

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.

October 20, 2020

Item #

- 9:00 AM - Vote to Meet In Closed Session in Commissioners' Meeting Room - Room 1101
Government Center, One West Market Street, Snow Hill, Maryland
- 9:01 - Closed Session: Discussion regarding a request to hire a Information Technology Analyst/Technician at the Department of Information Technology, and certain personnel matters; receiving legal advice from Counsel; and performing administrative functions
- 10:00 - Call to Order, Prayer (Pastor Dale Brown), Pledge of Allegiance
- 10:01 - Report on Closed Session; Review and Approval of Minutes of October 6, 2020 Meeting
- 10:05 - Presentation of Proclamation for Economic Development Week 1
- 10:10 - Chief Administrative Officer: Administrative Matters
(Pending Board Appointments, Newark Spray Irrigation Project Easement, EDU Allocation for Salt Grass Point Farms, Showell Concession Stand Equipment Funding Request, Broadband RFP, FY20 End of Year Transfer Request for Sheriff Uniforms, Modification to Triple Crown Estates Plan, Nuisance Abatement for 2816 Snow Hill Road) 2-9
- 10:20 -
- 10:30 - Legislative Session - Introduction of Bill 20-8 on Accessory Structures and Public Hearing on Bill 20-7 on the Casino Overlay District 10-11
- 10:40 - Chief Administrative Officer: Administrative Matters (If Necessary) 2-9
- 10:50 -
- 11:00 -
- 11:10 -
- 11:20 -
- 11:30 -
- 11:40 -
- 11:50 -
- 12:00 - Questions from the Press; County Commissioner's Remarks
- Lunch
- 1:00 PM - Chief Administrative Officer: Administrative Matters (If Necessary) 2-9

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!

Minutes of the County Commissioners of Worcester County, Maryland

October 6, 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

Following a motion by Commissioner Nordstrom, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) 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 Weston Young, County Attorney Roscoe Leslie, Public Information Officer Kim Moses, Human Resources Director Stacey Norton, Warden Donna Bounds, and Recreation, Parks, Tourism, and Economic Development Director Tom Perlozzo. Topics discussed and actions taken included the following: hiring Jamie Milliner and Hunter Sharp as Correctional Officer Trainees and Shytina Drummond as an Assistant Warden, and advertising to hire a Warden for the Jail; promoting Hailey Parisi to License Permit Clerk III within Environmental Programs; hiring Kristen Tremblay as Zoning Administrator for Development Review and Permitting, and certain personnel matters; receiving legal advice from counsel; and performing administrative functions, including receiving the FY20 monthly financial update.

Following a motion by Commissioner Bunting, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 9:57 a.m.

After the closed session, the Commissioners reconvened in open session. Commissioner Mitrecic called the meeting to order, and following a morning prayer by Pastor Gary McCabe of Oak Ridge Baptist Church in Berlin and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their September 15, 2020 meeting and their September 22 emergency session as presented.

The Commissioners joined with Fire Marshal Jeff McMahon and Worcester County Volunteer Firemen's Association Liaison Tim Jerscheid to proclaim October 4-10, 2020 as Worcester County Fire Prevention Week and October as Fire Prevention Month, with the theme "Serve Up Fire Safety in the Kitchen."

The Commissioners joined with Amy Crouse and Mary Elligson of the Worcester County

Chapter of the National Federation of the Blind to proclaim October 15, 2020 as White Cane Awareness Day in Worcester County, encouraging area residents and employers to value the white cane as a tool of independence for the blind in both public spaces and businesses.

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved as a consent agenda the housekeeping agenda item numbers 1-9 as follows: a Memorandum of Understanding (MOU) with Life Crisis Center, Inc. of Salisbury, which will provide 24-hour, confidential crisis intervention for the inmate/detainee population at the Jail from October 1, 2020 through September 30, 2021 at a cost of \$1,200 per year to maintain compliance with the Prison Rape Elimination Act; a contract renewal with Swank Motion Pictures at a cost of \$1,141.80 to broadcast informational DVDs to all housing units at the Jail, as required by the Immigration Standards, to advise the Immigration and Customs Enforcement (ICE) detainees of their legal rights while in custody; reappointing Commission on Aging (COA) nominees, James Covington, Caroline Dryzga, and Bonnie Gisriel to the COA for three-year terms each expiring September 30, 2023 and approving changes to Article Six of the Articles of Incorporation; a one-year extension of the Small Project Water and Wastewater Agreement for Triple Crown Estates to October 2021 due to construction modifications to include lots for single-family homes and due to delays caused by the COVID-19 pandemic; renewing an MOU with the Maryland Department of the Environment (MDE) for five years for the County to continue administering the beach water quality monitoring program; the filing of a State Aid for Police Protection Fund application for FY22 from the Governor's Office of Crime Control and Prevention, with funds to be used exclusively to provide adequate police protection throughout the County; and a 100% Tax Credit in the amount of \$3,303.11 for real and tangible personal property owned by the Berlin Community Improvement Association for the July 1, 2020 tax year.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review staff's recommendation to award the low bid of \$23,800 to Site Services of Bel Air, Maryland to demolish the structure identified in Nuisance Abatement Order No. 20-1 and located at 2816 Snow Hill Road. Commissioner Nordstrom made a motion, which he later withdrew, to award the bid to the second lowest bidder, Scrimgeour Farm, All, LLC of Stockton, MD, for \$24,900 to support local business.

In response to a question by Commissioner Bertino, Mr. Tudor stated that he vetted the low bidder, and while he does not have experience working with the second lowest bidder on this type of project, he could contact this individual to assure he is aware of the criteria to complete this project, as this contractor did not read the bid package during the first round of bidding. In response to a question by Commissioner Bunting, Mr. Tudor confirmed that the low bidder was the only one to submit a certificate of liability or references; however, under most conditions a contractor would not be required to submit this information unless awarded a County bid. In response to a question by Commissioner Mitrecic, County Attorney Roscoe Leslie advised that the County includes a clause in all bids, which states that the Commissioners have the right to reject any and all bids. Following some discussion the Commissioners agreed to table the matter until their next meeting, to provide staff with adequate time to vet Scrimgeour Farm and return to the Commissioners with a final recommendation to award the bid for this project.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by COA and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to reappoint James Covington, Bonita Ann Gisriel, and Carolyn Dryzga to the Commission on Aging for three-year terms each expiring September 30, 2023.

Pursuant to the written request of Budget Officer Kathy Whited and upon a motion by Commissioner Bertino, the Commissioners unanimously approved FY20 year-end budget transfers totaling \$364,645, excluding the request to encumber \$81,123 for uniforms within the Sheriff's Office pending the receipt of additional information. Chief Administrative Officer Harold Higgins explained that the year-end budget transfers are a housekeeping measure included in the annual audit process, and he noted that postponing taking any action on the uniforms until the next meeting would not pose any disruption to the ongoing audit process.

Pursuant to the written request of Ms. Whited and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the FY20 Reserve for Assigned Encumbrances of \$3,042,998.

Tom Perlozzo, Director of Recreation, Parks, Tourism, and Economic Development, presented a proposed advertising strategy to utilize \$250,000 in CARES Act funding, with \$125,000 for advertising on electronic signs to be added to the three entrances to Worcester County (MD Rt. 113, MD Rt. 13, and MD Rt. 50) and during existing and new recreational events, and designated \$125,000 for advertising on Google Search, and other social media sites, including Facebook/Instagram, to promote events in Snow Hill and Pocomoke. He stated that Tourism is developing a dashboard application for visitors. This app will track the numbers of north-end visitors who visit Pocomoke and Snow Hill, provide County staff with a monthly snapshot of where visitors travel while in the County, and allow County staff to adjust the spending of advertising dollars accordingly.

Commissioner Nordstrom stated that on September 22, 2020 the Commissioners voted to allocate this funding toward the loan to Snow Hill to purchase the Black Eyed Susan, and this funding should only be used for advertising if the State does not allow these funds to be applied to the purchase of the riverboat. Commissioner Mitrecic concurred that the motion on September 22 was to award a no-interest loan of up to \$400,000 to Snow Hill to purchase the riverboat, using \$250,000 in CARES Act funding and another \$100,000 in grant funds (derived from a Department of Housing and Community Development Community Legacy Grant from Tyson Foods if possible). Mr. Perlozzo stated that the County may not be able to apply CARES Act money toward the loan. Commissioner Nordstrom then made a motion to apply any CARES Act funding that cannot be applied to the loan to Snow Hill to fund this advertising program.

Commissioner Bunting stated purchasing a riverboat is not an appropriate use of CARES Act funding. He stated that the plan before them today is a much better plan to use the funding. In response to a question by Commissioner Bunting, Mr. Perlozzo stated that the County will be conscientious about utilizing funds to advertise at events that are expected to incur high participation rates, such as Berlin's holiday drive-thru Santa event. In response to comments by Commissioner Bertino, Mr. Perlozzo stated that all of the funds will be directed to market the southern end of the County through Go Discover Worcester County, by marketing to the masses in areas, like Baltimore and Washington, and visitors in Ocean City and Berlin, to drive them to

explore the southern end. He further stated that it was his understanding that County Administration has worked out terms to purchase the riverboat that do not include the use of CARES Act funding. Commissioner Purnell stated that the loan for the riverboat and the proposed use of CARES Act funding for the advertising plan being presented today are two separate issues. She supported the advertising plan as outlined and noted that events in Berlin and Ocean City are great opportunities to direct visitors to events in Snow Hill and Pocomoke, which could include advertising for the riverboat. Commissioner Elder also supported the advertising plan as presented, but could not support using CARES Act funding to purchase the riverboat.

Following much discussion and upon a motion by Commissioner Church, the Commissioners voted 4-3, with Commissioners Bertino, Bunting, and Elder voting in opposition, to call for the vote.

The Commissioners resumed further discussion on the original motion. In response to a question by Commissioner Nordstrom, Mr. Perlozzo confirmed that the Commissioners approved two pools of CARES Act funds for advertising and economic development. Commissioner Nordstrom stated that the riverboat creates jobs and is economic development, the Commissioners already voted to utilize CARES Act funding to purchase the riverboat, and this would be a good contingency plan in the event that the funds cannot be used for that purpose. In response to comments by Commissioner Bunting and a question by Commissioner Mitrecic, Chief Administrative Officer Harold Higgins advised that staff believes that CARES Act funding can be applied to the purchase of the boat to put people back to work, but there is a firm reluctance from anyone to give the County a yes or no on the proposed use. He confirmed that if the County cannot apply CARES Act funding toward the loan to Snow Hill to purchase the riverboat, the funds would not be forfeited back to the State and could instead be applied to the advertising program now being proposed. Commissioner Bertino stated that this is a good plan, but he cannot support it when it includes the contingency that it will only go forward if CARES Act funding cannot be used to purchase the riverboat. He then noted that not knowing whether these funds can be used to purchase the riverboat is one of the bi-products of not properly vetting that purchase.

In response to additional questions by Commissioner Mitrecic, Mr. Perlozzo stated that Tyson officials orally stated that they did not intend to use the \$100,000 Community Legacy Grant funds; however, they did not respond when Mr. Perlozzo sent them a certified letter seeking written confirmation within seven days. Furthermore, he emailed DHCD to request consideration to transfer the Community Legacy Grant from Tyson to the purchase of the riverboat and was told DHCD would respond to his request within 45 days. Lastly, his staff has been working with the Snow Hill grants writer to explore an opportunity to obtain an additional grant of \$100,000. Commissioner Mitrecic stated that he would hate to deny the advertising program if it is tied to whether the funds must first be applied to the loan to Snow Hill to purchase the riverboat, which he also felt was a good use of the funds, and he would prefer not to lose either one of these programs. Mr. Perlozzo stated that the CARES Act funds must be earmarked by December 31, 2020. He then assured the Commissioners that the full force of tourism and economic development would fight for other funding opportunities to make the riverboat a success.

Following much additional discussion, the Commissioners voted 4-3, to approve the use of CARES Act funding for the advertising plan as presented, unless said funds can be applied to

the purchase of the riverboat. Mr. Higgins agreed to update the Commissioners on whether the CARES Act funds can be used to purchase the riverboat as soon as that answer becomes available.

The Commissioners reviewed a written request from the Maryland Entertainment Industry Association (MEIA) seeking a letter of support from the County for relief grants of \$25 million from the State of Maryland. Commissioner Bertino stated that the County does not have the standing that the MEIA is seeking and this request should be directed to State representatives. Upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to take no action on this request.

The Commissioners conducted a public hearing on the proposed disposal of County property consisting of units 101 and 102 in the Newtown Plaza Condominium in Pocomoke City, which serve as the current site of the Shore Spirits Retail Liquor Store (RLS), at a cost of \$650,000, plus the cost of inventory at the time of closing to Vinod Patel (who submitted the second highest bid on April 4, 2017 of \$801,000 to purchase the RLS and who recently advised staff that he is still interested in purchasing the store at a reduced offer plus the remaining inventory).

Commissioner Mitrecic opened the floor to receive public comment.

Hugh Cropper, representing TJ Patel and CD Hall, stated that the County Code specifies that the Commissioners shall advertise the disposition of County property no longer needed and invite competitive bids unless the Commissioners find it impractical to do so and override this requirement. He argued that the Commissioners have been sitting on this property for two years since the original bid, and his client is willing to offer \$700,000 today and settle in two weeks on the property. He noted that the value of commercial real estate has gone up, and liquor licenses have become more valuable since the original bid. Therefore, it is not impractical to rebid the sale of the RLS, as everyone should have the opportunity to bid on this property.

