amendment Application

Dear Commissioners:

I represent Delmarva Park, Inc. and Edward Sowers, an owner of a lot in Delmarva Park.

This is to request that the above text amendment application be introduced as an emergency bill at your meeting on May 19th.

The text amendment is designed to increase the maximum height limitations for manufactured homes in mobile home parks to comport with current building designs and standards. The Planning Commission has unanimously approved the application at their meeting on May 7, 2020.

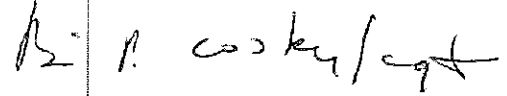
My client, Mr. Edward Sowers, has purchased a manufactured home which has already been built and is in outside storage under plastic. Unfortunately, it slightly exceeds the height limitations of the current code, even though there are several other manufactured homes already existing in the Park which also exceed the existing height limitations.

The current outside storage of the home can result in water infiltration and deterioration.

Attached is a copy of a supporting letter from the President of Delmarva Park, Inc., which was previously sent to you.

Thank you for your consideration of this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. P. Cosby/cgt". The signature is written in a cursive, somewhat stylized font.

Brian Peter Cosby

BPC/cgf

Attachment

cc: Mr. Edward Sowers
Mr. Ed Tudor



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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
<http://www.co.worcester.md.us/departments/drp>

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

If Introduced
Bill 20-6, Public Hearing
on July 21, 2020

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: June 4, 2020
RE: Planning Commission Recommendation - Text Amendment Application -
Home Occupations in the E-1 Estate District

The Department has received and processed a text amendment application submitted by Mark S. Cropper seeking to amend § ZS 1-339(a)(10) of the Zoning and Subdivision Control Article to include the E-1 Estate District as one of the zoning districts in which a home occupation may be in an accessory building of up to 3,000 square feet in gross floor area. Currently this is limited to the A-1 and A-2 Agricultural Districts on parcels of greater than 80,000 square feet in area.

The proposed text amendment was reviewed by the Planning Commission at its meeting on June 4, 2020. Following their discussion, the Planning Commission gave a favorable recommendation to the amendment. Attached herewith you will find a copy of the entire text amendment file, which includes the draft amendment in bill form. An electronic version has also been sent to your office for use should one of the Commissioners wish to introduce it at their upcoming legislative session.

As always, I will be available to discuss the matter with you and the County Commissioners at your convenience.

Attachments

cc: Phyllis H. Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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MEMORANDUM

TO: Edward A. Tudor, Director
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*
DATE: June 4, 2020
RE: Planning Commission Recommendation - Text Amendment Application -
§ ZS 1-339(a)(10) - Home Occupations

The purpose of this memo is to forward the Planning Commission's comments and recommendation regarding a text amendment application submitted by Mark S. Cropper which seeks to amend § ZS 1-339(a)(10) of the Zoning and Subdivision Control Article to include the E-1 Estate District as one of the zoning districts in which a home occupation may be in an accessory building of up to 3,000 square feet in gross floor area. Currently this is limited to the A-1 and A-2 Agricultural Districts on parcels of greater than 80,000 square feet in area.

In their report to the Planning Commission the staff noted that the Comprehensive Plan calls for the elimination of the E-1 Estate District, with its replacement by either an agricultural or residential district, and concluded that given the rural location and large size of many of the E-1 parcels, they had no issue with the requested text amendment. The Planning Commission reviewed the proposed text amendment at its meeting on June 4, 2020 and concurred with the staff conclusions. Following the discussion the Planning Commission gave a favorable recommendation to the text amendment application as submitted by the applicant.

A copy of the staff report includes the application and is attached, as is a draft bill should any of the County Commissioners wish to introduce it. Should you have any questions or require additional information, please do not hesitate to contact me.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ZONING DIVISION
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TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Worcester County Planning Commission
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*
DATE: May 20, 2020
RE: Text Amendment Application - § ZS 1-339(a)(10) - Home Occupations

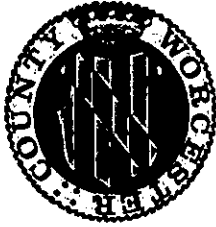
The attached text amendment application was submitted by Mark S. Cropper and seeks to amend Section §1-339(a)(10) of the Zoning and Subdivision Control Article to include the E-1 Estate District as one of the zoning districts in which a home occupation may be in an accessory building of up to 3,000 square feet in gross floor area. Currently this is limited to the A-1 and A-2 Agricultural Districts on parcels of greater than 80,000 square feet in area.

Following our customary practice, once I received the text amendment application I forwarded it to Ed Tudor, Director, Jennifer Keener, Zoning Administrator, and Roscoe Leslie, County Attorney and Planning Commission Attorney, for their review and comment. The comments of both Mr. Tudor and Ms. Keener are attached. Both noted that the Comprehensive Plan calls for the elimination of the E-1 Estate District, with its replacement by either an agricultural or residential district. Given the rural location and large size of many of the E-1 parcels, Mr. Tudor and Ms. Keener both stated that they had no issue with the requested text amendment. I concur with those conclusions.

Therefore, the staff gives a favorable recommendation to the text amendment application as specifically requested. A draft bill is attached for your reference

Should you have any questions or require additional information, please do not hesitate to contact me.

cc: Edward A. Tudor
Roscoe Leslie
Jennifer Keener



**Worcester County Commissioners
 Worcester County Government Center
 Once West Market Street, Room 1103
 Snow Hill, MD 21863**

PETITION FOR AMENDMENT TO OFFICIAL TEXT
 OF THE ZONING AND SUBDIVISION CONTROL ARTICLE

(Office Use Only - Please Do Not Write In This Space)

Date Received by Office of the County Commissioners: _____

Date Received by Development Review and Permitting: 5/11/2020

Date Reviewed by Planning Commission: _____

I. Application – Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below.

- A. Resident of Worcester County X
- B. Taxpayer of Worcester County X
- C. Governmental Agency _____

(Name of Agency)

II. Proposed Change to Text of the Zoning and Subdivision Control Article.

- A. Section Number: ZS 1-339(a)(10)
- B. Page Number: ZS 1:III:148
- C. Proposed revised text, addition or deletion:

Revise as follows: (10) In the A-1, A-2 and E-1 Districts on parcels greater than eighty thousand square feet in area, the area used for a home occupation in an existing accessory building or the gross floor area of a single accessory building to be constructed for a home occupation may comprise up to three thousand square feet in gross floor area.

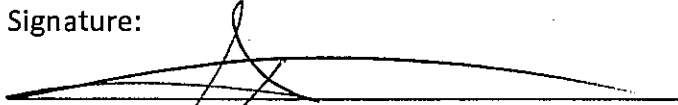
III. Reasons for Requesting Text Change.

- A. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:

The reason for the text change is to provide consistency between the A-1, A-2 and E-1 Districts with regard to home occupations in accessory buildings.

IV. Signature of Applicants

Signature:



Printed Name of Applicant:

Mark Spencer Cropper

Mailing Address: **6200 Coastal Highway, Suite 200, Ocean City, MD 21842**

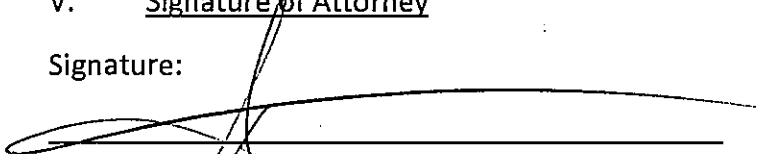
Phone Number: **(410) 723-1400**

Email: **mcropper@ajgalaw.com**

Date: 5/7/20

V. Signature of Attorney

Signature:



Printed Name of Applicant:

Mark Spencer Cropper

Mailing Address: **6200 Coastal Highway, Suite 200, Ocean City, MD 21842**

Phone Number: **(410) 723-1400**

Email: **mcropper@ajgalaw.com**

Date: 5/7/20

VI. General Information Relating to the Text Change Process.

- A. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- B. Procedure for Text Amendments – Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After

receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. IN the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.

Phyllis Wimbrow

From: Ed Tudor
Sent: Wednesday, April 29, 2020 5:28 PM
To: Phyllis Wimbrow; Jennifer Keener; Roscoe Leslie
Subject: RE: Text Amendment - Home Occupations

Well, given the fact that we had always thought that when the E-1 district goes away as it is supposed to, the zoning districts the parcels will go to will either be the A-1 or A-2, I don't really have a problem with it.

Ed Tudor
Director, Development Review and Permitting Worcester County Government

-----Original Message-----

From: Phyllis Wimbrow <pwimbrow@co.worcester.md.us>
Sent: Wednesday, April 29, 2020 9:16 AM
To: Ed Tudor <etudor@co.worcester.md.us>; Jennifer Keener <jkkeener@co.worcester.md.us>; Roscoe Leslie <roscoe.leslie@co.worcester.md.us>
Subject: Text Amendment - Home Occupations

Good morning all,

Mark Cropper submitted the attached draft text amendment application to me yesterday and would like our comments before formally submitting it. The proposed text amendment seeks to amend Section ZS 1-339(a)(10) to add the E-1 Estate District to the zoning districts in which a home occupation may be in an accessory building of up to 3,000 sq. ft. in gross floor area. Currently this is limited to the A-1 and A-2 Agricultural Districts.

Please let me know your thoughts. I'd like to place this item on the agenda for the June Planning Commission meeting if possible.