Commissioner Bertino pointed out that Mr. Cropper represented the client who tied up the sale of the property for \$925,000 for the past two years, assuming that the original sale had gone through. Mr. Cropper then stated that he should not be punitive against him for exercising his client's civil rights and classified this disposal to Vinod Patel as a private sale. Commissioner Bertino disagreed, stating that the Commissioners are exercising their rights as well. Commissioner Mitrecic stated that the sale of this property was put out to bid, that it was a transparent bid and that Mr. Cropper's client had already bid on the property. Therefore, for Mr. Cropper to come forward and say that his client was ready to offer \$700,000 at the podium to purchase the property today is wrong. Mr. Cropper apologized and withdrew his comment about the sale taking place behind the scenes.

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

Following some discussion and upon a motion by Commissioner Church, the Commissioners voted 6-1, with Commissioner Bunting voting in opposition, to adopt Resolution No. 20-29 authorizing the disposal of County property as outlined.

The Commissioners conducted a public hearing on Rezoning Case No. 425 for an application submitted by Attorney Hugh Cropper, IV, on behalf of Daniel and Jana Hope, which

seeks to rezone approximately 54.7 acres of land located on the southerly side of Nassawango Road, west of MD Rt. 12 and northwest of Snow Hill, and more specifically identified on Tax Map 70 as Parcel 18, Parcel B, from RP Resource Protection to A-1 Agricultural District. Though Mr. Higgins advised that a court reporter was not able to be in attendance, Mr. Cropper agreed to proceed. County Attorney Roscoe Leslie swore in those individuals who planned to give testimony during the hearing. Development Review and Permitting Deputy Director (DRP) Jennifer Keener reviewed the application. She stated that the Planning Commission concurred with the applicant's claim as the basis for the rezoning that there was a mistake in the existing zoning, which had been zoned A-1, with a portion of the property in the C-1 Conservation District until the entire property was rezoned RP in the 2009 comprehensive rezoning. Furthermore, the Planning Commission concluded that a change in rezoning of the petitioned area from RP to A-1 would be more desirable in terms of the objectives of the comprehensive plan and gave a favorable recommendation to Rezoning Case No. 425, subject to retaining the wetlands adjacent to the Pocomoke River within the RP District designation.

In response to a question by Commissioner Nordstrom, Mr. Cropper stated that the property is currently used for agriculture. In response to a question by Commissioner Bertino, Ms. Keener stated that the applicant agreed to protect the wetlands adjacent to the river, as requested by the Planning Commission.

Commissioner Mitrecic opened the floor to receive public comment.

Mr. Cropper stated that it was a mistake to rezone the property to RP, which allows a very limited number of uses by right and that the construction of a single-family dwelling and agricultural uses, like tilling land, would require a special exception by the Board of Zoning Appeals. He noted that the forested area of the property has been cropped and in timber harvest for the past 100 years. He concurred with the Planning Commission's findings and asked the Commissioners to accept the staff report as his testimony as well.

Land Surveyor Frank Lynch, Jr. advised that this property has uplands that are suitable for agricultural uses, which are more desirable in terms of the Comprehensive Plan. He concurred that the RP zoning does not allow any subdivision of property, so the property owners could not divide the property to give a piece of land to a family member.

Environmental Consultant Chris McCabe of Coastal Compliance Solutions stated that the A-1 zoning is consistent with the Resource Conservation Area designation, which allows 20-acre lots, and this would resolve that inconsistency.

In response to a question by Commissioner Nordstrom, Mr. Cropper agreed that the wooded wetlands along the river will be protected. With respect to the tilled fields, he stated that it is appropriate for someone who owns a piece of property to have the right to build a house or an outbuilding on that land without having to go before the BZA. Commissioner Elder stated that the Commissioners need to support farmers and farming activities.

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

Following some discussion and 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 RP to A-1, based on a mistake in the existing zoning.

Upon a motion by Commissioner Bertino, the Commissioners unanimously approved as a consent agenda the housekeeping agenda item numbers 16-19 as follows: an injection well

agreement with the VanVonnos to relocate groundwater injection wells used for disposal of effluent from the Mystic Harbour Wastewater Treatment Plant (WWTP), leaving no more wells on the islands owned by them; waving the formal bidding process and accepting a proposal from Parkson Corporation at a cost of \$56,006 to rebuild the existing raw sewage screen at the Ocean Pines WWTP; Change Order No. 2 for the Newark spray irrigation project to install a two-inch waterline to provide potable water to the Newark WWTP at an additional cost of \$32,820; and \$100,800 for the bulk purchase of water meter repair parts.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to schedule a public hearing on an Office Building Recycling (OBR) Plan to be included in the Comprehensive Solid Waste Management Plan for 2017-2026. Mr. Tustin explained that the Maryland General Assembly passed Senate Bill 370 requiring the collection of recyclable materials from office buildings that have 150,000 square feet or greater of office space, and although the County currently does not have any buildings meeting that criteria, they must still complete and adopt an OBR Plan. In response to a question by Commissioner Bertino, Mr. Tustin stated that the Commissioners could choose to require business offices meeting this criteria to recycle.

The Commissioners recessed for five minutes.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review the nuisance abatement request for 5641 George Island Landing Road and more specifically identified on Tax Map 86 as Parcel 44. Mr. Tudor stated that the specific nature of the nuisance includes a ramshackled or decayed structure beyond reasonable hope of rehabilitation or restoration and the overgrowth of vegetation pursuant to Section PH1-101(a)(11). He stated that the property owner has been notified by certified and regular mail regarding the conditions on the property and spoken to the Zoning Inspector, but done nothing to abate the nuisance conditions. He recommended that, if the Commissioners find the structure to be beyond any reasonable hope of rehabilitation or restoration, which constitutes a public nuisance in accordance with the Code, the Order of Abatement should not exceed 30 days, given the length of time the property has been in its current state.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 5-2, with Commissioners Bunting and Elder voting in opposition, to declare the structure on the property to be beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance, and ordered the abatement of such nuisance pursuant to Section PH 1-102 of the Public Health Article of the County Code and specifically to remove the structure if not repaired.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review the nuisance abatement request for 13204 Worcester Highway and more specifically identified on Tax Map 9 as Parcel 66. Mr. Tudor stated that the specific nature of the nuisance includes a ramshackled or decayed structure beyond reasonable hope of rehabilitation or restoration and the overgrowth of vegetation and unscreened, accumulated personal property exceeding 100 square feet in area pursuant to Section PH 1-101(a)(4) and (11). He stated that the property owner has been notified both by certified and regular mail regarding the property conditions and has taken no action to date to remove the nuisance conditions.

Upon a motion by Commissioner Bertino, the Commissioners voted 5-2, with Commissioners Bunting and Elder voting in opposition, to declare the uninhabitable structure on the property to be beyond reasonable hope of rehabilitation or restoration, which constitutes a nuisance, and ordered the abatement of such nuisance pursuant to Section PH 1-102 of the Public Health Article of the County Code and specifically to remove the structure if not repaired.

The Commissioners met with Emergency Services Director Billy Birch to review a strike and replace copy of the 2020 Hazardous Mitigation and Resilience Plan, identifying changes that were made at the request of the Commissioners on September 1, 2020. Commissioner Bertino thanked Mr. Birch and the consultants for their efforts. In response to a question by Commissioner Bertino, Mr. Birch stated that reference to the Paris Climate Agreement could not be removed from page four of the 2020 plan, as the United States is still part of this agreement; however, it could be taken out of the next plan. Commissioner Bunting stated that he would like to have Objective 5.3 removed and to have the term “sea level rise” under Section 9.6 changed to “flooding,” or “tidal,” as the roads referenced in this section were not built high enough and have been subject to flooding since they were constructed. In response to a question by Commissioner Purnell, Mr. Birch stated that any changes that are made today will require the plan to go back through the committee review process prior to formal adoption by the Commissioners.

Upon a motion by Commissioner Nordstrom, the Commissioners voted 4-3, with Commissioner Bertino, Bunting, and Elder voting in opposition, to adopt the 2020 Hazardous Mitigation and Resilience Plan as written today.

Pursuant to the written request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on November 4, 2020 for an application submitted by Attorney Hugh Cropper and Steve Engle on behalf of Steve Hoffman, to amend the Comprehensive Water and Sewerage Plan to expand the Mystic Harbour Sanitary Service Area (SSA) to include the properties located on the north side of MD Rt. 707 and more specifically identified on Tax Map 26 as Parcels 168, 252, and 295, with a designation of S-1 (immediate to two years), to serve a proposed commercial expansion and/or residential development. These properties are already designated S-1 within the West Ocean City sewer planning area, and the Planning Commission found the proposed amendment to be consistent with the County’s Comprehensive Development Plan and granted the application a favorable recommendation.

Pursuant to the written request of Mr. Mitchell and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on November 4 for a Comprehensive Water and Sewerage Plan amendment application submitted by Attorney Hugh Cropper and Steve Engle on behalf of Steve Hoffman, to amend the Master Water and Sewerage Plan to expand the Mystic Harbour SSA to include the properties located on the north side of MD Rt. 707 and more specifically identified on Tax Map 26 as Parcels 168, 252, and 295, with a designation of S-1 (immediate to two years), to serve a proposed commercial expansion and/or residential development. These properties are already designated S-1 within the West Ocean City sewer planning area. The Planning Commission found the proposed amendment to be consistent

with the County's Comprehensive Development Plan and granted the application a favorable recommendation.

Pursuant to the written request of Development Review and Permitting Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule public hearings on November 4 for the following two rezoning cases:

Rezoning Case No. 426 is for an application submitted by Attorney Hugh Cropper, IV, on behalf of David and Susan Lane, seeking to rezone 1.74 acres of land, located on the westerly side of MD Rt. 611, south of Snug Harbor Road, and more specifically identified on Tax Map 33 as Parcel 341, from A-2 Agricultural District to C-2 General Commercial District. The Planning Commission gave the case a favorable recommendation solely on the basis of a mistake.

Rezoning Case No. 428 is for an application submitted by Attorney Hugh Cropper, IV, on behalf of YK Enterprise, LLC, seeking to rezone approximately 2.88 acres of land, located on the southerly side of St. Martin's Neck Road, east of Aramis Lane in Bishopville, from E-1 Estate District to A-2 Agricultural District. The Planning Commission gave the case a favorable recommendation.

In follow up to their emergency meeting on September 22, the Commissioners met with Chief Administrative Officer Harold Higgins to discuss the draft Promissory Note and Preferred Mortgage for a 15-year loan of \$400,000 with 0% interest from the County Commissioners (Mortgagee) to the Mayor and Council of Snow Hill to be repaid at a cost of \$26,667 annually beginning January 2022 and ending January 2037. Loan funds are to be used to purchase the Black-Eyed Susan riverboat.

Commissioner Bertino stated that he was not given a copy of this document until arriving at the Worcester County Government Center this morning, which has left him no time to read it. He then reiterated that the Commissioners are being asked to loan money to Snow Hill, though there is still no marketing plan, financials, or supporting documentation to substantiate this loan, a loan that does not yet include a buy-in from the Pocomoke City Mayor and Council. In response to questions by Commissioner Bertino, Mr. Higgins stated that the town will be required to use any outside grant funds awarded for this project to repay the County loan, and the boat should retain its value, so in the event that the venture fails, any proceeds from the sale of the boat must first be used to repay any remaining balance on the County loan, leaving minimal risk to the County.

Commissioner Elder noted that on September 22 the Commissioners voted to move forward with this project, and any concerns should be limited to what is in the document before them. However, he could understand if a Commissioner needs more time to review this particular document before voting on it.

Commissioner Bunting stated that this is the first time in 15 years that the Commissioners have been asked to make a financial decision without any facts or supporting documentation. He stated that he has received roughly 20 emails and phone calls from constituents who do not believe this is the right thing to do.

Commissioner Mitrecic recognized Snow Hill Town Manager Gary Weber and advised him that, if the town fails to meet the minimum annual repayment schedule, the Commissioners will deduct that amount from the annual grant from the County to the town. Mr. Weber recognized the Commissioners' concerns and advised that the Town of Snow Hill has an A1

credit rating and will repay the loan.

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 5-2, with Commissioners Bertino and Bunting voting in opposition, to approve the Promissory Note and Preferred Mortgage.

The Commissioners answered questions from the press.

Commissioner Bertino reviewed his recent tour of the public schools and commended school officials for their efforts to provide both in-person and virtual learning. He then commended County Attorney Roscoe Leslie for securing a verbal agreement from Comcast to pay the County roughly \$160,000 for damages caused by the organization to water lines in Ocean Pines.

Commissioner Elder also commended school officials for the amazing jobs they are doing to continue educating County youth through the pandemic. He recognized that the Commissioners' decision to grant additional funds to the Board of Education to upgrade electronics before the pandemic hit placed the schools in a better position than most to institute virtual learning. With regard to public questions concerning whether the County is purchasing a riverboat, he reiterated that the Commissioners are not purchasing a boat, but are providing a good-faith loan to Snow Hill that is based on the town's good name and credit and that will be repaid to the County. He stated that the County has been paying lip service about supporting economic development in the town for years without really doing anything, and this is a good opportunity to help Snow Hill.

Commissioner Nordstrom also commended school system officials for the hard work and dedication they have shown throughout the pandemic.

Commissioner Purnell stated that she has received quite a few calls from small business owners who expressed their pleasure to the County for rounds one and two of the Workforce Back to Business COVID-19 Assistance Grant Program.

Commissioner Mitrecic also commended school system officials for their hard work, noting that it was impossible to miss the jubilation on the faces of the children in the schools he visited.

Following a motion by Commissioner Nordstrom, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 12:35 p.m. in the Commissioners' Meeting Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) 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 Weston Young, County Attorney Roscoe Leslie, and Public Information Officer Kim Moses. Topics discussed and actions taken included receiving legal advice from counsel.

Following their closed session, the Commissioners adjourned at 12:40 p.m. to meet again on October 20, 2020.