Phyllis H. Wimbrow
Deputy Director
Worcester County Development
Review and Permitting
1 West Market Street, Room 1201
Snow Hill, Maryland 21863
(410) 632-1200, ext. 1110

-----Original Message-----

From: wcg-xerox@co.worcester.md.us [mailto:wcg-xerox@co.worcester.md.us]
Sent: Wednesday, April 29, 2020 9:18 AM
To: Phyllis Wimbrow <pwimbrow@co.worcester.md.us>
Subject: Scanned from DRP-XeroxB8065

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Attachment File Type: pdf, Multi-Page



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
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SNOW HILL, MARYLAND 21863
TEL: 410.632.1200 / FAX: 410.632.3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Phyllis Wimbrow, Deputy Director
From: Jennifer K. Keener, AICP, Zoning Administrator *JKK*
Date: May 5, 2020
Re: Home Occupations

I have reviewed the proposed text amendment submitted by Mr. Mark Cropper that seeks to modify the home occupation section, §ZS 1-339. Specifically, he is seeking the inclusion of the E-1 Estate District within the list of permissible districts for a home occupation to exceed 600 square feet, but in no case larger than 3,000 square feet, in a detached accessory building. Currently, this provision only applies to those parcels located in the A-1 and A-2 Agricultural Districts with a minimum lot area of eighty thousand square feet.

Per the Comprehensive Plan, the E-1 Estate District was intended to be eliminated with the most recent re-write of the Zoning Code as well as the comprehensive rezoning efforts of 2009. The intent was to re-designate those properties as either Agricultural (A-1 or A-2) or Residential. Due to the desire of a segment of the E-1 Estate District residents to retain their zoning classification, this district was not eliminated, though some areas were rezoned.

Currently, the E-1 District can be found in Bishopville, along the southerly side of Saint Martins Neck Road; in the South Point area, from Assateague Road (MD Route 376) to the end of the peninsula; a small portion at the northerly terminus of Racetrack Road (MD Route 589); and several parcels of land on both sides of Public Landing Road (MD Route 365) just west of the Village district. Given the quantity of parcels affected, in addition to the minimum lot area required, I have no issue with this request.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-

BY:
INTRODUCED:

A BILL ENTITLED

DRAFT

AN ACT Concerning

Zoning - Home Occupations in E-1 District

For the purpose of amending the Zoning and Subdivision Control Article to include the E-1 Estate District as a zoning district in which a home occupation of up to three thousand square feet in gross floor area may be permitted in an accessory building.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-339(a)(10) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (10) In the A-1, A-2 and E-1 Districts on parcels greater than eighty thousand square feet in area, the area used for a home occupation in an existing accessory building or the gross floor area of a single accessory building to be constructed for a home occupation may comprise up to three thousand square feet in gross floor area.



Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitreic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

- (4) When located within an accessory building, the building shall be located so that its entire perimeter is within one hundred feet of the principal building on the property.
 - A. A separation distance greater than one hundred feet may be permitted in accordance with the provisions of § ZS 1-117(e)(5) provided that the property upon which the accessory apartment is located is not located within the Chesapeake or Atlantic Coastal Bays Critical Area.
- (5) The minimum floor area for an accessory apartment within the principal building shall be five hundred square feet, but in no case shall it exceed thirty-five percent of the gross floor area, exclusive of any garage, of the dwelling in which it is located or nine hundred square feet, whichever is less. For accessory apartments located in an accessory building, the minimum floor area shall also be five hundred square feet, but in no case shall it exceed thirty-five percent of the gross floor area of the principal dwelling or nine hundred square feet, whichever is less. No accessory apartment shall contain more than two bedrooms.
- (6) There shall be no more than one accessory apartment permitted per existing single-family dwelling.
- (7) If an accessory apartment is located in the principal dwelling unit on the property, entry to the accessory apartment shall be designed such that the appearance of the building remains as a single-family dwelling. However, nothing herein shall be construed to require any entry to the accessory apartment to be confined to the side or rear of the structure.
- (8) Off-street parking for the accessory apartment shall be in accordance with § ZS 1-320 hereof and shall be in addition to any other parking required for other uses on the site.

§ ZS 1-339. Home occupations.

- (a) Provisions governing home occupations. All home occupations shall be in accordance with the following provisions:
 - (1) A home occupation may be conducted in a dwelling unit, provided that such occupation shall be clearly incidental and subordinate to its use for residential purposes and not more than twenty-five percent of the gross floor area of the dwelling unit shall be used for such occupation. Alternatively, a home occupation not exceeding six hundred square feet in gross floor area may be conducted in a single accessory building except as provided in Subsection (a)(9) hereof. Any outdoor storage, including storage of equipment or vehicles, shall not exceed three hundred square feet and shall be screened in accordance with § ZS 1-322 hereof.
 - (2) All persons engaged in such occupation, except for one outside employee, shall reside on the premises. Day-care homes and large day-care homes as defined in § ZS 1-103(b) hereof may have a maximum of two outside employees who do not reside on the premises. [Amended 2-18-2014 by Bill No. 14-1]

- (3) Nothing, other than parts or supplies used in the occupation, shall be sold or stocked on the premises except what is produced on the premises or as permitted by special exception by the Board of Appeals.
- (4) There shall be no visible change in the outside appearance of the building or premises, except for one sign as provided in § ZS 1-324 hereof.
- (5) The occupation shall not create noise, vibration, glare, light trespass, fumes, odors or electrical interference which is objectionable to neighboring uses.
- (6) The use of the dwelling unit for such occupation shall not generate substantial amounts of vehicular or pedestrian traffic.
- (7) Off-street parking shall be provided in accordance with the provisions of § ZS 1-320 hereof.
- (8) The operation of a day-care home shall be considered a home occupation and shall not be subject to the six-hundred-square-foot gross floor area limitation as specified in this section or to any off-street parking requirements.
- (9) The operation of a large day-care home as defined in § ZS 1-103(b) hereof shall be considered a home occupation in the A-1 and A-2 Agricultural Districts and in the E-1 Estate District and shall not be subject to the six-hundred-square-foot gross floor area limitation as specified in Subsection (a)(1) hereof nor to any off-street parking requirements. [Added 2-18-2014 by Bill No. 14-1⁵]
- (10) In the A-1 and A-2 Districts on parcels greater than eighty thousand square feet in area, the area used for a home occupation in an existing accessory building or the gross floor area of a single accessory building to be constructed for a home occupation may comprise up to three thousand square feet in gross floor area.
- (11) A home occupation shall not be interpreted to include animal boarding facilities, restaurants, lounges, overnight exterior storage, body piercing establishments or tattoo establishments.
- (12) Engaging in agriculture shall not be considered a home occupation.

§ ZS 1-340. Bed-and-breakfast establishments.

- (a) Bed-and-breakfast defined. A "bed-and-breakfast establishment" shall be a single-family, owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis to transients.
- (b) Restrictions on bed-and-breakfast establishments.
 - (1) No bed-and-breakfast facility shall contain more than twenty guest sleeping rooms. Only designated rooms shall be used for sleeping. [Amended 10-15-2019 by Bill No. 19-3]

5. Editor's Note: This bill also renumbered former Subsection (a)(9), (10) and (11) as Subsection (a)(10), (11) and (12), respectively.

**NOTICE OF PUBLIC HEARING
ESTABLISHMENT OF SANITARY SERVICE AREA FOR
ST. MARTINS BY THE BAY WATER SERVICE
WORCESTER COUNTY, MARYLAND**

23

The Worcester County Commissioners have received a petition filed by at least 67% of the property owners of the St. Martins by the Bay subdivision requesting the establishment of a sanitary service area to provide public water and the connecting infrastructure to serve the subdivision, more particularly described as follows;

1. All real property known locally as the St. Martins by the Bay subdivision located immediately north of the Synder Property on Beauchamp Road, south of the St. Martins River, west of the White Horse Park community, and east of the Dolly Circle community. The fifty-eight properties are shown on Worcester County Tax Map 16, Parcel 6, Parcel 86 (Lots 7-14, Blocks A and C), Parcel 87 (Lots 1-6, Blocks A and B), Parcel 88 (Lots 15-26), and Parcel 91 (Lots 1-8 and 10, 11A, 12A, 13, 40, and 50), and are recorded among the Land Records of Worcester County, Maryland in Plat Book No. 90, Pages 75-76, Plat Book No. 97 Page 23, and Plat Book No. 103 Page 26.

A public hearing on the proposed establishment of the St. Martins by the Bay Water Sanitary Service Area will be held on

**TUESDAY, JUNE 16, 2020
at 11:20 A.M.**

in the
County Commissioners Meeting Room
Room 1101 Government Center
One West Market Street, Snow Hill, Maryland 21863

Once County Government Offices are opened to the public, the staff report on the proposed St. Martins by the Bay Water Service Area, and any associated documents, may be reviewed at the Department of Environmental Programs, Room 1306 (3rd Floor) - Government Center, One West Market Street, Snow Hill, Maryland between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday (except holidays). In the interim, the case file may be reviewed on the County website at www.co.worcester.md.us . Anyone having questions should contact Robert Mitchell, Director of Environmental Programs, at (410) 632-1220, extension 1601.

All interested citizens are encouraged to attend the hearing and express their views on the proposed Service Area. Both written and oral testimony will be accepted.