ITEM
1

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

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

PROCLAMATION

WHEREAS, in recognition of Economic Development Week, October 19-23, 2020, we celebrate the Worcester County Economic Development (WCED) partnerships that create jobs and promote economic growth; and

WHEREAS, Worcester County benefits greatly from the local chambers of commerce, which enhance the economic growth of the region by providing leadership, inspiration, education, and development opportunities that support and promote all segments of the business community .

NOW, THEREFORE, we the County Commissioners of Worcester County, Maryland, do hereby proclaim October 19-23, 2020 as **Economic Development Week** in Worcester County and urge all citizens to learn more about WCED and its partnership with the area chambers of commerce, which attract new residents and businesses, create new jobs, and ultimately strengthen our competitiveness and our economy.

Executed under the Seal of the County of Worcester, State of Maryland, this 20th day of October, in the Year of Our Lord Two Thousand and Twenty.



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

Citizens and Government Working Together



ITEM
2

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

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

October 6, 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 (5) which have current or upcoming vacancies (12 total). They are as follows: Commission on Aging Board (3), Local Development Council for the Ocean Downs Casino (1), Social Services Board Advisory (3), Solid Waste Advisory Committee (4), and the Commission For Women (1). I have circled the members whose terms have expired or will expire on each of these boards.

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 October.

Pending Board Appointments - By Commissioner

District 1 - Nordstrom

All District Appointments Received. Thank you!

District 2 – Purnell

p. 6 - Social Services Advisory Board (Nancy Howard) - 3 year

District 3 – Church

p.8 - Solid Waste Advisory Committee (Bob Augustine)- 4-year

District 4 - Elder

All District Appointments Received. Thank you!

District 5 - Bertino

p. 6 - Social Services Advisory Board (Cathy Gallagher) - 3 year
p.8 - Solid Waste Advisory Committee (James Rodenberg)- 4 yr.

District 6 - Bunting

p. 9 - Commission for Women (Bess Cropper) - 4 year

District 7 – Mitrecic

p. 6 – Social Services Advisory Board (Maria Campione-Lawrence)

All Commissioners

p. 5 - (1) Local Development Council for Ocean Downs Casino (Mark Wittmyer - At-Large - business or institution representative in immediate proximity to Ocean Downs) - 4-year

All Commissioners (Awaiting Nominations)

p. 3 - (6) Commission on Aging Board – (Cynthia Malament – Berlin, Lloyd Parks – Girdletree and Clifford Gannett – Pocomoke), The Board of Directors are seeking to fill these positions with possible candidates from District 3 & 6.
- self-appointed by Commission on Aging & confirmed by County Commissioners- 3-year

p. 8 - (2) Solid Waste Advisory Committee (Michael Pruitt - Town of Snow Hill and Jamey Latchum - Town of Berlin) 4 yr.

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
John Dorrough, Executive Director or Rob Hart, Acting Deputy Director
(410-632-1277)

Current Members:

Member's Name	Resides/Represents	Years of Term(s)
Cynthia Malament	Berlin	07-19 - <i>resigned</i>
Lloyd Parks	Girdletree	08-11-14-17, 17-20
Clifford Gannett	Pocomoke City	*12-14-17, 17-20 <i>passed</i>
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
James Covington	Pocomoke City	*18-20, 20-23
Bonita Ann Gisriel	Ocean City	*18-20, 20-23
Carolyn Dryzga	Ocean Pines	*18-20, 20-23

* = Appointed to fill an unexpired term

Prior Members:

Since 1972

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

* = 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>
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
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19, 19-23

Prior Members:

Since 2009

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

Linda Dearing (11-15)
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

SOCIAL SERVICES ADVISORY BOARD

Reference: Human Services Article - Annotated Code of Maryland - Section 3-501

Appointed by: County Commissioners

Functions: Advisory
Review activities of the local Social Services Department and make recommendations to the State Department of Human Resources.
Act as liaison between Social Services Dept. and County Commissioners.
Advocate social services programs on local, state and federal level.

Number/Term: 9 to 13 members/3 years
Terms expire June 30th

Compensation: None - (Reasonable Expenses for attending meetings/official duties)

Meetings: 1 per month (Except June, July, August)

Special Provisions: Members to be persons with high degree of interest, capacity & objectivity, who in aggregate give a countywide representative character.
Maximum 2 consecutive terms, minimum 1-year between reappointment
Members must attend at least 50% of meetings
One member (ex officio) must be a County Commissioner
Except County Commissioner, members may not hold public office.

Staff Contact: Roberta Baldwin, Director of Social Services - (410-677-6806)

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Nancy Howard	D-2, Purnell	Ocean City	(09-16), 17-20
Cathy Gallagher	D-5, Bertino	Ocean Pines	*13-14-17, 17-20
Faith Coleman	D-4, Elder	Snow Hill	15-18, 18-21
Harry Hammond	D-6, Bunting	Bishopville	15-18, 18-21
Diana Purnell	ex officio - Commissioner		14-18, 18-22
Sharon Dryden	D-1, Nordstrom	Pocomoke City	*20-21
Voncelia Brown	D-3, Church	Berlin	16-19, 19-22
Mary White	At-Large	Berlin	*17-19, 19-22
Maria Campione-Lawren	D-7, Mitrecic	Ocean City	16-19, 19-22

Term Ended
June 30th

resigned

SOCIAL SERVICES BOARD
(Continued)

Prior Members: (Since 1972)

James Dryden	Jeanne Lynch (00-02)
Sheldon Chandler	Michael Reilly (00-03)
Richard Bunting	Oliver Waters, Sr. (97-03)
Anthony Purnell	Charles Hinz (02-04)
Richard Martin	Prentiss Miles (94-06)
Edward Hill	Lakeshia Townsend (03-06)
John Davis	Betty May (02-06)
Thomas Shockley	Robert "BJ" Corbin (01-06)
Michael Delano	William Decoligny (03-06)
Rev. James Seymour	Grace Smearman (99-07)
Pauline Robertson	Ann Almand (04-07)
Josephine Anderson	Norma Polk-Miles (06-08)
Wendell White	Anthony Bowen (96-08)
Steven Cress	Jeanette Tressler (06-09)
Odetta C. Perdue	Rev. Ronnie White (08-10)
Raymond Redden	Belle Redden (09-11)
Hinson Finney	E. Nadine Miller (07-11)
Ira Hancock	Mary Yenney (06-13)
Robert Ward	Dr. Nancy Dorman (07-13)
Elsie Bowen	Susan Canfora (11-13)
Faye Thomes	Judy Boggs (02-14)
Frederick Fletcher	Jeff Kelchner (06-15)
Rev. Thomas Wall	Laura McDermott (11-15)
Richard Bundick	Emma Klein (08-15)
Carmen Shrouck	Wes McCabe (13-16)
Maude Love	Nancy Howard (09-16)
Reginald T. Hancock	Judy Stinebiser (13-16)
Elsie Briddell	Arlette Bright (11-17)
Juanita Merrill	Tracey Cottman (15-17)
Raymond R. Jarvis, III	Ronnie White (18-19)
Edward O. Thomas	Wayne Ayer *(19-20)
Theo Hauck	
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)	
Naomi Washington (01-02)	
Lehman Tomlin, Jr. (01-02)	

* = Appointed to fill an unexpired term

Updated: July 21, 2020
Printed: October 6, 2020

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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: 1 1/4-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 <i>resigned</i>
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 <i>resigned</i>
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 <i>passed</i>
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 Stribnick (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

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, Nordstrom	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
Vacant	D-6, Bunting	Berlin	*20-21
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

Bess
Chapman Assigned

Prior Members: Since 1995

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

* = Appointed to fill an unexpired term

^c = Charter member

Updated: July 21, 2020

Printed: October 6, 2020

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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)	Bess Cropper (15-19)
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)	

* = Appointed to fill an unexpired term

c = Charter member



ITEM
3

Worcester County
DEPARTMENT OF PUBLIC WORKS
6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

TEL: 410-632-5623
FAX: 410-632-1753

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E. Director of Public Works
DATE: October 13, 2020
SUBJECT: Newark Spray Irrigation Project
Electrical Service Easement

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

Attached is a "Right of Way Easement" form provided by Choptank Electric Cooperative, Inc. (Choptank). The form authorizes a 10-foot wide easement around the electrical service line serving the new spray irrigation equipment at the spray irrigation site.

We are requesting the Commissioners approve the proposed easement and authorize the President to sign the attached document.

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

Attachment

cc: John S. Ross, P.E. Deputy Director
Roscoe Leslie, County Attorney

Return to: Choptank Electric Cooperative, Inc.
P O Box 430
Denton, Maryland 21629

RIGHT OF WAY EASEMENT

County Commissioners of Worcester

TO

CHOPTANK ELECTRIC COOPERATIVE, INC.

File Location Number

Line & Pole No. 813 054 030

Map Location L-34 F-97

w/o 202012852

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned grantors, County Commissioners of Worcester

, of 1 West Market St. 1103 Snow Hill Md. 21863 Worcester County, State of Maryland, in consideration of One Dollar and other good and valuable considerations, the receipt whereof is hereby acknowledge, do hereby grant unto CHOPTANK ELECTRIC COOPERATIVE, INC., a corporation, whose post office address is Denton, Maryland, and to its successors, and assigns, the perpetual right to enter upon our lands (whether held jointly or severally), situated in the 4th Election District of Worcester

County, State of Maryland, and being a tract of land whereon Vacant resides and known as 8677 Newark Rd. Newark Md. 21841 consisting of approximately 40.93 acres, conveyed to these grantors by deed of

Willards Properties LLC

dated 12/31/2008, and recorded in said county Liber No. 5183, folio 0377, lying on the road leading from Newark Rd. to Tindley Rd., adjoining lands of

Chester Lee Jones and Willards Properties LLC and to place, construct, operate, repair, maintain, relocate, replace, remove and extend from time to time thereon and in or upon all streets, roads or highways on or abutting said lands, an electric transmission or distribution line or system, overhead or underground, including poles, towers, fixtures, conduit, vaults, communication lines, transformers, pads, equipment and appurtenances necessary for delivery of electrical energy now or any time in the future.

Including without liability therefor, the right to cut and trim trees and shrubbery located within 10 feet of the center line of said line or system, or that may interfere with or threaten to endanger the operation and maintenance of said line or system (including any control of the growth of other vegetation in the right of way which may incidentally and necessarily result from the means of control employed); to keep the easement clear of all buildings, structures or other obstructions; and to license, permit or otherwise agree to the joint use or occupancy of the lines, system or, if any of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation.

The undersigned agree that all facilities installed in, upon, or under the above-described lands at the Cooperative's expense shall remain the property of the Cooperative, removable at the option of the Cooperative.

The undersigned covenant that in pursuance of the rights hereby granted that the CHOPTANK ELECTRIC COOPERATIVE, INC., its successors and assigns, shall quietly enjoy said right in said lands; that they are the owners thereof and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

I hereby certify that this Right of Way Easement was prepared by Choptank Electric Cooperative, Inc., one of the parties named in this instrument.

Barbara Faulkner, Manager of Accounting

IN WITNESS WHEREOF, the undersigned have set their hands and seals this _____ day of _____, 2020

THERE WAS NO MONETARY CONSIDERATION PAID OR TO BE PAID

Signed, sealed and delivered
in the presence of:

Printed Name: _____ Title: _____ (L.S.)

Printed Name: _____ Title: _____ (L.S.)

Printed Name: _____ Title: _____ (L.S.)

Printed Name: _____ Title: _____ (L.S.)

Grantors and Mortgage Holders

STATE OF MARYLAND, _____ COUNTY TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2020, before me,

A Notary Public in and for the County of _____

The State aforesaid, personally appeared _____

President of the _____ a

_____ corporation and acknowledge the foregoing instrument to be the act and deed of

the aforesaid corporation, and that he, as _____ President of said corporation is duly authorized to execute same.

In testimony whereof I have hereunto subscribed my name and affixed my official seal the day and year above written.

Notary Public

My Commission Expires _____

2




Worcester County

Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, Director, Environmental Programs
On Behalf of Worcester County Sewer Committee 

Subject: Request for Allocation of EDU for Salt Grass Point Farms, LLC

Date: October 13, 2020

Please be advised that on September 28, 2020 we received a completed application from Hugh Cropper, representing Salt Grass Point Farms, LLC (owner) for the allocation of one (1) equivalent dwelling unit (EDU's) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve a proposed use (office) for a proposed mini storage development. The subject property is identified on Tax Map 33 as Parcel 136. The request was subsequently reviewed by the Worcester County Sewer Committee at our meeting on October 1, 2020. On behalf of the committee, I offer the following staff report for your consideration with regard to this request.

→ **Summary of Request:** Salt Grass Point Farms, LLC is requesting an allocation of one (1) equivalent dwelling unit (EDU) of sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve the proposed office space associated with the proposed construction of seven storage buildings containing 75,919 sq. ft. of rental storage known as Salt Grass Point Farms Mini Storage located on Worcester County Tax Map 33 Parcel 136. The subject property, currently undeveloped, sits on the easterly side of Stephen Decatur Highway (Rt 611), approximately 410 feet south of the Snug Harbor Road, is 5.35 acres in area, currently zoned C-2 General Commercial and are currently designated S-1 in the County Master Water and Sewerage Plan which indicates an area of existing or planed sewer service to be built within 2 years, but does not guarantee and service or obligate the provision of services in that time frame. Applicant will also be required to purchase water service from the Mystic Harbour water system if the sewer EDU is allocated to this project. Project was reviewed by the Technical Review Committee (TRC) at their meeting on September 9, 2020.

According to the attached EDU worksheet for this property as prepared by Environmental Programs, the proposed office building of 900 square feet will generate a flow of 81 gallons. At a

rate of 300 gallons per day per EDU and since we round up to determine EDUs required, in order to serve the proposed office building, **one (1) sewer EDU is required.**

Current Available Capacity - South: There are currently 31 available EDUs allocated in Area 2 (south of the airport) for the following uses: Vacant or Multi-Lot properties (1 EDU), Assateague Greens Golf Course (6 EDUs), Church (5 EDUs), and Single Family Dwellings (19 EDUs). Granting the request for Salt Grass Point Farms Mini Storage would require the allocation of 3% (1 of 31) of the total remaining EDUs in Area 2.

Background on Original Allocation of New Sewer Capacity in the 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 for (1) infill lots, (2) expansion of existing facilities, (3) replacement of septic tanks, and (4) new development. The initial request addressed priority 1 as infill of the previously undeveloped properties in West Ocean City.

Previous Allocation of EDUs to this Property: This property is currently not allocated any water or sewer EDU's.

Options for Commissioners' Action on the Request:

Note – All options are based on an allocation of 1 EDU based on flow rates.

Option 1 - Approve the allocation for a total of 1 EDU to the property by utilizing 1 (EDU) from the Vacant or Multi-Lot category from Area 2. Owner will also need to connect to Mystic water.

Option 2 - Deny the request for allocation of one (1) EDU to this property.

The Sewer Committee will be available to answer any questions which you may have with regard to this application in order for the County Commissioners to make the most informed decision on this request.

Attachments

EDU Allocation

Project:	<u>Salt Grass Point Farms, LLC</u>
Tax Map:	<u>33</u>
Parcel:	<u>136</u>
Lot:	<u></u>



Use Description	Allocation Rate (Gal/sf or other)	Building/Unit Size (sf)	Estimated Quantity (Gal)	EDU Flow (Per gal)	EDU Total
<u>Office Building</u>					
Office	0.09	900	81	300	0.27
				Total Allocation	0.27
			Proposed		1

w

LAW OFFICES

BOOTH CROPPER & MARRINER

A PROFESSIONAL CORPORATION

9923 STEPHEN DECATUR HIGHWAY, D-2

OCEAN CITY, MARYLAND 21842

(410) 213-2681

FAX (410) 213-2685

EMAIL: hcropper@bbcmmlaw.com

EASTON OFFICE

130 N. WASHINGTON ST.

EASTON, MD 21601

(410) 822-2929

FAX (410) 820-6586

WEBSITE

www.bbcmmlaw.com

CURTIS H. BOOTH
HUGH CROPPER IV
THOMAS C. MARRINER*
ELIZABETH ANN EVINS
LYNDSY J. RYAN

*ADMITTED IN MD & DC

September 28, 2020

Mr. Weston S. Young, P.E., ACAO
Worcester County Commissioners
One West Market Street, Room 1103
Snow Hill, Maryland 21863

RE: Worcester County Tax Map 33, Parcel 136

Mr. Young:

On behalf of my client, Salt Grass Farms, LLC, and pursuant to Resolution 17-19, I would like to request the allocation of one (1) EDU of wastewater treatment allocation in the Mystic Harbour Sanitary Service Area. The single EDU will serve the office associated with the proposed construction of seven (7) buildings containing approximately 75,919 square feet of mini storage. The property is zoned C-2, General Commercial District.

The project is known as Salt Grass Point Farms Mini Storage, and a copy of the Technical Review Committee comments (as required by Resolution 17-19) are attached.

I also attended, via telephone, the TRC meeting, along with R.D. Hand, our Land Planner. We believe that all of the TRC comments can be addressed when the project moves forward to the Planning Commission.

The property owner will also purchase one (1) EDU of domestic water allocation.

The application is attached. The deposit of One Thousand Dollars (\$1,000.00) is attached.

September 28, 2020
Page Two

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

Very truly yours,



Hugh Cropper IV

HC/tgb

Enclosures

CC: John H. Burbage, Jr.
Todd E. Burbage
Chris Larmore
R.D. Hand

Worcester County - Department of Public Works - Water and Wastewater Division
Mystic Harbour Sewer Service Application

Name: Salt Grass Point Farms, LLC Date: 9-10-20
Mailing address: 9919 Stephen Decatur Highway Annapolis MD 21842
Address of service location: Stephen Decatur Highway
Property identification (acct # & map/parcel): 10018118 Map 33 Parcel 136
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):

Mini Storage
EDU's/gallons assigned to property: N/A EDU's to be purchased: 1

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:

N/A

Name & phone number of person to contact with regards to this application/account:

410 213 2681 Hugh Cropper IV 9923 Stephen Dec Hwy

Signature: Hugh Cropper IV Date: 9/16/20

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: 9/30/20 By: Michelle Carmean

Environmental Programs approval: _____ Date: _____

Treasurer's Office approval: Michelle Carmean Date: 9/30/20

Public Work's approval: _____ Date: _____

FEES PAID:

Deposit \$1,000 per EDU X 1 (EDU's) = \$ 1,000

Remaining Balance \$7,492 per EDU X _____ (EDU's) = \$ _____

Future Capital Improvement Charge \$1,000 per EDU X _____ (EDU's) = \$ _____

Date received: 9/30/20 By: Michelle Carmean

RETURN TO:

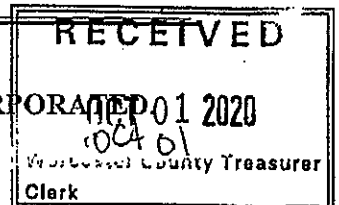
Worcester County Treasurer's Office

Attn: Michelle Carmean

P.O. Box 349

Snow Hill, MD 21863

FULL POLICY ATTACHED AND INCORPORATED 01 2020



RESOLUTION NO. 17 - 19

RESOLUTION CREATING THE MYSTIC HARBOUR SANITARY SERVICE AREA
SEWER EDU ALLOCATION PROCESS

WHEREAS, the Mystic Harbour Wastewater Treatment Plant (WWTP) was upgraded and expanded in 2014 to provide additional sanitary sewer treatment capability to serve residential and commercial needs of properties within the Mystic Harbour Sanitary Service Area (SSA); and

WHEREAS, the upgrade and expansion resulted in a total of 200,000 gallons per day of additional sewage treatment capacity in the Mystic Harbour WWTP which created a total of 666 new Equivalent Dwelling Units (EDUs) of sewer capacity at a rate of 300 gallons per day per EDU which are now available in the Mystic Harbour SSA; and

WHEREAS, the planning documents included in the latest approved *Worcester County Water and Sewerage Master Plan* amendment regarding the Mystic Harbour SSA identified a number of goals for the additional capacity and included a chart (attached hereto) allocating the new EDUs to different areas within the Mystic Harbour SSA for different purposes; and

WHEREAS, on March 15, 2016, the Worcester County Commissioners reviewed and approved an implementation policy for the newly available sewer EDUs in the Mystic Harbour/West Ocean City SSA Overlay Area; and

WHEREAS, upon the recommendation of the Worcester County Water and Sewer Committee, the County Commissioners have determined that it is prudent to have an allocation process in place for all 666 new sewer EDUs in the Mystic Harbour SSA, not just those aimed at the Overlay Area, to include County Commissioner approval of future allocations.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the following Mystic Harbour Sanitary Service Area EDU Allocation Process is hereby adopted:

1. The allocation of Mystic Harbour Sanitary Service Area sewer EDUs shall only be approved for properties with an existing demonstrated need and in connection with either a permit or plan application specifying how and where the capacity will be allocated:

A. The project must apply to the County Commissioners for the EDU allocation while the project is pending as follows:

- i. Single Family Dwellings and change of use commercial spaces - The property owner or their representative must apply for and receive any needed EDU allocation prior to receiving any permit for the project. EDU(s) must be paid for in full at time of the first permit application.
- ii. Minor Site Plans and other projects requiring administrative approvals - The project must have completed the Technical Review Committee process (when required) or the granting of an administrative waiver before applying to the County Commissioners for EDU allocation. The project must have EDU allocations prior to the project applying for final signature approval with the Zoning Administrator. A deposit shall be required upon application as detailed in

Section 1B hereof. The remaining balance to purchase the EDUs shall be paid prior to any project permit being issued.

- iii. Major Site Plans - The project must have completed the Technical Review Committee process before applying to the County Commissioners for EDU allocation. The project must have EDU allocations prior to the project applying for final site plan approval with the Planning Commission. A deposit shall be required upon application as detailed in Section 1B hereof. The remaining balance to purchase the EDUs shall be paid prior to any project permit being issued.
 - iv. Residential Planned Community (RPC) - Concurrent with Step 1 of the RPC approval process, the project shall apply to the County Commissioners for EDU allocation. The project cannot move to Step 2 of the RPC approval process without sufficient EDUs being allocated. A deposit shall be required upon application as detailed in Section 1B hereof.
- B. Included with the application shall be a \$1,000 deposit per EDU applied for. If the County Commissioners deny the allocation or if the Planning Commission fails to approve the site plan, the deposit shall be returned. If the County Commissioners approve the allocation and if the Planning Commission approves the site plan or RPC, the deposit is non-refundable.
 - C. If the project approvals expire, the project shall lose its allocation of EDUs. The County shall return the amount paid to purchase the EDUs less the non-refundable deposit.
 - D. If after one year of the project having EDUs allocated to it, a building permit has still not been issued for the project, an additional deposit of \$1,000 per EDU per year shall be required for each year of additional reservation of service up to a maximum of five years. No reservation shall be allowed beyond five years. The additional deposit shall be paid not less than 60 days prior to the anniversary date of the original allocation approval. If the additional deposit is not paid as required or if five years elapses, the EDU allocation shall be null and void and all prior deposits shall be forfeited.
 - E. Applications shall be submitted to: Worcester County Administration, Government Center - Room 1103, One West Market Street, Snow Hill, MD 21863.
- 2. There shall be no transfers of sewer allocations permitted in the Mystic Harbour Sanitary Service Area (MHSSA) by property owners who have excess capacity allocated to their properties. In the event that excess sewer capacity exists on a property as a result of changes or modifications to the original development plan, any and all excess capacity shall revert to the MHSSA two years after the issuance of the certificate of occupancy for the last building shell in the project. The property owner shall only be entitled to the return of the amount of the original price paid to the County for the EDUs less the non-refundable deposit. The property owner shall be notified in writing of the forfeiture of the unused capacity. Such notice shall be sent by registered mail to the property owner(s) address as identified on the tax assessment rolls as maintained by the Maryland Department of Assessments and Taxation.
 - 3. The current equity contribution in fiscal year 2018 (FY18) for each Mystic Harbour Sanitary Service Area sewer EDU is \$7,700, with quarterly debt service payments of \$54 per EDU


thereafter until the debt is paid in full. The equity contribution will be recalculated each fiscal year to include the debt service from the prior year. Quarterly debt service payments may be adjusted in the future to pay for additional debt incurred by the Mystic Harbour Sanitary Service Area.

4. Upon allocation of the EDUs, accessibility charges as established in the annual budget for the Mystic Harbour Sanitary Service Area shall become due and payable on a quarterly basis. The current accessibility charge is \$150 per quarter per EDU. Accessibility charges are non-refundable should the applicant fail to utilize the allocated EDUs.

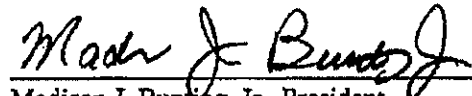
AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

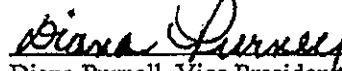
PASSED AND ADOPTED this 19th day of September, 2017.

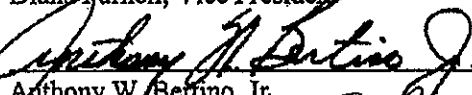
ATTEST:


Harold L. Higgins - Kelly Shanahan
Chief Administrative Officer; Assistant CAO

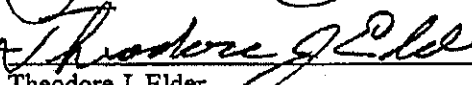
COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

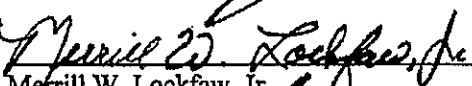

Madison J. Bunting, Jr., President

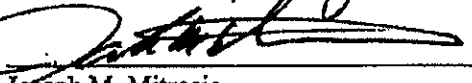

Diana Burnell, Vice President


Anthony W. Bertino, Jr.


James C. Church


Theodore J. Elder


Merrill W. Lockfaw, Jr.


Joseph M. Mitrecic

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 EDUs 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 EDUs 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 hearings on June 18, 2020 by County Commissioners (Resolution No. 20-77).						



Worcester County
Department of Recreation & Parks


Tom Perlozzo, Director of Recreation, Parks, Tourism, and Economic Development
Kelly Rados, Director of Recreation and Parks

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

ITEM 5



MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Kelly Rados, Director of Recreation and Parks 
DATE: October 13, 2020
SUBJECT: Showell Concession Stand Equipment

With the building permit for the Showell Concession stand being approved, we will begin moving forward with the building construction.

In regards to the concession stand equipment, I have estimated the total cost to be approximately \$20,000, which is unbudgeted. This would include all necessary equipment to be fully operational.

An alternative would be to only purchase the equipment that would be needed to pass the health department inspection. These items would include the grill, hand sink area, three compartment sink, mop sink area and faucet, stainless steel table to support the grill, and the ice machine. These expenses would total approximately \$5,700.