THE WORCESTER COUNTY COMMISSIONERS

1a



Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer
From: Robert J. Mitchell, LEHS *RA*
Director, Environmental Programs
Subject: Proposed St. Martins By the Bay Sanitary Area
Petition for Expansion
SSA-2020-01

*Scheduled Public Hearing
on June 16, 2020 at 11:20am*

Date: 3/9/20

APPROVED
Worcester County Commissioners
Date *Ht* 3/17/20

A valid application and petition exceeding the threshold of 67% was filed by Mr. Jack Shook, HOA President, on behalf of the St. Martins by the Bay HOA for an expansion of the Ocean Pines Sanitary Service Area. The application requested an addition of the existing St. Martins by the Bay community to the service area for water service. The property is located on the northern side of Beauchamp Road, directly north of the Ocean Pines community, and is presently served by private water and sewer. The community would need to construct an extension to connect to an appropriate location within the Ocean Pines water distribution system. This determination was made pursuant to Section § PW 5-305 (b)(1)(A.) of the Public Works Article. In accordance with the Code of Public Local Law, the application was referred to the staff. This report was prepared by the Director of the Department of Environmental Programs after consultation with County staff.

The subject community, developed in 1984, is made up of 58 parcels which consist of 28 individual homes, 26 townhomes and 4 undeveloped lots along with a community pool. While county records indicate a total of 12 undeveloped lots, that number is associated with the potential development of vacant lots dependent on connection to public sewer as the community onsite sewage system that serves a majority of the community lots is presently at capacity. This report figures in the number associated with the petition of fifty-eight (58) properties, including HOA lands and the community pool.

The community properties are located off of St. Martins Parkway, on Marina Drive, Nova Court, and Riverview Drive, which are on the northern side of Beauchamp Road, directly north of the

Citizens and Government Working Together

1b

Ocean Pines community. The subject properties (attached) are more specifically identified on Worcester County Tax Map 16 as Parcels 88, 87, 6, 95, 86, and 91 and are shown on the attached map. The application requests to add the subject community to the Ocean Pines Service Area, contingent on approval of a loan from a financial institution, for the purposes of providing public water service from the Ocean Pines public water system to these properties. The application proposes an initial provision of fifty-eight (58) equivalent dwelling units (EDUs), or 17,400 gallons per day of water service to the existing community from a water distribution line that will be installed to connect to the Ocean Pines water distribution system.

This proposed connection project will consist of upgrades to the community distribution system, including connecting to the Ocean Pines water distribution system, disconnecting the existing community water treatment system, and installing appropriate valves, hydrants, and other appurtenances associated with the connection of the community.

The community is currently designated (W-1) in the *Master Water and Sewerage Plan* for water service which indicates a planning timeframe of immediate to two (2) years.

Along with County staff, I have investigated and evaluated the petition for the expansion of the Ocean Pines Service Area for water service. In order to evaluate the proposal I met with and solicited comments from the Water and Sewer Committee, specifically Mr. John Ross of the Department of Public Works (DPW) and Ms. Jessica Wilson, Enterprise Fund Controller with the Worcester County Treasurer's Office.

DPW staff also looked into the expansion of the service area and found the connection will be feasible from an engineering standpoint, as this project has been reviewed previously by DPW and Environmental Programs staff on methods, materials, and pathways for connection of the community.

While the numbers presented are only an estimate at this point, the Enterprise Fund Controller has previously examined the financial feasibility for the Ocean Pines water connections. Looking at the financing for the project costs were based on 58 EDUs. Equity contributions were included in an original estimated cost of \$620,190, which was bumped up to \$750,000 to provide for expected market construction cost increases of 20-25% that we are currently experiencing today. For a typical USDA Rural Development debt payment over 40 years at 2% interest, the costs would be as follows:

1. \$600 per petition per year (\$800 if financed over 20 years)
2. Water at \$250/year or \$55-70 per quarter, per lot included in petition

After reviewing all of the applicable information and discussing the same with staff, the findings listed below are the results of the evaluation of this petition under the requirements of Section § PW 5-305 (b.) (2.) of the Public Works Article:

- A. Expansion is desirable for the health, safety and welfare of the property owners and their customers in the expanded area and for the environment because:**

- a. The removal of a problematic existing private community water system and establishment of a connection to a secure public water supply from the Ocean Pines system will provide for a safe and reliable water supply to this community.
- b. The provision of public water services to the proposed service area would provide a much greater degree of comfort and convenience for the existing residents and will provide fire flow to the community, which is not present currently.

B. The construction and operation is feasible from an engineering and economic standpoint:

- a. The construction will be paid for by the applicant. Operations will be done by the Department of Public Works, paid for by this residential community of new customers.
- b. The Enterprise Fund Controller has found this project feasible from an economic standpoint if the community is willing, as petitioned, to pay for the connection and has reviewed the financial options for the community with a projected USDA loan product.

C. The proposal is in the best interest of the public health, safety and welfare of all the residents of the county:

- a. The removal of a problematic private community water system is in the best interest of the residents of the County and this community.
- b. The retirement of the existing water treatment system and its water appropriations permit will eliminate another private water system within Maryland's St. Martins River-Ocean Pines Water Management Strategy Area and assist with saltwater intrusion efforts.

D. The proposal will not be unduly detrimental to the environment or the county:

- a. The removal of potential iron scale discharges from the water treatment process to the Atlantic Coastal Bays will be realized with elimination of this private community water plant as a result of the connection of this property to public water.

E. The design and operation of the infrastructure serving this area is in accordance with all required permits and applicable standards:

- a. The applicant is responsible for all costs associated with design and permitting of the connection infrastructure. The County Department of Public Works will be responsible for operations, with the costs being paid by this residential community customer. DPW will also inspect all construction before final approval and acceptance.

As detailed above, this petition was investigated according to Section § PW 5-305 of the Public Works Article and found to be in conformance with the standards we examine in processing such applications. Staff has found no reason to find that the proposed expansion, by contract, of the Ocean Pines Sanitary Service Area under our local laws, would be unfeasible from a technical or financial standpoint. The St. Martins HOA have petitioned the County Commissioners that they want this public water service contingent on securing a loan from a financial institution for the purchase of capacity and the design and construction of the connecting infrastructure. In a typical USDA Rural Development project, the County would secure an engineering firm to prepare a Preliminary Engineering Report (PER). That report would need to be paid for by the applicant or by the sanitary service area providing the public water or sewer to the petitioner. The service area would be paid back by the applicant when the cost of the PER is included in the project costs for the connection project. Should the County Commissioners approve of the establishment of this Sanitary Service Area for public water, the Department of Environmental Programs can prepare the required USDA Environmental Report that accompanies the PER in the USDA loan application.

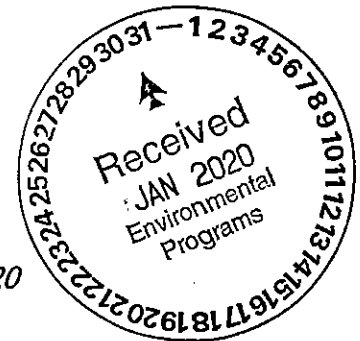
At this time, permission to hold a public hearing to review this service area expansion by contract is requested. This hearing will review the proposed estimated costs and allow the community to comment on the establishment of the area and process in securing financing for the project. I have forwarded a draft notice to Mr. Shannahan for review. I will be available to discuss the matter with either you or the County Commissioners at your convenience. Should you have any questions or require future information in the interim, please do not hesitate to contact me.

Enclosures

1. Petition Letter
2. Petition Map
3. Proposed Service Area Map Showing Expansion of Service Area for Water Service
4. Estimate of Project Costs and Financing

cc: Ocean Pines Sanitary Area File SSA-2020-02

*TSt. Martin's By The Bay
Homeowner's Association
P.O. Box 1404
Berlin, Maryland 21811*



January 30, 2020

*County Commissioners
Of Worcester County
1 West Market Street
Snow Hill, Maryland 21863*

Dear Commissioners:

The undersigned is the President of St. Martin's By The Bay Homeowner's Association. The association has 58 parcels which consists of 28 individual homes, 26 townhomes and 4 undeveloped lots. The community was developed in 1984 and is located on the St. Martin's River. From 1984 to date the association has struggled with a self-contained water system. The members of the association incur the expense of daily maintenance by Sharp Water. Sharp monitors the water in accordance with state standards. Some of the equipment is the original from the conception of the development and is in terrible condition. There have been numerous times when the tanks, pumps, pipes and drains have been replaced, again at the cost of the association. There have been many occasions when there has been no water supply for our community for over 24 hours due to a breakage. On average the yearly expense for repairs and supplies is approximately \$30,000.00. With the number of parcels within the association this can be costly for the individual property owner.

The pump house station is located approximately 40 feet from the St. Martin's River. At the time of development of the station, a "french drain" was established for the run off from the station. Said drain is approximately 15 feet from the river. This drain deposits sediment into the river and also is a danger for animals and children in the area.

The proposed expansion would be desirable for the comfort, convenience, health, safety and welfare of the people who will be served by the proposal. Having the Ocean Pines facility hook up to St. Martin's By the Bay, would be more preferable and much more reliable than the present out of date and unreliable system.

The operation and construction is certainly feasible from both the engineering and economic standpoints.

The proposal is in the best interest of the public health, safety and welfare of the residents of the County. All the costs to operate and construct the water improvements will be incurred by the residents of St. Martin's By The Bay contingent on approval of a loan from a financial institution.

The design and operation of the facility was completed according to State and County guidelines. All additional construction that we are applying for will also be under the guidelines of the State and County.

So, with the above information, the St. Martin's By The Bay Homeowner's Association is petitioning the Worcester County Commissioners for the creation of an addition to the Ocean Pines Sanitary Service Area for our community for water. It is in the best interest of the public health of our owners to have the said expansion. Also, not having fire hydrogens in the community is a major concern. With the proposed expansion this would eliminate this concern.

Sincerely,

John E. Shook, Jr.