We could purchase this equipment out of our Supplies & Equipment Concession Stand account. The remaining balance of the equipment could be pieced together or budgeted for in the next fiscal year.

cc: Tom Perlozzo, Worcester County Recreation, Parks, Tourism & Economic Development

ITEM
6



DEPARTMENT OF
INFORMATION TECHNOLOGY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1003
SNOW HILL, MARYLAND 21863
TEL: 410.632.5610
www.co.worcester.md.us/departments/it

To: Harold Higgins, Chief Administrative Officer

From: Brian Jones, IT Director

Re: RFP Recommendations for Broadband

Date: October 6, 2020

The Governors Office will be opening grant applications in the next few weeks for Broadband assistance to unserved areas in Maryland. I feel that with our current studies almost completed we are at a position where we can benefit from applying. The next grant planned for FY2021 will be called the Broadband Expansion Grant Program Grant (formerly called the Pilot Program). In order to be eligible for the grant we must first have a vendor willing to work with Worcester County that will provide us the means to supply adequate broadband services while following guidelines put forth by the Governor's Office. As you are aware we have been working with CTC Technology to do our feasibility studies in Worcester County and we have solicited their help in writing an RFP that will hopefully generate interested parties. We will be looking for a company that will apply for the grants on our behalf while partnering with Worcester County to bring broadband to the rural areas. We will be under no obligation to use grant funding but we must first solicit a partner before we can move forward.

I am attaching a copy of the RFP in Draft form. I will modify the dates based on acceptance of the RFP by the commissioners.

NOTICE TO VENDORS

Request for Proposal

DRAFT

**Partnership for Deployment of High-Speed Broadband in Worcester County, Maryland
Worcester County, Maryland**

The Worcester County Commissioners seek to partner with one or more private entities to collaborate with the County to address the lack of broadband infrastructure in the County by expanding high-speed broadband to unserved areas of the County.

Requests for Proposal (RFP) are available from the Office of the County Commissioners, Room 1103, Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863, obtained online under the "Bids" drop-down menu in the lower right hand side of the home page at www.co.worcester.md.us or by calling the Commissioners' Office at 410-632-1194 to request a package by mail.

Sealed proposals will be accepted until 1:00 PM, Monday, November XX, 2020 in the Office of the County Commissioners at the above address, at which time they will be opened and publicly read aloud. Envelopes shall be marked **"Responses to RFP for Partnership for Deployment of High-Speed Broadband"** in the lower left-hand corner. Email submissions will not be accepted.

After opening, proposals will be forwarded to the Department of Information Technology for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding a proposal, the Commissioners reserve the right to reject any and all proposals, waive formalities, informalities and technicalities therein, and to take whatever proposal they determine to be in the best interest of the County considering cost, proposal content, qualifications of the vendor, quality of project approach, time of delivery or completion, responsibility of vendors being considered, previous experience of vendors with County contracts, or any other factors they deem appropriate.

All inquiries shall be directed to Brian Jones, Director of Information Technology, at 410-632-5610, ext. 1522 or by email at bjones@co.worcester.md.us



Request for Proposal

Partnership for Deployment of High-Speed Broadband

Worcester County
Request for Proposal (RFP) for Partnership for Deployment of High-Speed Broadband
DATE OF THIS REQUEST: TBD
DESCRIPTION: *Partnership for Deployment of High-Speed Broadband*
RESPONSE DEADLINE: 11/XX/2020 @ 1:00 p.m. EST
SUBMISSION REQUIREMENTS:

Proposals can be submitted physically or electronically.

If physically:

Two (2) copies of the response, including one original (clearly marked "ORIGINAL"), and one copy in Microsoft WORD format or PDF on CD/Flash Drive, shall be submitted in a sealed container. The face of the container shall be clearly marked in the lower left corner as follows:
"RFP for: Partnership for Deployment of High-Speed Broadband"

Responses must be submitted to:
Office of the County Commissioners
"RFP for: Partnership for Deployment of High-Speed Broadband"
One West Market Street, Room 1103
Snow Hill, MD 21863

If by email:

Responses must be submitted to bjones@co.worcester.md.us with the subject heading
"RFP for: Partnership for Deployment of High-Speed Broadband"

RESPONSES OPENED 11/XX/2020 @ 1:00 p.m. EST

Responses must be received by the date and time stated above or they will remain unopened and recycled. No allowance will be made for postmark or error in delivery to incorrect address. It is the sole responsibility of the bidder to ensure timely and correct delivery of bid to the person and address stated above. Overnight delivery services may not guarantee timely next day delivery. Please check with the service you use.

Please direct all questions relating to this RFP in writing (email acceptable) no later than
TBD to:

Worcester County Department of Information Technology
Attn: Brian Jones
One West Market Street, Room 1003
Snow Hill, MD 21863
bjones@co.worcester.md.us

RFP documentation can also be viewed electronically at: www.co.worcester.md.us

Overview and RFP Purpose

Worcester County, Maryland is committed to ensuring that the County continues to prosper and evolve as the global economy shifts and the need for ultra-high-speed broadband access grows. The County therefore undertook a broadband study which identified areas that are unserved by wireline broadband speeds as defined by the Federal Communications Commission (25 Mbps down/3 Mbps up). The study's recommendations, adopted by the County, informs this request for proposals (RFP).

The Worcester County Department of Information Technology therefore issues this RFP to identify suitable private entities to collaborate with the County to address the lack of broadband infrastructure in the County. The County seeks solutions from private entities regarding bringing Gigabit-class broadband to currently unserved County homes and businesses in the County over privately constructed and owned communications infrastructure. To support the collaboration, the County can assist in seeking federal and state grant funding, providing access to community assets and rights-of-way (ROW), navigating the permitting process, and offering any other reasonable support the County can bring to the collaboration.

The County's preferred technology is fiber-to-the-premises (FTTP). The County understands, however, that the geography and population density of portions of the County may require creative options for ubiquitous broadband deployment. As such, the County is open to considering hybrid fiber/wireless solutions and last-mile wireless solutions. Another possibility is the extension of hybrid fiber-coaxial service from adjacent areas, so long as the resulting network provides the necessary level of service.

The County also understand that the lack of sufficient density makes the necessary capital investment to build the infrastructure difficult to recover and generate sufficient profits. The County therefore expects to apply for grant funding with the selected partner(s) to secure the necessary funding. In particular, it intends to apply for grants provided by the Governor's Office of Rural Broadband. It also seeks to leverage this grant, if awarded, to seek additional federal funding for further expansion into unserved areas.

Finally, while the County is requesting proposals for specific areas from respondents, it reserves the right to negotiate alterations of the proposed funding areas in case portions of such areas have been awarded through other funding opportunities or incumbent ISP expansion.

In addition, in exchange for County investment and support, the County may negotiate a mutually agreed framework for retaining partial ownership interest in deployed assets in case of default and a agreements on sharing of network buildout documentation, active subscriber locations and

statistics, and simplified versions of compliance testing adopted by the FCC's Connect America Fund Performance Measures Testing.¹

In responses to this RFP, the County seeks to understand the respondent's approach to extend broadband to unserved areas, and thereby further the County's goals of ensuring that residents, businesses, and visitors to our community have access to market-leading broadband services.

The County also seeks input from potential partners regarding the terms and conditions under which they would participate in such a project.

We encourage respondents to share their expertise, which may be used to shape the direction and form of this potential initiative. Respondents may work together to respond to this RFP. The County is open to creative solutions that will maximize private investment, as well as state and federal broadband funding, while providing reliable and high-quality services to meet its residents' needs.

We welcome the responses of all prospective partners, including incumbent service providers, as well as competitive providers, nonprofit organizations, public cooperatives, and entities that are not traditional internet service providers (ISPs) but are interested in acting as a partner in offering service under innovative business models. Nontraditional providers should respond as part of a partnership with an ISP. ISPs should have a minimum of two years' experience delivering residential broadband services.

The County will review responses based on the respondents' experience, how well the responses address the County's objectives, how the proposed business model balances and shares risks and rewards, and other factors. The County may provide more detailed information on available assets to one or more respondents, and ask those respondents to refine their responses.

Following the evaluation of responses, the County may issue a request for more detail relating to the County-initiated project, cancel or delay plans to deploy a network, or choose another direction that is deemed in the County's best interest.

Responding to the RFP is not a guarantee of a contract award. Rather, the County will identify one or more suitable partners whose proposals it will jointly adapt to pursue funding opportunities. The County anticipates that grant-requested service areas will require joint modification between the County and partner as a result of any completed, in progress, or externally funded broadband builds such as the FCC's Rural Digital Opportunity Fund (RDOF) auction.

¹ <https://www.usac.org/high-cost/annual-requirements/performance-measures-testing/>

The County will select which partner to work with based on specific grant opportunity and ability to leverage planned investments such as RDOF funding to fulfill match requirements and/or to otherwise leverage and/or expand the service area. The County's determination will primarily be based on maximizing how many unserved addresses could be served by pursuing specific grant opportunities with the selected partner.

Further, there is no guarantee a procurement will be issued as a result of this RFP. The County reserves the right to withdraw the RFP or any subsequent solicitation, or to decline to award a contract.

This RFP will enable the County to incrementally close the gap between served and unserved areas of the County, with the following considerations reflecting the strategic objectives of the County regarding broadband expansion:

- To expand broadband—defined as a minimum of 25 Mbps download, and 3 Mbps upload—to the largest number of unserved locations feasible.
- To adopt the fastest and most future-proof technology feasible. The County considers fiber optic technology the most desirable, and generally prefers wireline over wireless technologies.
- To work with partners who have demonstrated experience delivering residential broadband to the satisfaction of their customers.
- To develop partnerships with ISPs where both parties collaborate and contribute resources to solve the problem of delivering broadband to unserved areas in the County.
- To minimize County risks to the extent practical, including the County's share of any cash match obligations of grants.
- To offer competitively priced broadband options for currently unserved potential customers.
- To minimize costs to such customers for service activation, including any required cost-sharing for the construction of service drops.
- To deliver the broadest impact to the public good and welfare of County residents. The County expects proposers to contribute:
 - *Matching financial contributions* to the project at a level it considers sustainable, and/or

- *In-kind contributions* to benefit County residents and the public good, such as perpetual IRU fiber strands along the backbone, extension of fiber optic plant to anchor sites of interest to the County, free public Wi-Fi at key locations, or other similar projects.

General County Information

Worcester County is the easternmost county within the State of Maryland and is the only oceanfront county in Maryland. The County is bordered to the south by the State of Virginia, to the west by Somerset County and Wicomico County, Maryland, to the north by the State of Delaware, and to the east by the Atlantic Ocean.

The County is mostly rural in nature with the exception of the northern portions of the County, which contains some of the more developed areas, including Ocean Pines, Ocean City, and Berlin. The County's area totals 695 square miles, of which 468 square miles are comprised of land and 227 square miles are comprised of water. The County has more than 750 miles of shoreline.

Justification of Broadband

Without broadband service to residents, meaningful distance learning is not an option for those seeking higher education opportunities- resulting in many young people leaving the County.

While protecting the best interest of the County and its citizens, the goal of the County is to research the best options available that advance a viable means to bring the best possible broadband services to a county that has limited resources and sparse population.

We acknowledge broadband is a critical service for quality of life, as is the case with roads, water, sewer, and electricity. Every home, business, non-profit organization, government entity, and place of education should have the opportunity to connect affordably, easily, and securely. Worcester County should have broadband services that are shaped by the values of the citizens and businesses that take deep pride in our community.

Current State of Broadband in Worcester County

Residents of Worcester County have access to a mix of internet services, but the availability of robust broadband services for individual homes and businesses depends on location. For example, while Comcast and Mediacom provide residential wired service in the County's more densely populated areas (e.g., Berlin, Pocomoke City, and Ocean City), neither provides service in other, sparsely populated areas that meets the definition of broadband adopted by the FCC

and the State of Maryland's Office of Rural Broadband (25 Mbps download and 3 Mbps upload, or "25/3").²

The County's analysis indicates that about 6,400 homes and businesses in the County do not have access to internet service that meets the federal definition of broadband. Surveys of wireline infrastructure determined that the County's unserved areas are the red highlighted portions of the map below (Figure 1). The southern portion of Assateague Island was not included in the analysis; that land is shaded white in the map.

Figure 1: Unserved Portions of Worcester County



The availability of a passing to a home or business is the generally understood definition of what is served for wireline connectivity. Generally, however, a "passing" does not include the "service

² "2018 Broadband Deployment Report," FCC, Feb. 2, 2018, <https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2018-broadband-deployment-report>.

drop”—the portion of the network that connects the infrastructure at the curb to the home or business itself.

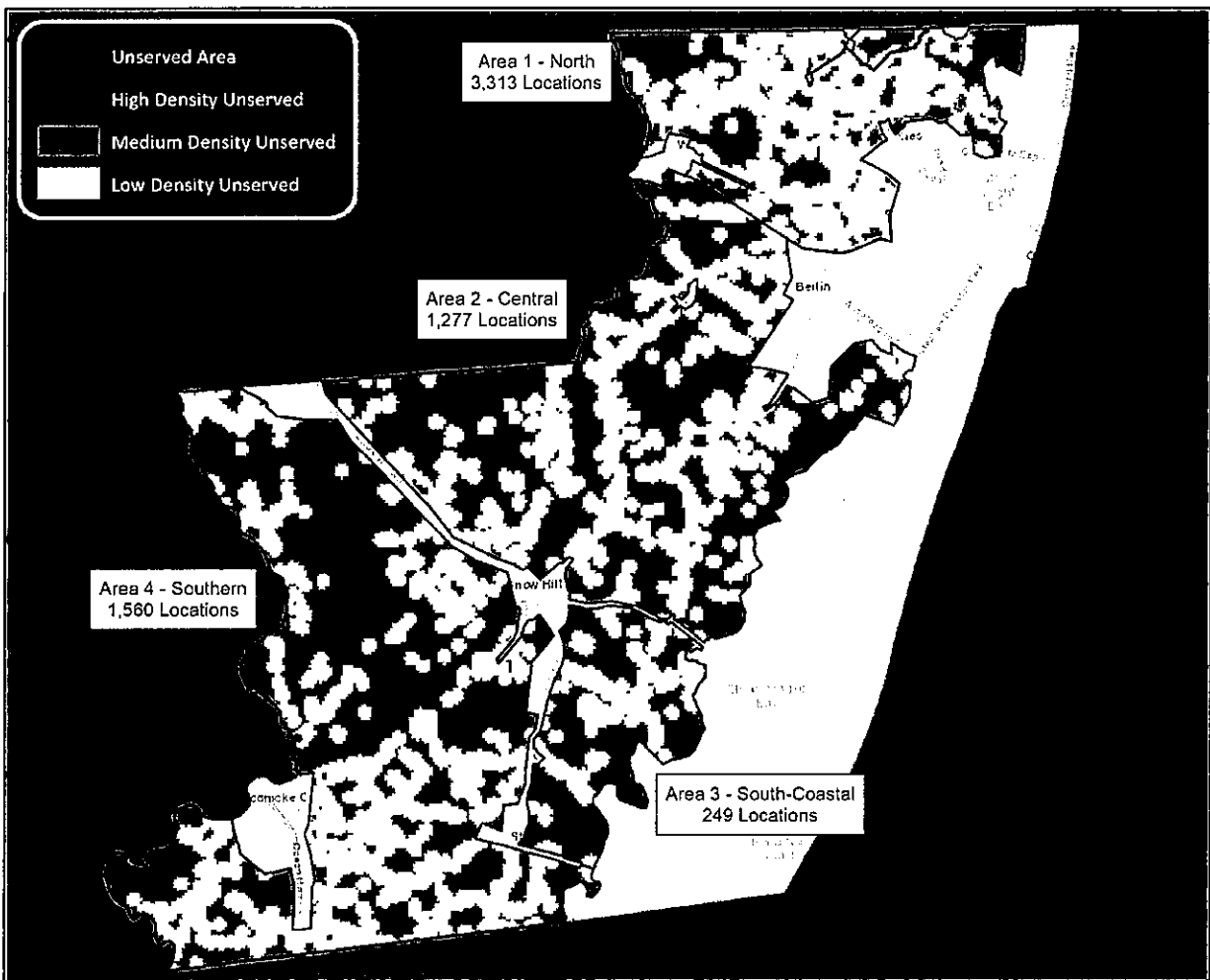
As a result, there is another category of locations within the County where homeowners may struggle to get broadband service—but those homes do not fit into the category of unserved (and thus are not included in the map of unserved areas). These are areas where broadband infrastructure passes homes or businesses (and thus the premises are considered served), but because the premises are set back far from the road, the cost quoted by incumbent ISPs to build the service drops to the users’ premises is often prohibitive.

Service to these homes or businesses is thus not a matter of the availability of infrastructure, but rather a matter of the affordability of drop construction—because many consumers, particularly those with very long driveways, will find the ISP’s quoted cost of connection to be very high. The County therefore wants to understand the service offering costs from potential partners, including activation fees, equipment rentals, and fees or formulas for drops, beyond a maximal allowable length.

County Target Areas

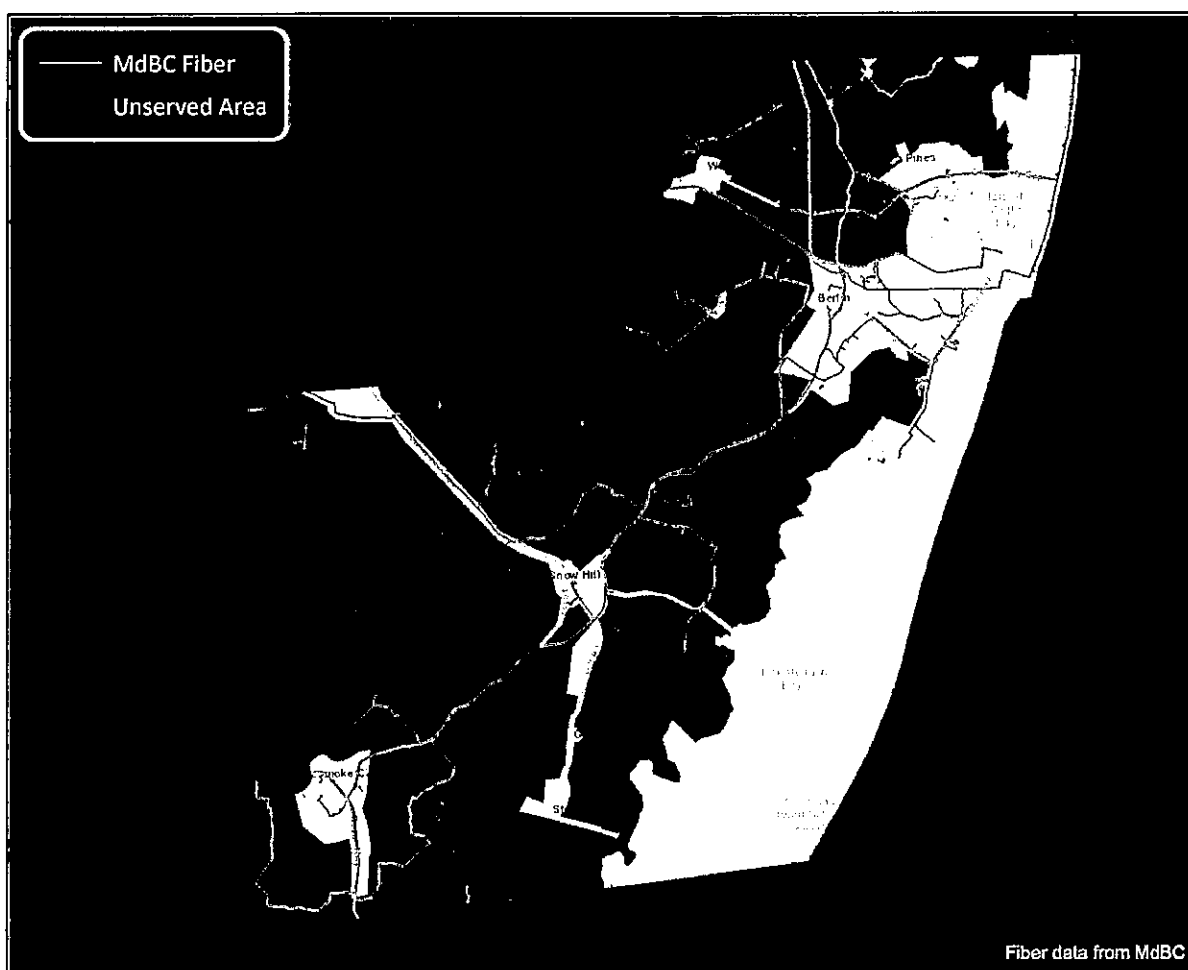
The County understands that a grant-enabled public-private partnership model is a multi-year strategy that will have to be implemented incrementally. To facilitate this strategy, and allow for better partner/proposal matching against upcoming grant and funding developments, we have divided the County into several different target areas. The map below shows the four areas along with estimated unserved locations in each.

Figure 2: County Target Areas



We understand that a non-incumbent provider would need to enter these areas with a backhaul and backbone connection, which it would have to either build or lease. The following map illustrates the potential to use Maryland Broadband Coop (MDBC) fiber for approaching such connectivity needs (as one option).

Figure 3: MdBC Fiber Routes



The County's Vision

We believe access to broadband is critical. Equal and affordable access to communications infrastructure and service is essential to promoting equal opportunity in business, education, employment, healthcare, and all other aspects of day-to-day life. We recognize the need and the challenges of expanding broadband to businesses and residents in the less densely populated sections of the County.

Situated in relative proximity to the greater Baltimore-Washington area, Worcester County needs to be able to offer broadband options that are equivalent to those experienced by residents in those areas to attract and retain workers who want to take advantage of the quality of life options available to County residents.

The County needs to be able to compete with its surrounding neighbors as well, who have a similar desire to extend broadband, but have more extensive cable company infrastructure to work with to expand services.

The County intends to empower its citizens to fully participate in today's broadband-enabled reality. It recognizes that high-speed broadband is vital to full economic participation, and education as well. COVID-19 has demonstrated how vital a County-wide broadband infrastructure is, and how it is an essential component of community and economic resilience in the face of economic contractions, public health disasters, and other human-made or natural events.

County Contributions and Assets

The County is willing to consider various levels of public involvement to support the partnership. Among other roles, the County may consider:

1. Assigning a point of contact who will be the liaison to the company and its contractor(s), and providing services to help prevent or lessen conflicts in the construction schedule
2. Assisting the company in navigating necessary permitting to streamline planning and construction efforts
3. Dedicating resources to support private companies through plan review, coordination, and inspection services to expedite and potentially reduce the cost of construction in the public rights-of-way
4. Facilitating contacts with carriers who can provide middle-mile and backhaul options
5. Providing multiple forms of support for pursuit of state and federal broadband awards, such as the Federal Communications Commission's Rural Digital Opportunity Fund, the U.S. Department of Agriculture's ReConnect and Community Connect programs, and the State of Maryland's Broadband Infrastructure Network Buildout Program and Assistance for Broadband Expansion Pilot Projects program

Criteria of Evaluation

Criteria of evaluation will consist of the elements outlined below in the proposal. The County will assess experience and reputation as well as price information, as these are critical components of successful award for some grant programs.

RFP Response – Letter of Intent

We ask that all interested respondents submit a letter of intent via email by **TBD** to **TBD**.

The letter of intent should include the company name and the name, title, phone number, and email address of the respondent's primary point of contact, and should indicate that the respondent intends to submit a formal response to the RFP. The letter of intent can be contained in the body of an email, and does not have to be a formal, standalone letter.

RFP Response Format

Worcester County requests the following information from respondents. Proposals should incorporate the following elements in listed order:

1. Title Page – List the RFP subject, the name of the firm, the local address, telephone number, name of the contact person and date.
2. Table of Contents – Include a clear identification of the material included in the proposal by page number.
3. Letter of Transmittal – Limit to one (1) page. State a positive commitment to perform the required work within the time requested. Also, provide the name(s) of the person(s) who will be authorized to make representation for your firm, their title, and telephone numbers.
4. Profile of Proposer – If you are an existing ISP in the County, state your service area and approximate number of subscribers in the County. If you are not an existing ISP with more than 200 subscribers in the County, provide the following information:
 - a. State whether your firm's operations are local, national, or international in scope.
 - b. Provide number of years you have offered internet service to paying residential subscribers and where.
 - c. Provide approximate number of residential subscribers inside and outside the County.
 - d. Give the location of the office from which the work is to be done.
5. Proposed Timeline – Proposer should provide a high-level project timeline with three to five milestones and explain how it plans to meet its proposed timeline.
6. Target Areas Proposed – Proposer should indicate which areas it will serve as part of this proposal. If the Proposer wants to only serve part of an area, it should indicate which area and roughly how many locations would be included. Proposer can provide proposals for one or more areas, but should list them separately.

7. Route Mileage – Proposer should list estimated miles of underground and aerial construction. In addition, Proposer may also indicate underground and aerial segments in a map illustration with appropriate legends.
8. Description of Technology Used – For example “fiber optic cable,” “coax cable,” “ADSL,” “DSL,” etc. If multiple technologies are used, describe how technologies will be deployed and which technologies will be deployed where.
9. Numbers of Addresses Passed – The addresses counted should all be in the target areas described above. Only speeds at 25 Mbps/3 Mbps or higher will be counted as serving previously unserved addresses. Proposer may however provide estimates of addresses which will receive speed improvements from previously available service options and the level of speed such Internet-improved will receive. Speeds below 10/1 should not be counted.
10. Speed Tiers Offered – Proposer should list numbers of addresses passed for each speed tier and technology. The following are the speed tiers to be used for broadband speeds:

Broadband Performance Tier	Speed	Monthly Usage Allowance
Minimum	≥ 25/3 Mbps	≥ 250 GB
Baseline	≥ 50/5 Mbps	≥ 250 GB
Above Baseline	≥ 100/20 Mbps	≥ 2 TB
Gigabit	≥ 1 Gbps/500 Mbps	≥ 2 TB

In addition, the Proposer may list improved non-broadband speeds, as long as they are not lower than 10/1, in the following performance tiers:

Non-Broadband Performance Tier	Speed	Monthly Usage Allowance
Internet-upper	≥ 10/3 Mbps	≥ 150 GB
Internet-lower	≥ 10/1 Mbps	≥ 150 GB

Proposer may respond to this and the previous requirement with a single table listing area descriptor, number of addresses, performance tier, and technology. For example:

Area	Passings	Performance Tier	Technology
North	1,000	Gigabit	Fiber
North	1,500	Internet-upper	ADSL
Central	500	Gigabit	Fiber

11. Price – The price should include the total project cost, the proportion of that amount that the Proposer will contribute, and the amount the Proposer expects the County and/or a grant to cover.
12. In-kind Contribution – Proposer should list any contributions to the project in addition to or in lieu of matching funds such as fiber strands along new project builds, connectivity to County anchors, or other contributions of benefit to the County.
13. Subscriber Pricing – Proposer should list costs for different service tiers summarized in table format, and should include activation fees, equipment rental fees, and monthly costs for different service tiers.
14. Drop Costs and Cost-Sharing Assessment Methodology – Proposer must list drop costs assessed to the customer per foot beyond an allowable amount. If this varies depending on the conditions of the path extending to the dwelling unit, list the assumptions and provide representative scenarios for alternate assumptions (e.g., electricity poles are available along the path, or there is unobstructed space on the side of the path for burying microduct for drop cables). For example:

<u>Drop Pricing Assessed to Subscriber</u>		
First 500 Feet	Subsequent Cost per Foot	Assumption/Scenario
\$0	\$2	Electricity pole available
\$0	\$8	Unobstructed shoulder available for drilling microduct/blowing fiber

15. Deposit or Service Contract Requirement – If pricing depends on lock-in with a contract for a set time (for example, one year) and/or payment of a deposit, please provide the duration of the lock-in, actions that would lead to loss of a customer's deposit, and any requirements to pay penalties in case of premature contract termination.
16. References – Please provide one to three references, including contact information, from previous contracts or collaborations with other localities or non-profit entities.