*John E. Shook, Jr.
President of St. Martin's
By the Bay HOA*

03-120511

SAMPLE

The undersigned Philip + Elizabeth Young address of
11734 River view Dr

Hereby votes FOR or AGAINST (circle one) the county water coming into St. Martins
By the Bay.

1/24/2020
Dated

Elizabeth Young
Signature

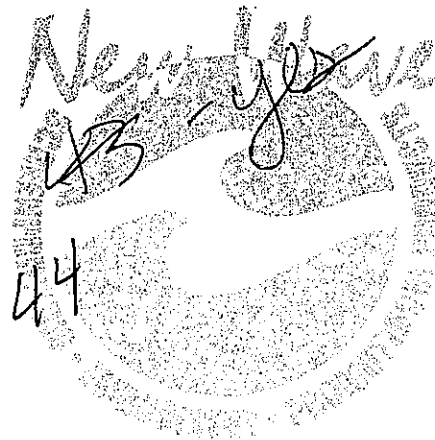
1/24/2020
Dated

Philip John Young
Signature

Real Property Data Search

Search Result for WORCESTER COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 03 Account Number - 120511	
Owner Information		
Owner Name:	YOUNG PHILIP J & ELIZABETH A	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	11734 RIVERVIEW DR BERLIN MD 21811	Deed Reference: /02639/ 00193
Location & Structure Information		
Premises Address:	11734 RIVER VIEW DR BERLIN 21811-0000	Legal Description: LOT 12 19816 SQ FT RIVER VIEW DR PL 1 ST MARTIN'S BY THE BAY S 1
Map:	Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot:	Assessment Year: Plat No: 87065 Plat Ref:
	0016 0002 0086 3010012.24 0973	12 2019
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
2005	2,067 SF	Property Land Area 19,816 SF
County Use		
Stories	Basement	Type
1	NO	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	4	2 full/ 1 half
Garage	Last Notice of Major Improvements	
1 Attached		
Value Information		
	Base Value	Value
		As of 01/01/2019
Land:	284,700	284,700
Improvements	151,500	264,100
Total:	436,200	548,800
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		473,733
		511,267
Transfer Information		
Seller: OVERLY CHARLES E & DEBORAH J	Date: 01/27/1999	Price: \$103,000
Type: ARMS LENGTH VACANT	Deed1: SVH /02639/ 00193	Deed2:
Seller: ST MARTINS GROUP INC	Date: 10/22/1984	Price: \$25,000
Type: ARMS LENGTH IMPROVED	Deed1: WCL /01029/ 00495	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 12/31/2012		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		



www.ocnewwave.com • 410-213-9283 • Ocean City, MD

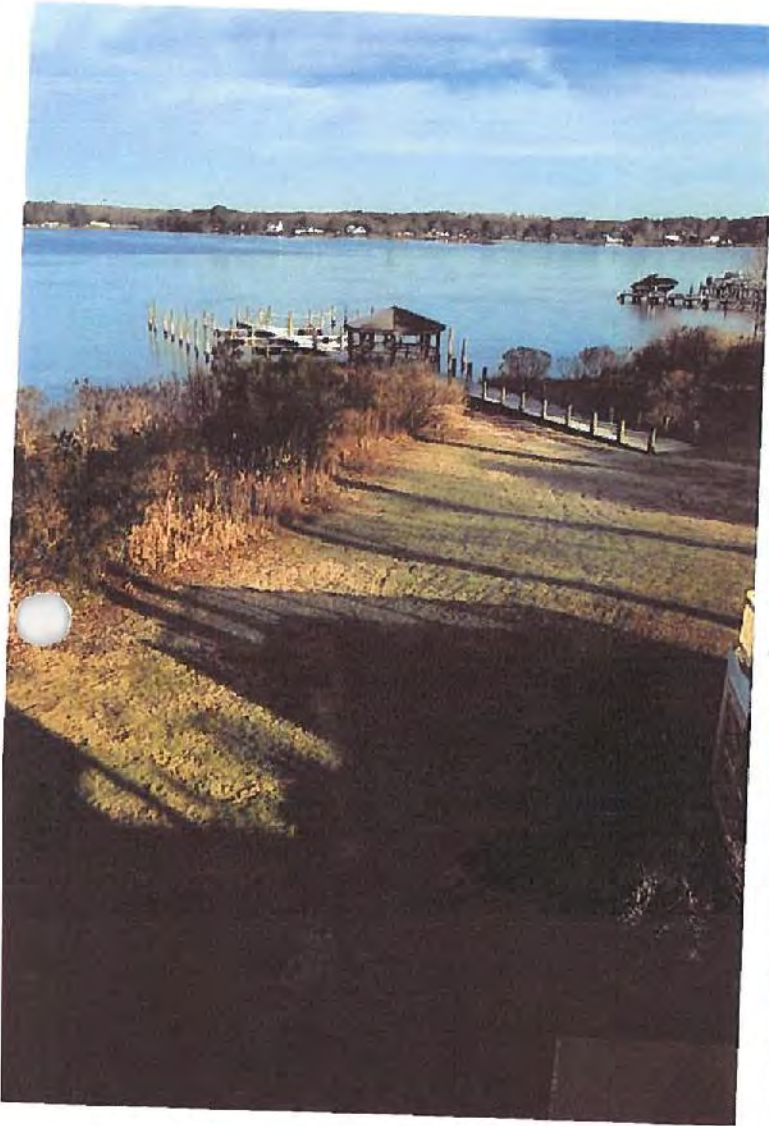


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Pump house / St. Martins River