Responses should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of this RFP. Emphasis should be placed on completeness and clarity of content.

Responses shall be prepared at the bidder's expense. Responses become a County record and certain non-financial parts of the response may be subject to the Maryland Public Information Act. Examples of protected information would be cost per foot or per passing, as well as proposed network diagrams. Examples of information subject to release to the public include the name

of the proposer as well as the area(s) targeted and estimated number of addresses served upon partner status award.

RFP Response – Timeline

The following is the schedule for responding to this RFP. The schedule is subject to change:

TBD, 2020 – RFP issued

TBD, 2020 – Deadline for submitting letter of intent to respond to RFP

TBD, 2020 —Deadline for submitting questions about RFP

TBD, 2020 – Responses to questions issued

TBD, 2020 – RFP responses due

Worcester County thanks you in advance for your thoughtful response. We look forward to the opportunity to work with the private sector to meet our community's broadband goals.

Proposal Cover Sheet

Name of Company	
Address of Home Office	
City of Home Office	
State of Home Office	
Zip Code of Home Office	
Phone Number of Home	
Office	
Federal EIN	
State EIN	
Contact Name:	
Contact Office Phone Number:	
Contact Cell Phone Number:	
Contact E-Mail Address:	



ITEM
7

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

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

October 14, 2020

TO: Harold Higgins, Chief Administrative Officer
FROM: Kathy Whited, Budget Officer
RE: Fiscal Year 2020 Year End Budget Transfer Request – Sheriff Uniforms

Attached please the FY2020 year end budget transfer request identified as page 4 from the October 6, 2020 meeting which needed further explanation regarding the Sheriff uniform transfer for \$81,123 with budget reductions in three accounts that total \$81,123. These items are marked with asterisks to be considered by the County Commissioners at their meeting on October 20, 2020. Also attached is a memo from Sheriff Crisafulli with detailed information.

I would ask for your review and the County Commissioners approval of this FY2020 Budget Transfer Request worksheet for the \$81,123.

Attachment: FY2020 Budget Transfer Request Sheriff Uniforms

Kjw:h\FY20audit\transfers\FY20 transfer request to commissioners Sheriff Uniform

FY2020 GENERAL FUND BUDGET TRANSFER REQUEST

9/22/20

	Account Name	NWS Acct No. (include location if available)	Budget \$ Add	Budget \$ Subtract	Explanation
Information Technology					
1	Administrative Expenses Office Furniture	100.1011.6100.010	219		Equipment Mobile phones savings to cover administrative office supplies for desk replacement
2	Supplies & Equipment Mobile Phones	100.1011.6110.245		(265)	Funds required to cover attorney fees, and desk replacement
3	Legal Services County Attorney Expenses	100.1011.6510.020	46		Equipment Mobile phones savings to cover attorney expenses
Sheriff's Office - Admin					
1	Administrative Expenses Office Supplies	100.1101.030.6100.190	6,551		funds needed to cover office supplies
2	Supplies and equip., LE Equip.	100.1101.030.6110.190		(61,000)	LE Equip savings to cover Uniforms *
3	Equip Maint., Annual Maint Contract	100.1101.030.6130.020		(5,123)	Annual Maint Contract savings to cover uniforms *
4	Equip Maint., Software Maint Agree	100.1101.030.6130.070		(15,000)	Software Maint savings to cover uniforms *
5	Uniforms and personal Equip., Uniforms	100.1101.030.6150.050	81,123		funds needed to cover uniforms *
6	Legal Services., Other Legal Expenses	100.1101.030.6510.085	13,700		funds needed to cover other legal expenses



Worcester County Sheriff's Office



Matthew Crisafulli
Sheriff

Mark C. Titanski
Chief Deputy

October 14, 2020

Worcester County Commissioners
1 West Market St., Room 1103
Snow Hill, MD 21863

Dear Commissioners,

My office and many other law enforcement agencies on the east coast ran into an issue with their uniforms. Agencies that had custom made uniforms, utilized a company that subsequently went out of business. I, along with other Sheriff's discussed this matter and we determined that there were no other vendor's that could supply the uniform that was previously worn. In order to maintain a uniform look throughout the community my agency purchased 460 sets of replacement uniforms. The original plan was to phase these uniforms in over 2 years, but when COVID19 occurred, it was decided to have all personnel receive sets. This would and did reduce possible exposure at dry cleaners. To reduce costs, sewing of the pants stripes were accomplished in-house.

I have and always will maintain fiscal responsibility, when making purchases for the betterment of my office. When we encounter unexpected costs, my office takes the position to find savings in other accounts to utilize, as to not create an over expenditure. The line item for uniform's showed an over-expenditure. Monies were utilized from our law enforcement equipment line to fund the uniforms. We also withheld spending on other line items, and transferred monies as to not go over budget.

We are within our allotted budget, this is just a transfer request.

Thank you for your efforts within our county. I enjoy our partnership as elected peers to ensure what's best for our residents.

Sincerely,



ITEM
8

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: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director *EAT*
Date: October 7, 2020
Re: Modification of the Triple Crown Estates Residential Planned Community

.....

The Department recently received a request from Marvin Steen, President of Steen Associates, Inc., owner of the property being developed as Triple Crown Estates. He is seeking to reduce the density of this project by fifty percent, by proposing thirty single-family dwelling lots rather than sixty duplex units on thirty lots. As you will note from the attached memorandum from Jennifer Keener, Deputy Director, this change will not impact the proposed lot sizes, setbacks, road design or other features shown on the plans to date.

Based upon my review of the proposal and my conversations with Mrs. Keener, it is our collective opinion that this requested change does not constitute a material change in the original approval, and therefore would not require a reapplication for Step I approval from the County Commissioners. Unless the County Commissioners feel differently, we will process the request as part of our normal review and permitting functions.

If you have any questions, or would like to discuss this further, please let me know.

EAT/jkk

cc: Jennifer K. Keener, Deputy Director



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

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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Edward A. Tudor, Director
From: Jennifer K. Keener, AICP, Deputy Director *JKK*
Date: October 7, 2020
Re: Modification of the Triple Crown Estates Residential Planned Community

.....

I have received the attached request from Marvin Steen, President of Steen Associates, Inc., owner of the property being developed as Triple Crown Estates. As you know, this property is located at Tax Map 21, Parcels 67 and 74, and is being planned as an extension of the Ocean Pines community. As a Residential Planned Community (RPC), the Floating Zone was established by the Worcester County Commissioners on November 3, 2015.

The original design called for thirty (30) lots, upon which would be constructed a two-unit (duplex) building, for a grand total of sixty (60) units. The developer has obtained the Step I and Step II RPC approvals, and has been working towards obtaining the necessary subdivision approvals and permits in order to break ground.

At this time, Mr. Steen has re-evaluated the choice of building type, and is requesting consideration for thirty single-family dwelling lots. In accordance with § ZS 1-315(k)(2)B.5, changes in the density of the project may only be approved by the County Commissioners after a duly advertised public hearing where they determine the change to be of such significance that a public hearing is necessary.

In consideration of this request, Mr. Steen noted in his letter that the only change to the project is the proposed reduction of the requested density by 50%. He intends to keep the entire layout the same; there will be no changes in the proposed lot sizes, setbacks, road design, or other features shown on the plans approved to date. Based upon my review of this proposal and my discussions with Mr. Steen and his associates, it is my opinion that the modification of housing type and the reduction of the overall density does not constitute a material change that would require re-approval of the Step I plan through a duly advertised public hearing. Unless the County Commissioners feel differently, staff will process the request as a modification to the plans as part of our normal review procedures.

If you have any questions, or would like to discuss this further, please let me know.



Builder • Developer

September 28, 2020

Jennifer K. Keener, AICP

Zoning Administrator, Worcester County, MD.

Ref: Triple Crown Project/Steen Associates, Inc.

Dear Administrator Keener;

Let this letter serve as a request regarding the Triple Crown Project.

Mr. Steen is requesting to reduce the density by 50%, by changing approved duplex unit per lot (30 lots, 60 EDU) to Single Family unit per lot, (30 lots, 30 EDU, with maintaining 30 EDU for the future development of 30 more single family lots). No Other Changes to the Approved Project Plats, Documents etc...

Please do not hesitate to contact Me, for any questions, or if more information is needed to support this request.

As Always, Thank You Very Much for your continued Support in Our efforts.

Sincerely, G. Marvin Steen Date: 9-28-20

G. Marvin Steen, President, Steen Associates, Inc.

627B Ocean Parkway • Ocean Pines • Berlin, MD 21811 • 410-641-7050 • FAX 410-641-7055



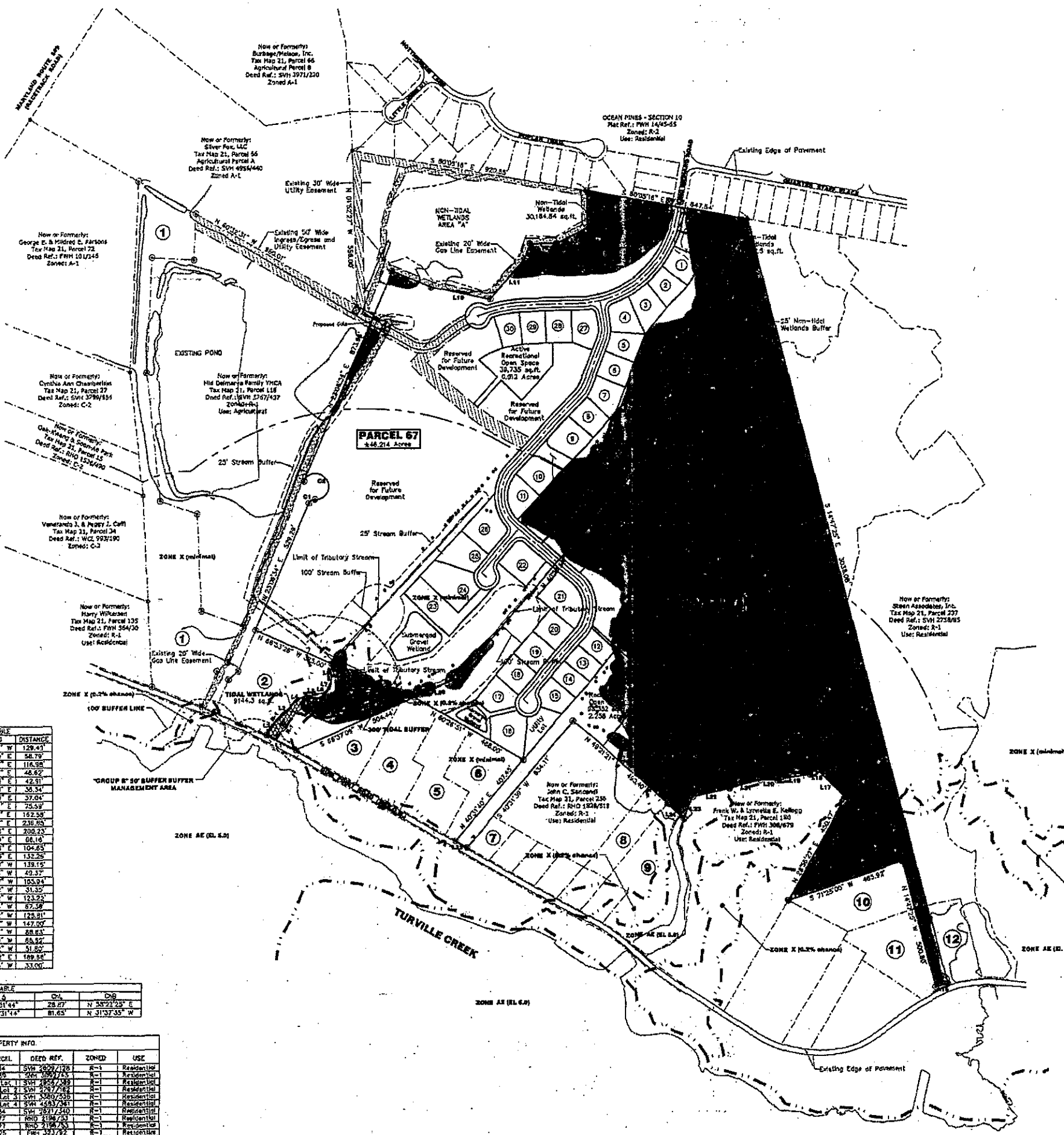
MHBR 486

North Arrow

LINE	BEARING	DISTANCE
1	N 63°28'00" E	129.43
2	N 33°39'30" E	58.79
3	N 44°36'37" E	116.98
4	N 65°15'27" E	48.82
5	N 83°43'38" E	42.91
6	N 72°26'16" E	38.34
7	N 25°03'23" E	37.04
8	N 04°42'51" E	75.59
9	S 68°01'31" E	162.58
10	S 78°15'17" E	235.85
11	N 40°37'18" E	208.23
12	N 19°37'29" E	68.18
13	N 06°24'28" E	104.63
14	N 62°03'43" E	132.26
15	N 02°42'28" W	139.16
16	S 76°27'44" W	49.37
17	N 43°36'22" W	183.94
18	S 35°47'22" W	31.33
19	S 79°20'22" W	123.23
20	N 89°51'38" W	87.58
21	S 75°29'22" W	128.81
22	S 77°14'22" W	147.07
23	S 21°42'24" W	88.83
24	N 48°41'40" W	88.82
25	N 50°28'52" W	51.82
26	N 66°29'02" E	189.88
27	N 68°27'04" W	33.07