French Drain
↓



Marsh next to drain

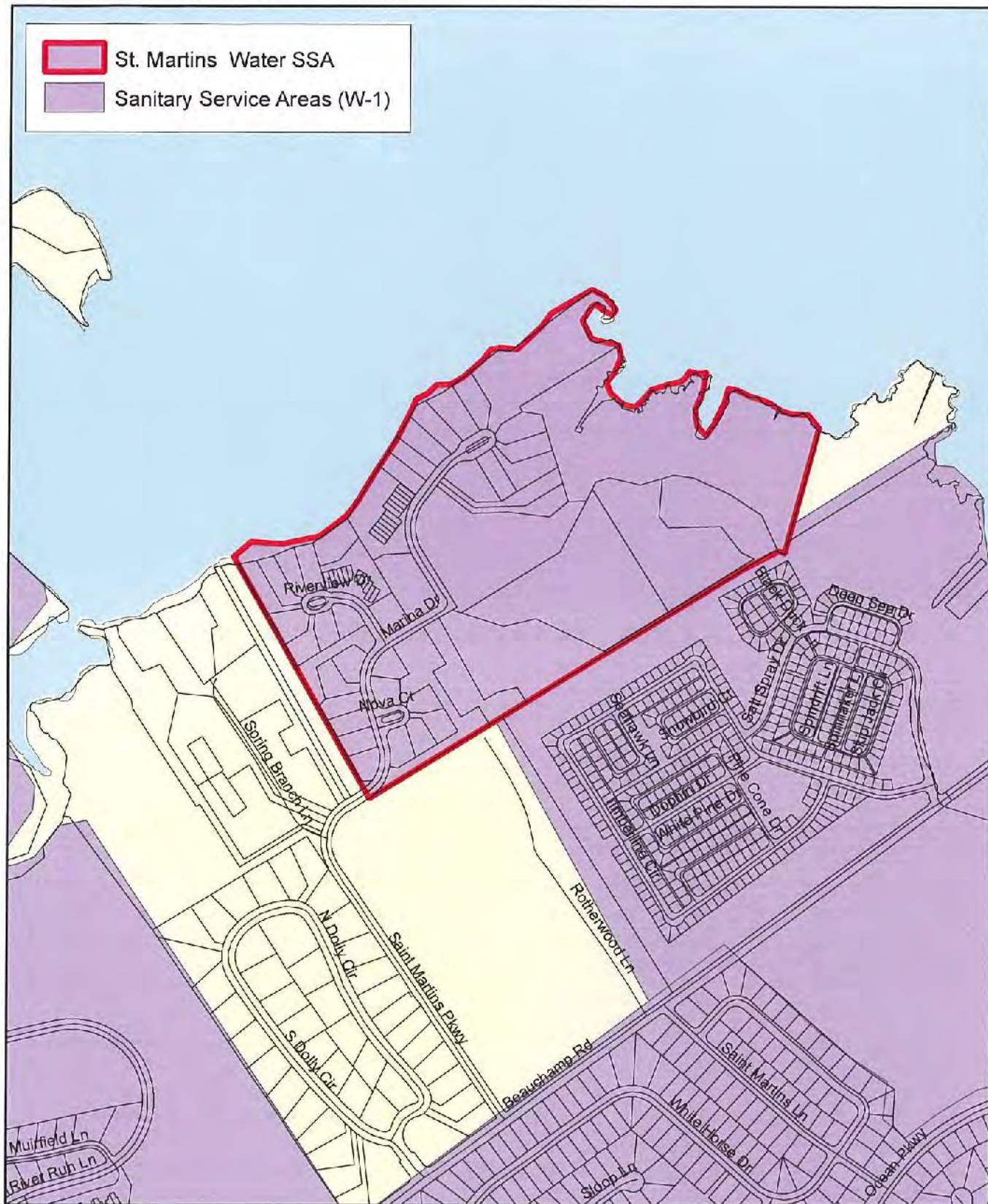
Holding Tanks



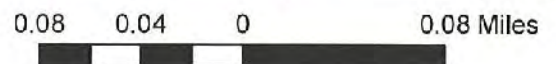
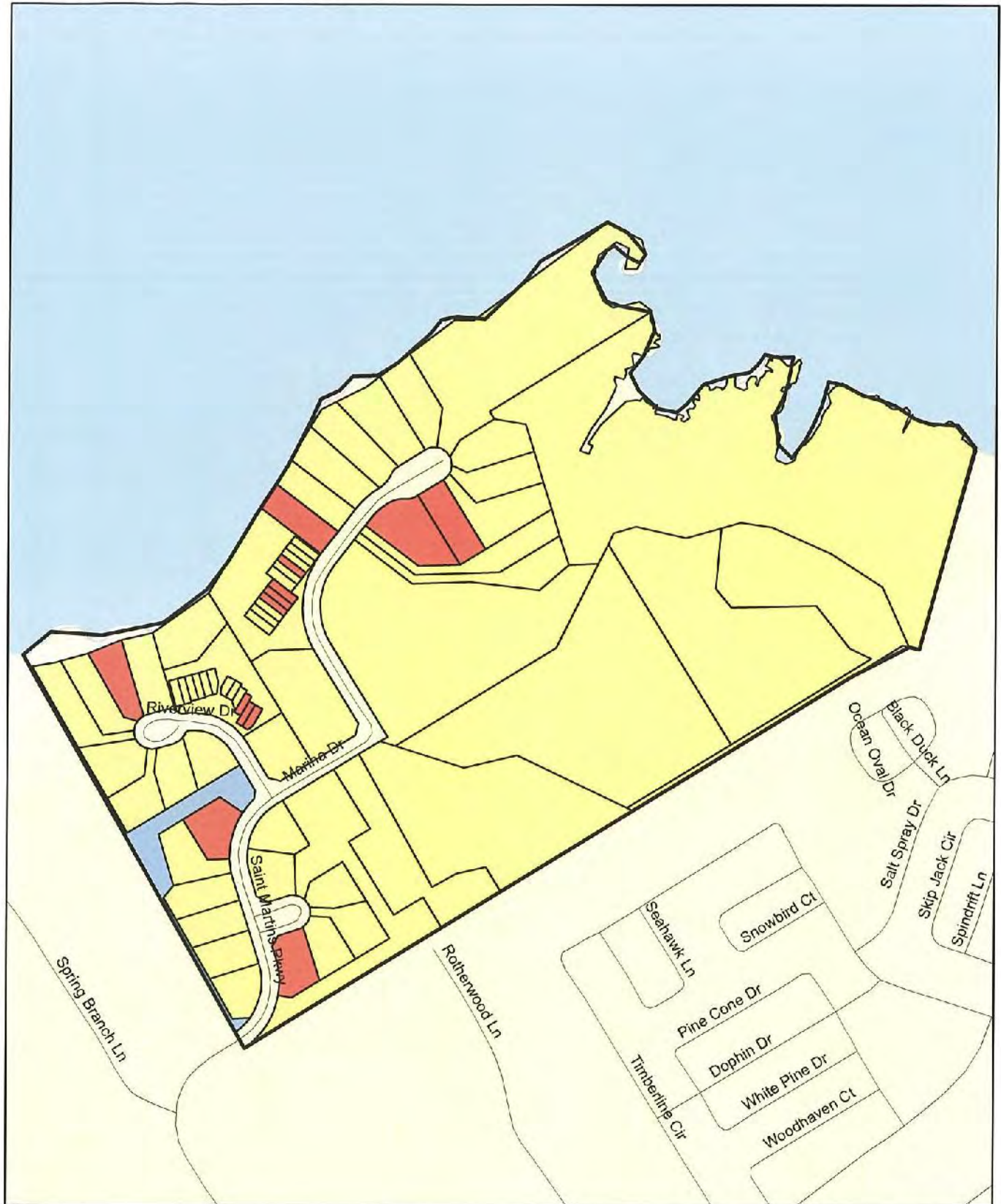
Floor pump house



St. Martin's Water SSA



St. Martin's Petition Results



Owner	Tax Account	Street	Owner Occupied	Map	Parcel	Equ's Existing Uses	Equ's Vacant lots	For Petition	Against Petition	Notes
KELLY PHILIP M &	03 121607	11740 RIVERVIEW DR	N	16	88	1			1	
WOOD JOHN W JR &	03 121615	11740 RIVERVIEW DR	N	16	88	1			1	
DUKES WALTER H JR	03 121585	11718 RIVERVIEW DR	N	16	88	1		1		
GOT BRICKS LLC	03 121577	11718 RIVERVIEW DR	N	16	88	1		1		
MORRISON PATRICIA	03 121569	11718 RIVERVIEW DR	H	16	88	1		1		
SHOOK JOHN E JR &	03 121542	11718 RIVERVIEW DR	H	16	88	1		1		
YAKIM PHILIP JAY &	03 121550	11718 RIVERVIEW DR	N	16	88	1		1		
ZIMMERMAN ANTHONY	03 121593	11718 RIVERVIEW DR	N	16	88	1		1		
GOOCH MICHAEL P	03 121496	11722 RIVERVIEW DR	N	16	88	1		1		
PARTRIDGE LYNNE PR	03 121526	11722 RIVERVIEW DR	N	16	88	1		1		
RIDOUT BRANDON &	03 121518	11722 RIVERVIEW DR	H	16	88	1		1		
SMITH LISA M &	03 121534	11722 RIVERVIEW DR	N	16	88	1		1		
CZORAPINSKI DAVID	03 120635	11545 NOVA CT	N	16	87	1		1		
PRACKO BARBARA J &	03 120627	11549 NOVA CT	H	16	87	1		1		
GORDY HAROLD B III	03 120619	11553 NOVA CT	H	16	87	1		1		
EVERETT GLENN S &	03 120546	11215 ST MARTINS HWY	H	16	87	1		1		
WEST REBECCA SUZAN	03 120554	11217 ST MARTINS PKY	H	16	87	1		1		
TIMMONS JOYCE L	03 120562	11221 ST MARTINS HWY	H	16	87	1		1		
KEEFER BARRY L &	03 120570	11225 ST MARTINS PKY	N	16	87	1		1		
MARINI DONALD L	03 120597	11233 ST MARTINS HWY	H	16	87	1		1		
WRIGHT WILLARD L &	03 120651	11236 ST MARTINS PKY	H	16	87	1		1		
BARRA AMY LOUISE &	03 120643	11230 ST MARTINS & NOVA CT	H	16	87	1		1		
ST MARTINS BY THE	03 006158	ST MARTINS PARKWAY RD	N	16	6		1	1		
BAHRAMI SIAMACK	03 127303	ST MARTINS PKWAY RD	N	16	95		1	1		
BAHRAMI SIAMACK	03 127281	ST MARTINS PKWAY RD	N	16	95		1	1		
ST MARTIN'S BY THE	03 121623	RIVER VIEW DR	N	16	88		1	1		
PALMER RUSTY &	03 120430	11726 RIVER VIEW DR	N	16	86	1		1		
YOUNG PHILIP J &	03 120511	11734 RIVER VIEW DR	H	16	86	1		1		
RHYNALDS RUTH A	03 120503	11738 RIVER VIEW DR	H	16	86	1		1		
SABIA SARA N	03 120481	11740 RIVER VIEW DR	H	16	86	1		1		
FERNANDEZ JOSEPH M	03 120473	11742 RIVER VIEW DR	H	16	86	1		1		
GRIFFIN STANLEY J	03 120465	11746 RIVER VIEW DR	H	16	86	1		1		
MILLER KEITH M	03 120457	11750 RIVER VIEW DR	H	16	86	1		1		
BAHRAMI SIAMACK	03 131327	MARINA DR	N	16	95		1	1		
BAHRAMI SIAMACK	03 131297	MARINA DR	N	16	91		1	1		
BAHRAMI SIAMACK	03 172651	MARINA DR	N	16	95		1	1		
BAHRAMI SIAMACK &	03 127311	MARINA DR	N	16	91		1	1		
ST MARTINS BY THE	03 127338	MARINA DR	N	16	91		1	1		
ST MARTINS BY THE	03 131300	MARINA DR	N	16	91		1	1		
ST MARTINS BY THE	03 131319	MARINA DR	N	16	91		1	1		
ST MARTINS GROUP I	03 131289	MARINA DR	N	16	91		1	1		
CLEARY PATRICIA	03 124282	11305 MARINA DR	N	16	91	1		1		
FERRANTE CAROL LEE	03 124312	11305 MARINA DR	H	16	91	1		1		
LACUESTA FERNANDO	03 124320	11305 MARINA DR	N	16	91	1		1		

PATRICIA M COSTANT	03 124304	11305 MARINA DR	N	Jan-00	91	1	1	1	1
STANGE CAROL A &	03 124290	11305 MARINA DR	H	16	91	1			1
W OLIVER WALSH TRU	03 124339	11305 MARINA DR	N	16	91	1			1
BAHRAMI SIAMACK	03 127354	11311 MARINA DR	N	16	91	1			1
BAHRAMI SIAMACK	03 127397	11311 MARINA DR	N	16	91	1			1
COSTANTINO CRAIG &	03 127346	11311 MARINA DR	H	16	91	1			1
GARCIA ROBERT G &	03 127362	11311 MARINA DR	N	16	91	1			1
SHUTT ROBERT M & R	03 127389	11311 MARINA DR	H	16	91	1			1
TAYLOR MATTHEW DAV	03 127370	11311 MARINA DR	H	16	91	1			1
KOSIENSKI JAMES D	03 124347	11329 MARINA DR	H	16	91	1			1
PINO JOSEPH L	03 124355	11333 MARINA DR	H	16	91	1			1
KILLINGER WILLIAM	03 129128	11334 MARINA DR	N	16	91	1			1
CARR JOHN T &	03 124460	11336 MARINA DR	H	16	91	1			1
MONTGOMERY JEFFREY	03 124363	11337 MARINA DR	H	16	91	1			1
STOPFORD JANE M &	03 124371	11341 MARINA DR	N	16	91	1			1
OLSON ALAN M &	03 124452	11342 MARINA DR	N	16	91	1			X
STOPFORD JEFFREY M	03 124398	11343 MARINA DR	N	16	91	1			1
STOPFORD JANE M &	03 131335	11345 MARINA DR	N	16	91	1			1
KILLINGER WILLIAM	03 124444	11346 MARINA DR	H	16	91	1			1
ROSHAN MOHAMMAD 5H	03 131343	11347 MARINA DR	N	16	91	1			1
CERV DICK M	03 124436	11348 MARINA DR	N	16	91	1			1
CUSTEAD WILLIAM J	03 124428	11350 MARINA DR	N	16	91	1			1
RAMEY SUSAN	03 120600	11603 NOVA CT		16	87				1
POKRYWKA IAN	03 120538	11732 RIVERVIEW DR		16	86				1
BAKER TEDDY	03 120589	11229 ST MARTINS HWY		16	87				1
						54	12	56	12

58 EDUs Water				
Item	Qty	Unit	Price	Total
12" (main line)	4800	LF	38	\$ 182,400.00
Hydrants	8	ea	5500	\$ 44,000.00
6"valves	2	ea	1200	\$ 2,400.00
12" valves	4	ea	3100	\$ 12,400.00
Dir Drill 12"	60	LF	200	\$12,000
Services	58	ea	1500	\$ 87,000.00
				\$ 340,200.00
add:				
Design			8%	\$ 27,216.00
Contingency			10%	\$ 34,020.00
Admin/other				\$ 15,000.00
				\$ 416,436.00
add:				
Equity Contribution	58	EDU	3000	\$ 174,000.00
FCI	58	EDU	513	\$ 29,754.00
				\$ 620,190.00
				Original Estimate Project Cost
				\$ 750,000.00

Construction/Capacity Debt Potential Payments with this budget and different financing rates/types, yearly payment for total, and payment per house:

Debt - \$750,000 over 20 years at 2% if we can get that low a rate is \$46,000 or \$800 per house per year

3% at 40 years \$32,500 or \$600 per house per year

Bond at 4% at 15 years \$67,500 or \$1,200 per house per year

Then add:

Water only is \$250/year O&M or 55-70 per quarter per house (cost of the water service itself)

§ PW 5-305. Sanitary service areas, sub-areas and amendments.

(a) Criteria for establishment. A sanitary service area may be created only if it can be demonstrated, and the County Commissioners find that the establishment is (1) necessary for the existing or future health, safety and welfare of the public in general or is in the best interest of the county at large, and (2) feasible financially and from an engineering standpoint. A sanitary service area may include non-contiguous parcels. Parcels wholly within the boundaries of a service area may be excluded from the service area.

(b) Procedure. The procedure for the establishment of a sanitary service area, sub-area or amendment thereto shall be as follows:

(1) Initiation of the process for sanitary service areas or sub-areas to be established or amended may be by petition or by action of the County Commissioners as follows:

A. By petition. The owner or owners of property may petition the County Commissioners for the establishment of a sanitary service area to serve that sub-area or amendment thereto. The petition must describe the geographic area proposed for the sanitary service area, sub-area or amendment. The petition shall be on such forms as prescribed by the County Commissioners and must be signed by not less than 67% of the property owners in the proposed service area, sub-area or amended area. The petition shall be accompanied by a plat of the proposed service area, drawings, maps, plans, studies, construction information and other information as may be required by the County Commissioners.

B. By action of the County Commissioners. If the County Commissioners determine that the establishment of a sanitary service area, sub-area or amendment thereto may be desirable in accordance with the criteria in this Subtitle, then the Commissioners may pass a resolution providing for an investigation of such proposed sanitary service area, sub-area or amendment.

(2) Action on Petition or Resolution. The Commissioners shall make an investigation and evaluation of the proposal set forth in the petition or resolution. In evaluating the proposal, the Commissioners shall consider the following:

A. Desirability of the facility for comfort, convenience, health, safety and welfare of the people who will or in the future may be served by the proposal.

B. Feasibility of construction and operation from an engineering standpoint as well as from an economic standpoint of the proposal.

C. Whether or not the proposal is in the best interest of the public health, safety and welfare of all residents of the county.

D. Whether or not the proposal will not be unduly detrimental to the environment of the county.

E. Whether or not the design and operation of any facility included in the proposal is in accordance with all required permits and applicable standards.

- (3) Hearing. The Commissioners shall hold at least one public hearing on the proposed establishment of a sanitary service area, sub-area or amendment thereto which shall be advertised at least once per week for two consecutive weeks prior to the hearing in a newspaper of general circulation in the area of the proposed action. The public hearing may be held in conjunction with any other public hearing required for the approval of the proposal.

A. (Reserved)⁸

- (4) Approval/Disapproval. Following the public hearing the Commissioners may approve the proposal and establish a service area, sub-area or amend the same by resolution. The resolution shall specify and include: (1) the name of the service area or sub-area; (2) a geographic description of the service area or sub-area; (3) a description of the proposed sanitary facilities and a plan and schedule for the construction of the facilities; (4) the number of equivalent dwelling units to be served in the sanitary service area or sub-area; (5) an allocation of the equivalent dwelling units for existing parcels and for parcels planned for development; and (6) such other matters as the County Commissioners may deem appropriate. A copy of the resolution agreement implementing same and a plat of the boundaries of the service area or sub-area shall be recorded among the land records of the county. The County Commissioners may deny the proposal if it is found that the proposal is not necessary for the existing or future health, safety and welfare of the public in general or if the proposal is not feasible financially or from an engineering standpoint. Should construction of any facilities fail to commence within ten years from the date of the resolution, the County Commissioners may dissolve the service area or sub-area as herein provided. The decision of the County Commissioners shall be final. The resolution shall establish a special taxing district.
- (5) Cost and fees. In the case of a petition, all costs expended and fees, as from time to time prescribed by the County Commissioners, shall be paid by the petitioners at such time as demanded by the County Commissioners, provided, however, that the County Commissioners may determine that in a case where the petition is for the correction of existing conditions which are hazardous to the public health and the environment, the Commissioners may waive the fees or costs. In addition, the County Commissioners may pay such fees and costs and charge them to the service area or sub-area upon its establishment. Nothing herein shall preclude the County Commissioners from making other expenditures for studies or evaluations necessary to protect the health, safety and welfare of the people of the county and the environment.

8. Editor's Note: Former Subsection (b)(3)A, which provided special provisions for hearings in the Ocean Pines Sanitary Service Area, was repealed 9-16-2003 by Bill No. 03-9.

§ PW 5-306. Services outside service area. [Amended 8-16-2005 by Bill No. 05-11; 12-20-2005 by Bill No. 05-15]

- (a) Extension of services outside service area. The County Commissioners may allow sanitary services to be extended outside the boundaries of a service area to provide service by contract to another sanitary service area, shared sanitary facility, County project or facility, as determined by the County Commissioners. In all such cases the recipient of such service shall fairly compensate the sanitary service area providing service for maintenance and operation cost and for a proportionate share of the value, as determined by the County Commissioners, of the sanitary facilities required to provide the service. In emergency circumstances, service may be provided to an individual property. In the case of providing service to an individual property, the Commissioners must determine that such service is required because of a bona fide health or environmental emergency. The procedure for providing service outside the service area shall be the same as the procedure for an amendment to a sanitary service area set forth in § PW 5-305 of this Article based upon a petition filed by the owner or owners of the property requesting service or by action of the County Commissioners. The County Commissioners, in order to provide service outside the sanitary service area by contract, shall make all of the factual findings required by § PW 5-305, and the proposal must meet with all of the requirements of this section as well as the requirements of § PW 5-305. In cases where services are provided by contract outside of a sanitary service area the County Commissioners may establish rates and fees at the time of the resolution providing for such service. Such rates may be higher or lower than the rate charged within the sanitary service area providing service as determined by the County Commissioners for good cause. All rates and fees shall be subject to the annual budgetary process of § PW 5-310.
- (b) Temporary services. Upon a recommendation by the Department of Public Works, in cases where it is determined necessary, appropriate, or desirable by the County Commissioners, temporary treatment of wastewater generated in one sanitary service area may be provided in another sanitary service area and/or potable water may be supplied from one sanitary service area to another sanitary service area, provided such temporary arrangement does not exceed three hundred sixty-five consecutive days and provided an agreement shall be entered into between the service areas and executed on behalf of the County Commissioners by the Department of Public Works. No arrangement for inter-service area wastewater treatment or supply of potable water shall be made in cases where the wastewater treating area or potable water supplying area lacks sufficient capacity for such service.

§ PW 5-307. Construction of sanitary facilities.

- (a) Construction by developer. Where the proposed sanitary facilities are intended to serve land which is substantially vacant and undeveloped, the developer shall be required to enter into an agreement with the County Commissioners to provide for the construction of the facilities. The agreement shall provide: (1) that the developer shall secure all necessary permits for the benefit of the county, and which may not be modified without the consent of the county, and shall construct the facilities in accordance with all required permits and applicable standards; (2) that the developer shall deed to the county

free and clear of all encumbrances, at the time of the recordation of any subdivision plat or final approval of any site plan all parcels reserved for construction of sanitary facilities; (3) that the developer shall warrant the construction and performance of the sanitary facilities for a period of not less than two years from the date of acceptance by the county and shall post construction and maintenance bonds in an amount to guarantee the warranty which in the case of a maintenance bond shall be no more than 50% of the actual cost of all equipment; (4) that upon completion of the facility and final inspection, approval and acceptance by the county, the developer shall transfer all permits and all those portions of the facility which are not already county property to the county free and clear of all liens and encumbrances and the county shall then assume operational control of the sanitary facilities; (5) for a cash deposit, if required by the resolution establishing the service area, for not less than one year of operation including reasonable reserves for replacement; (6) such requirements for payment of contractors and suppliers as may be required; (7) for any construction bond required by any applicable law or regulation; (8) for any reimbursement to developer for service provided from the facility to third parties and any formula relating thereto; and (9) for such other matters as may be determined by the County Commissioners to be necessary and appropriate. The agreement shall be recorded in the land records of Worcester County at the expense of the developer. Any sanitary facilities constructed by the developer must be of such a capacity to provide service for each equivalent dwelling unit reflected on the developer's subdivision plats or site plans. The County Commissioners may require a developer to construct sanitary facilities of a size and capacity greater than that necessary to serve the proposed development when that additional capacity is needed to serve other existing parcels within the service area. In such a case, those existing parcels shall be established as a sub-area and the sub-area shall be liable for reimbursing the developer for its proportionate share of the costs of the sanitary facilities constructed by the developer.

- (b) Construction by county. Where a sanitary service area or sub-area has been established, the sanitary facilities shall be constructed, expanded or upgraded by the county in accordance with the following procedures.
- (1) The County Commissioners shall cause to be made such studies, plans and specifications as may be necessary to solicit bids and determine the actual cost for the construction and operation of the proposed sanitary facilities.
 - (2) The County Commissioners shall hold a public hearing on the cost of the project, which hearing shall be advertised at least once per week for two weeks prior to the hearing in a newspaper of general circulation in the area of the proposed service area. At the hearing the Commissioners may ask for the vote of each property owner in the service area as to whether the project should be constructed but shall not be bound by said vote.
 - (3) Following the public hearing the County Commissioners may approve or reject the project for construction. If approved, the County Commissioners may advance funds or may issue bonds as may be authorized by Public General Law, for the construction of the project. The costs incurred in constructing the project shall be considered a debt of the sanitary service area which debt shall be repaid through the levying of and payment of assessments as provided for in this Subtitle.

- (c) Standards. The County Commissioners may, by resolution, adopt codes and standards for the construction, operation and use of sanitary facilities.

§ PW 5-308. Operation of sanitary facilities.

Sanitary facilities shall be operated by the Worcester County Department of Public Works, provided that the County Commissioners may contract with qualified private operators or enter into leases with private operators to operate sanitary facilities.

§ PW 5-309. Plat approval and building permits. [Amended 7-13-1999 by Bill No. 99-4]

- (a) Conditions of approval and permit issuance. No subdivision plat may be recorded or site plan finally approved for any development in a sanitary service area until the sanitary facilities have either been completely constructed and in operation or the construction is provided for by agreement with the County Commissioners and has been adequately bonded to the county. No building permit for any structure in a sanitary service area shall be issued until the county shall determine that the construction of the sanitary facilities is substantially completed as determined by the County Commissioners upon the advice and the recommendation of the County Environmental Programs Administrator and, if the facilities are being constructed by a developer, that the remaining work is adequately bonded to the county. No occupancy permit shall be issued for any structure in a sanitary service area until the sanitary facilities are completed and are operating to the satisfaction of the county and have been transferred to the county.

- (1) Notwithstanding the provisions contained in Subsection (a) above, permits for no more than four model homes may be issued for any subdivision where the proposed water supply system and/or sewage disposal system have been approved by the Department of the Environment but not constructed, subject to the following:
- A. The water supply system and/or sewage disposal system have been bonded in their entirety to the satisfaction of the County Commissioners.
 - B. There shall be no water supply extended to the model homes.
 - C. All plumbing shall terminate at the building foundation.
 - D. Model home owners/developers shall utilize the model homes only for display purposes and they must not be either sold or occupied for any purpose until the water supply system and/or sewage disposal system are available to serve them. Agreements to this effect must be signed by all owners/developers, contractors and lienholders and recorded in the land records of Worcester County.

§ PW 5-310. Budget, assessments and charges.

- (a) Service area budget. The County Commissioners shall each year, by resolution, approve and adopt a budget for each service area which shall specify estimated expenses of the

service area or sub-area and the assessment, user charge and accessibility rates, as well as any other authorized fees and charges, necessary to balance estimated expenditures. The County Commissioners may also approve and adopt such supplemental budgets and assessments and charges in accordance with the procedures set forth in this section, as may be necessary to meet emergency or unexpected conditions and expenses, including partial year budgets and levies. The expenses of the service area may also include a portion of any consolidated administrative, financial, engineering and maintenance expenses which are allocated to the service area on a proportionate basis.

- (b) Assessments. The County Commissioners shall levy assessments by resolution on all properties within the sanitary service area or sub-area for the sole purpose of raising funds to retire any indebtedness of the service area or sub-area incurred for the purpose of acquiring or constructing sanitary facilities. The assessments shall be levied uniformly on an equivalent dwelling unit basis. If no new assessment is made, then the prior year assessment shall continue for the ensuing year. Each parcel within the service area shall annually, by resolution, be assigned an equivalent dwelling unit rating based upon its actual use or, in the case of vacant land, be assigned a one equivalent dwelling unit rating unless the vacant land has been approved for a greater number of equivalent dwelling units either by site plan approval, preliminary plat approval, or other development plan approval allowing for an allocation of water or sewer service, or other contracted agreement providing for water or sewer service, in which case the rating shall be based upon the number of equivalent dwelling units provided for in such approval, plat, plan or agreement. The County Commissioners may make adjustments in assessments in cases of lots which are determined by the County Commissioners to be lots not intended for sewer or water facilities or where water or sewer facilities provided in the service area or sub-area are not planned to be extended to such lot. In the case of unplatted areas subject to assessment on account of any such approval, the resolution may provide for a charge per equivalent dwelling unit of less than one hundred percent. The County Commissioners shall make a semiannual assessment levy, at one-half the annual rate, for parcels which first become subject to assessment or for which the equivalent dwelling unit rating is changed, after the beginning of the levy year and before the 180th day of the year. The assessment rate per equivalent dwelling unit shall be made each year, by resolution, such that the total assessment levy for that year is sufficient, but not in excess of the amount necessary except allowing for a reasonable reserve for uncollected assessments, to pay the indebtedness due for that year.
- (c) User charges. The County Commissioners shall levy, by resolution, user charges for all customers in the service area or sub-area actually connected to sanitary facilities. The user charges shall be based upon the best available determination of the volume of water used or wastewater discharged. The user charges shall be set on an annual basis in an amount, when added to any accessibility charges collected, sufficient to pay all operating and maintenance costs of the sanitary service area or sub-area including reasonable reserves for replacements.
- (d) Special service fees. The County Commissioners may establish, by resolution, and charge special service fees required to be paid for special services provided by the county. Such fees shall be based upon the cost to the county to provide any such service.

- (e) Accessibility charges. Where the customer base is insufficient to generate sufficient user charges to reasonably pay annual maintenance and operation expenses, the County Commissioners may levy, by resolution, accessibility charges for all parcels in the service area which are not yet actually connected to sanitary facilities. The Commissioners shall classify parcels based upon the degree to which the sanitary facilities are considered to be readily accessible.
- (f) Late fees and interest. The County Commissioners may also establish, by resolution, late fees and administrative charges required to be paid and interest charges for any assessments, charges or fees which are not paid in the time prescribed.
- (g) Contract charges. Where there is an existing agreement as described in § PW 5-313 hereof with respect to sewer or water services in any service area, then in such event, any charges as agreed to, authorized by, or set forth in such agreement, including any charges agreed to be made to persons similarly situated and not parties to any such agreement and specifically including all charges included in an agreement between Worcester County Sanitary District, County Commissioners of Worcester County, institutional service corporation, Maryland Marine Utilities, Inc., and 589 Corporation, dated July 14, 1987, and all exhibits thereto may be made by the County Commissioners within that service area pursuant to such agreement. Any such charges authorized by an amendment to such agreement may also be made.
- (h) Discontinuance of water services. If any bill for water service remained unpaid (1) after sixty days from the date of mailing for annual and semiannual bills; or (2) after thirty days from the date of mailing for all other bills, the department shall give written notice, left upon the premises or mailed to the last known address of the owner, that the water service will be terminated in ten (10) days and not reinstated until said bill, late fees, interest and a reconnect fee of fifty dollars have been paid.
- (i) Collection of unpaid charges. Unpaid assessments, charges and fees shall be collected in the same manner as real estate taxes, shall constitute liens in the same manner as real estate taxes, and shall be subject to all laws with respect to real estate taxes.
- (j) Public hearing. Before adopting any resolution establishing or changing any assessment rate, user charge rate or availability charge rate, the County Commissioners shall hold a public hearing, which hearing shall be advertised at least once per week for two weeks prior to the public hearing in the area of the service area, on said rates at which hearing the property owners and customers shall have an opportunity to be heard regarding the service area budget or the proposed rates.
- (k) Interim forms of assessments and charges. In addition to the other powers set forth in this section, the County Commissioners may, in lieu of assessments based upon equivalent dwelling units as provided for under Subsection (b) hereof, levy benefit assessments, in the West Ocean City Sanitary Service Area, for the year 1994/95, by resolution, based upon front footage in accordance with existing formulae or systems.
- (l) Continuation of budgets and assessments. In the event the County Commissioners do not adopt a budget or make an assessment for a service area or service areas, the prior year budget and assessment shall continue for the ensuing year in that service area.

- (m) Assessment appeals. Any person alleging an error in the application of the criteria or standards used in determining the number of equivalent dwelling units assessed, or in the calculation of some other method of assessment allowed under the provisions of this section, or the procedures adopted to implement the assessment system, shall be entitled to appeal, in individual cases, such assessments to the County Commissioners within such time periods and in accordance with such procedures as the County Commissioners may from time to time adopt by resolution. There shall be no appeal from the assessment methods or procedures. In the event of a reduction in assessment, the property owner shall be entitled to a refund for the then current year only.

§ PW 5-311. Dissolution.

Where the County Commissioners determine that a sanitary service area or sub-area is no longer necessary based upon the criteria set forth in § PW 5-305(b)(2)A through § PW 5-305(b)(2)E, the sanitary service area or sub-area may be dissolved in accordance with the procedures in this Subtitle for establishment.

§ PW 5-312. Additional provisions.

Nothing contained in this Subtitle shall be construed to limit or diminish any other powers or authority relating to the provision of water or wastewater service granted to the county under the Environment Article of the Annotated Code of Maryland or any other provisions of public general law. Where such other powers are in conflict with provisions of this Subtitle then the provisions of this Subtitle shall govern without any such limitation.

§ PW 5-313. Effect on existing agreements.

Nothing in this Subtitle shall abrogate or amend any such terms of any legally enforceable agreement entered into between any developer or sanitary service area and the Worcester County Sanitary District or the County Commissioners enforceable and in effect on the effective date hereof (including, but not limited to, the agreement made on the 25th day of November, 1997, by and between MH Utilities Corporation, Mystic Harbour Water and Wastewater Services, Inc. and the Worcester County Commissioners) to the extent that the provisions of this Subtitle are in conflict with matters specifically and directly addressed in said terms, otherwise the provisions of this Subtitle shall apply. Specifically, however, where such agreements provide for transfer of facilities, expansion of service areas, or service outside service areas, then the provisions of the agreement shall govern.

§ PW 5-314. Decision of Commissioners to be final.

Any person who has been denied a permit, license or approval by any county department or official acting pursuant to this Subtitle may, in writing within 30 days of such action, apply to the County Commissioners for a review of such action. The Commissioners shall provide the applicant with a right to be heard thereon upon at least 15 days notice. The decision of the Commissioners shall be final and not subject to any appeal to any board or court.

**RESOLUTION APPROVING THE ESTABLISHMENT OF THE
ST. MARTINS BY THE BAY WATER SANITARY SERVICE AREA**

WHEREAS, pursuant to Section PW 5-305 of the Public Works Article of the Code of Public Local Laws of Worcester County, Maryland, at least sixty-seven percent (67%) of the current property owners of the St. Martins by the Bay subdivision petitioned the County Commissioners of Worcester County, Maryland (hereafter "County Commissioners") to establish a sanitary service area for the purposes of providing potable water service to all fifty-eight (58) properties in the St. Martins by the Bay subdivision from the Ocean Pines Sanitary Service Area; and

WHEREAS, the County Commissioners have evaluated the petition and have found that the proposed establishment of the St. Martins by the Bay Water Service Area and facilities are desirable for the comfort, convenience, health, safety, and welfare of the people that will be served by the facilities; is feasible for construction and operation of the facilities from an economic and engineering standpoint; is in the best interest of the public health, safety, and welfare of all residents of the County; will not be unduly detrimental to the environment of the County; and the design and operation of the facilities will be in accordance with all required permits and applicable standards; and

WHEREAS, the cost of construction of the facilities and connection to the Ocean Pines water system will be the sole responsibility of the property owners served by the facilities; and

WHEREAS, the County Commissioners held a duly advertised public hearing on June 16, 2020 to consider the request for establishment of the proposed service area.

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

1. The St. Martins by the Bay Water Service Area is hereby established and shall comprise all of the real property known locally as the St. Martins by the Bay subdivision located immediately north of the Synder Property on Beauchamp Road, south of the St. Martins River, west of the White Horse Park community, and east of the Dolly Circle community. The fifty-eight properties are shown on Worcester County Tax Map 16, Parcel 6, Parcel 86 (Lots 7-14, Blocks A and C), Parcel 87 (Lots 1-6, Blocks A and B), Parcel 88 (Lots 15-26), and Parcel 91 (Lots 1-8 and 10, 11A, 12A, 13, 40, and 50), and are recorded among the Land Records of Worcester County, Maryland in Plat Book No. 90, Pages 75-76, Plat Book No. 97 Page 23, and Plat Book No. 103 Page 26.
2. The St. Martins by the Bay Water Sanitary Service Area is established for the land described herein to provide potable water service to the community for a total of fifty-eight (58) residential dwelling units and community recreational facilities with a project demand of 17,400 gallons per day (gpd) in accordance with the Worcester County Department of Public Works Design Standards, being the same

agency that will supervise and accept the connection infrastructure constructed for the community, and in accordance with a preliminary engineering report and environmental report prepared for the connection project. Service will be provided by contract for an initial service capacity level of fifty-eight (58) equivalent dwelling units (EDU's) at a rate of 300 gallons per EDU, from the existing Ocean Pines Sanitary Service Area. Construction to begin immediately following the issuance of all required permits and after settlement concludes for a suitable United States Department of Agriculture (USDA) loan product that provides financing for all costs relating to the connection project for this community.

PASSED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

WORCESTER COUNTY COMMISSIONERS

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

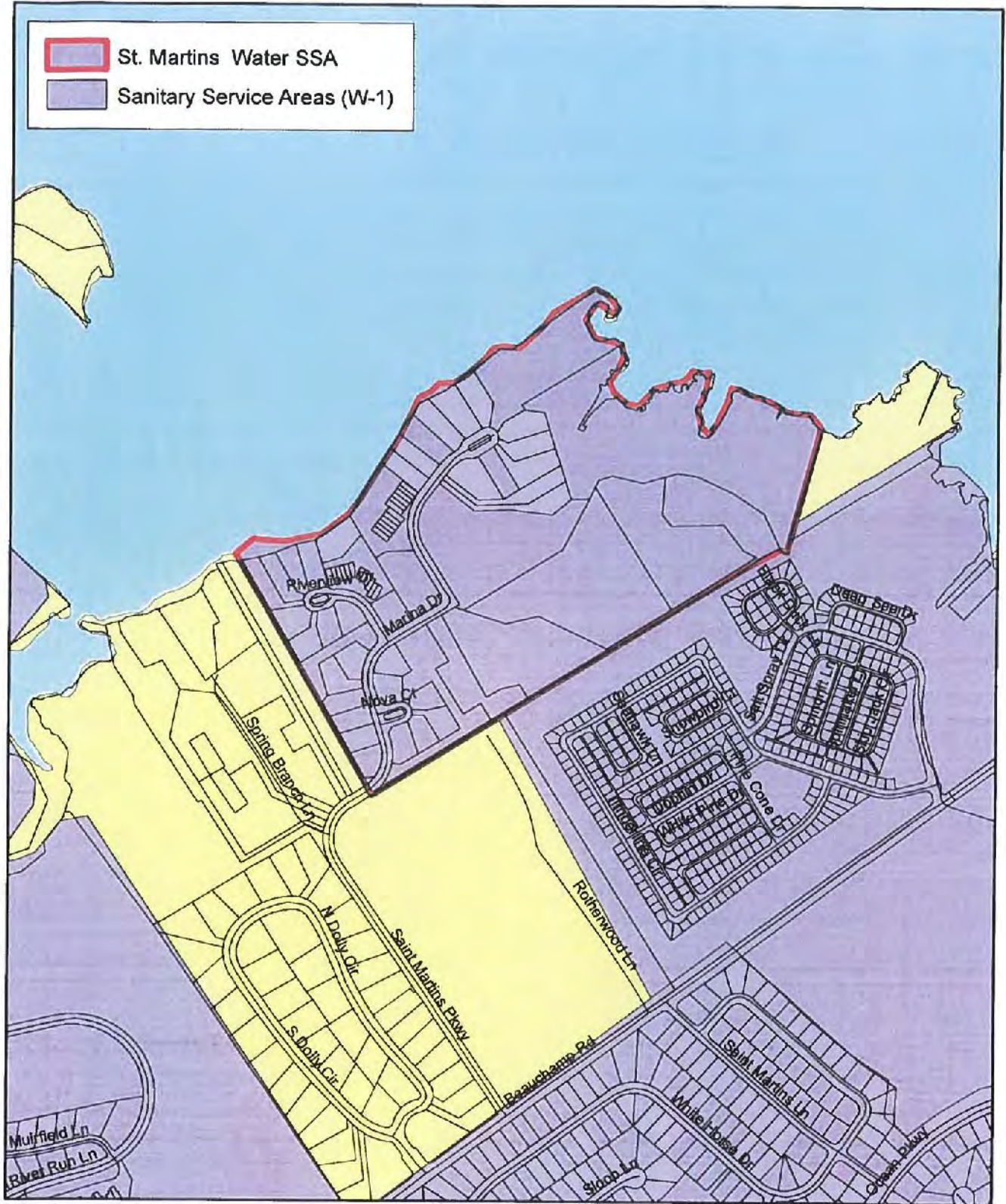
Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

St. Martin's Water SSA



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