Curve	Rad.	Ang.	Ch.	Off.
C1	25.00'	30.77°	70.31'44"	28.87' N 58°21'25" E
C2	30.00'	218.63°	250.31'14"	81.63' N 31°37'35" W

OWNER (N/T)	TAX MAP	PARCEL	DEED REF.	ZONED	USE
1. Steen Associates, Inc.	21	154	SVH 2609/126	R-1	Residential
2. Gavin L. Green	21	215	SVH 3967/135	R-1	Residential
3. Simon, A. & B. C. Johnson	21	310	SVH 2609/126	R-1	Residential
4. Nicholas Lee Rapp	21	310	SVH 2609/126	R-1	Residential
5. Nicholas M. Rapp	21	310	SVH 2609/126	R-1	Residential
6. Nicholas M. Rapp	21	310	SVH 2609/126	R-1	Residential
7. Nicholas M. Rapp	21	310	SVH 2609/126	R-1	Residential
8. Nicholas M. Rapp	21	310	SVH 2609/126	R-1	Residential
9. Nicholas M. Rapp	21	310	SVH 2609/126	R-1	Residential
10. Nicholas M. Rapp	21	310	SVH 2609/126	R-1	Residential
11. Nicholas M. Rapp	21	310	SVH 2609/126	R-1	Residential
12. Nicholas M. Rapp	21	310	SVH 2609/126	R-1	Residential



LOT	AREA (sq.ft.)
1	12,885.45
2	12,885.45
3	13,322.31
4	13,322.31
5	12,238.92
6	14,157.65
7	12,508.84
8	15,742.68
9	14,927.52
10	12,271.65
11	10,060.11
12	10,000.00
13	11,877.22
14	10,000.00
15	10,323.50
16	14,002.74
17	12,040.00
18	13,318.79
19	12,980.00
20	20,804.59
21	17,463.67
22	26,748.87
23	25,375.52
24	17,370.55
25	20,078.83
26	13,472.47
27	12,500.00
28	12,131.10
29	11,084.68
30	12,561.43

LEGEND

- Iron Pipe Found
- Iron Rod Found
- Iron Nail Found
- Stone Found
- Existing Transformer
- Existing Individual Trees
- Adjoining Property/R.O.W. Lines
- Existing Woods Line
- Existing Shoreline/Top of Bank
- Non-Tidal Wetlands Line
- Non-Tidal Wetlands/Stream Outter Line
- Tidal Wetlands Buffer Line
- Coastal Zone Critical Area Line
- 100 Yr. Flood Plain Line
- Tidal Wetlands
- Ingress/Egress and/or Utility Easement
- 20' Wide Gas Line Easement
- Existing On-Site Forested Area

- NOTES**
- Owner: Parcel 67 - Triple Crown Estates, LLC
Parcel 74 - Steen Associates, Inc.
Parcel 74 - Steen Associates, Inc.
 - Developer: Steen Associates, Inc.
Parcel 74 - Steen Associates, Inc.
 - Deed Ref.: Parcel 67 - 5856/382
Parcel 74 - 2006/581
 - Zoning: Parcel 67 - R-1 & BP
Parcel 74 - R-1
 - Use: Parcel 67 - Residential
Parcel 74 - Agricultural
 - By scaled map location and graphic plotting only, the subject property appears to be in the vicinity of Zone X (0.2% annual chance flood hazard), and Zone AE (EL 5.0) according to the Flood Insurance Rate Maps for Worcester County, MD, Community Panel No. 14047C 01024, Effective Date July 18, 2015.
 - Non-Tidal wetlands as shown herein are as delineated by Spencer Howe, Inc.
 - Atlantic Coastal Bays Critical Area Land Use Designation: LDA
 - Parcel 67 Area: 446,214 Acres
Parcel 74 Area: 446,214 Acres
Total Site Area: 892,428 Acres
 - Parcel 67 Forested Area: 48,891 Acres
Parcel 74 Forested Area: 437,481 Acres
Total Forested Area: 546,372 Acres
 - Required Open Space: 92,037 Acres x 50% = 27,511 Acres
 - Required Open Space Break Down:
Natural Open Space: 27,511 Acres x 50% = 13,806 Acres
Active Recreation: 27,511 x 10% = 2,751 Acres
Passive Recreation: 27,511 x 20% = 5,522 Acres
 - Proposed Open Space: 32,132 Acres
Active Recreation: 3,170 Acres
Passive Recreation: 11,409 Acres
Total Open Space: 46,711 Acres
 - Total Residential Use: 14,453 Acres (13.7%)
 - Total Number of Proposed Lots = 30
 - Total Number of Proposed Units:
2 Units per Lot for 30 Lots = 60 Units
 - Proposed Density: 60/21,247 Acres = 0.558 Units per Acre
 - Non-Tidal Wetlands Area = 54,293.83 sq.ft. (1.25 Acres)
Private Tidal Wetlands Area = 9,059.24 sq.ft. (0.21 Acres)



APPROVED BY WORCESTER COUNTY COMMISSIONERS

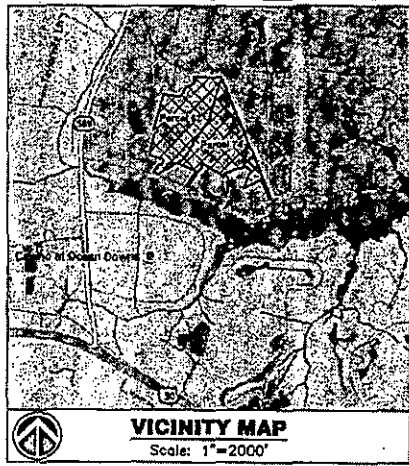
JJK 11/20/15
Triple Crown Estates, LLC Planning Zone 3
Map Approval as of 11/20/15

PROFESSIONAL CERTIFICATION

I certify that these documents were prepared or supervised by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

Stephen B. Smith
Professional Engineer
License No. 20061
Expiration date: October 10, 2018

Date Plotted: 11/20/2015



SOULE & ASSOCIATES, P.C.
ENGINEERING / SURVEYING / PLANNING
P.O. BOX 69
OCEAN CITY, MARYLAND 21843
(410) 726-4819

CONCEPTUAL SITE PLAN
TRIPLE CROWN ESTATES
TAX MAP 21, PARCELS 67 & 74
LANDS OF TRIPLE CROWN ESTATES, LLC
AND STEEN ASSOCIATES, INC.
THIRD ELECTION DISTRICT, WORCESTER COUNTY, MARYLAND

Designed By: SSS
Drawn By: MFB
Date: May 2015
Job No.: 15-005
Drawing File No.: 15-005-Plan.dwg
Sheet No.: SP-1

ITEM
9



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>

MEMORANDUM

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director, Development, Review and Permitting *EAT*
DATE: October 9, 2020
RE: Nuisance Abatement Order No. 20-1 – 2816 Snow Hill Road

Pursuant to the County Commissioners' request during their review of bids for the above referenced abatement order, I contacted Mr. Harold Scrimgeour for additional information. Specifically, I requested a certificate of insurance and a list of references for similar demolition projects he has completed in the last two years with a general description of the work involved, the date range for the work, a contact name, email address and phone number for the individual responsible retaining his services. Mr. Scrimgeour provided the attached information in response.

The certificates of insurance appear to be in proper order with sufficient coverage for the job. A list of nine references was provided. Two of the references were for the same individual. None of the references contained email address. Two of the references failed to contain a phone number for the responsible party. One reference did not provide a name of the individual responsible for retaining the services. One of the references was for work conducted fifteen years ago. Out of the remainder, I was able to speak to four of the people regarding their experience with Mr. Scrimgeour's work. One did not remember any demolition work associated with the contract but said he was happy with the site work that was performed. The remaining three references were all happy with the work performed by Mr. Scrimgeour and said he did what he was supposed to do in a timely manner for a fair price.

I will be happy to review this information with you and the County Commissioners at your convenience.

cc: Jennifer Keener, Deputy Director
Lisa Wilkens, Zoning Inspector



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/06/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME:
STEEN INSURANCE	PHONE (A/C, No, Ext):
933 S TALBOT ST	FAX (A/C, No):
UNIT 9	E-MAIL ADDRESS:
SAINT MICHAELS MD 21663	INSURER(S) AFFORDING COVERAGE
INSURED	INSURER A: NATIONWIDE MUTUAL FIRE INSURANCE COMP/
SCRIMGEOUR'S FARM ALL, LLC	INSURER B: ALLIED INSURANCE COMPANY OF AMERICA
3848 OLD POST RD	INSURER C:
SALISBURY MD 21804-2544	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ACP GLGO 2404445102	04/12/2020	04/12/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			ACP CAF 2404445102	04/12/2020	04/12/2021	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Demolition of the store in Girdle tree

CERTIFICATE HOLDER

CANCELLATION

Worcester County Commissioners Worcester County Government Center 1 West Market Street, Room 1103 Snow Hill MD 21863	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Troy M Steen
-------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/6/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER TROY M STEEN 933 S TALBOT ST UNIT 9 SAINT MICHAELS, MD 21663 49553 P68285		CONTACT NAME: TROY M STEEN PHONE (A/C, No, Ext): (410) 822-3312 Email: troy@steeninsurancemd.com Address: troy@steeninsurancemd.com		FAX (A/C, No):	
INSURER(S) AFFORDING COVERAGE				NAIC #	
INSURER A: CHESAPEAKE EMPLOYERS' INSURANCE COMPANY				11309	
INSURER B:					
INSURER C:					
INSURER D:					
INSURER E:					
INSURER F:					

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS LTR	TYPE OF INSURANCE	ADDL INSRD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YY)	POLICY EXP (MM/DD/YY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER						EACH OCCURRENCE	\$
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
							MED. EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$
							GENERAL AGGREGATE	\$
							PRODUCTS - COMP/OP AGG.	\$
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS - MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		5558132-01	1/16/2020	1/16/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$ 100,000
							E.L. DISEASE - EACH EMPLOYEE	\$ 100,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
DEMOLITION OF THE STORE IN GIRDLETREE.

CERTIFICATE HOLDER

WORCESTER COUNTY COMMISSIONERS
WORCESTER COUNTY GOVERNMENT CENTER
1 W MARKET ST RM 1103
SNOW HILL, MD 21863-1195

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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SAFETY CERTIFICATIONS

USACE Quality Control Manager Class November, 2019

OSHO 30

EM 385 Site Safety and Health Officer

CPR Basic First Aid

Job Hazard Analysis 41529C

Personal Protection Equipment 40333C

Working over or Near Water 52393C

Fall Prevention Protection 40310C

Fire Safety 40312C

Heavy Equipment Safety 52491C

Welding Safety 45026C

First Aid Animal and Human Bites and Scratches 52481C

Operator Basic Care 45404C

SAFETY PROGRAM

CONSTRUCTION EXPERIENCE

Approximately 100,000+ hours of supervision for over 25 years of 100% responsibility for all aspects of on the job safety in; Farming, Heavy Equipment Operation, Marine Construction, Commercial Trucking, Surface Mining, Forestry, Residential and Commercial Construction, Concrete, Land Surveying, Sand and Gravel, working over water. Safety training a major component of Marine Contractor License, Virginia General Contracting License Class A, Land Surveying Licences and Farming operations. Administration of companies Drug Screening Program

DEMOLITION PROJECTS

Demolition is a part of almost every job, the following projects are ones that were mainly demolition:

First Baptist Church Girdletee, MD 5 years ago

Demolition and site prep of the Old Parsonage House 2,000+- sq ft

5912 Taylor Landing Road

Girdletree MD 21864

410-632-1153

Bald Eagle Road 2019

Removed 3 poultry houses and hauled

3 large out buildings

Roger Sansom 410-251-8574

Melson Road 2019

Removed 3 poultry houses

2 large outbuilding

Roger Sansom 410-251-8574

Rockawalkin Road 2018
Cleared 80 acres including many old structures
Biff Burns 443-735-7888

7295 Kellam Drive 2018
Craddockville VA
Silver Beach
Removal and haul 4 small houses
Elizabeth McKenna 410 829 5865

Willis Wharf Project 2018
North Hampton County Virginia
Land Clearing and Small Structure Removal
As part of a larger Harbor Dredging Project for North Hampton
Chris Thomas PE 757-678-3377

Tuckahoe Bridge 2019
State of Maryland Demolition and Rebuild Rail Bridge over
Tuckahoe River for Maryland Department of General Services
Johnathon Little MD DGS

Lambertson Farms 15 years ago
Demolition and removal of 16 houses Stockton MD
Curt Lambertson 443-614-3481

Darnee Hancock 10 years ago
Stockton MD
Removal of triple Decker Poultry House

Personally hauled over 500+ loads of debris to Sussex,
Accomack, Northampton, Worcester, Somerset, Wicomico, Talbot,
Dorchester and Queen Anne's (Mid Shore) County Landfills.

ITEM 10



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director *EAT*
Date: October 7, 2020
Re: Planning Commission Recommendation - Text Amendment Application –
Accessory apartments

The Department has received and processed a text amendment application submitted by Hugh Cropper, IV, Esquire, on behalf of his client, Kathleen Clark, which seeks to amend §ZS 1-338 Accessory apartments by eliminating the requirement that either the main dwelling or the accessory apartment be owner occupied.

The proposed text amendment was reviewed by the Planning Commission at its meeting on October 1, 2020. Following the discussion, the Planning Commission gave a favorable recommendation to the text amendment application as submitted by the applicant. 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 this matter with you and the County Commissioners at your convenience.

Attachments

cc: Jennifer Keener, Deputy Director

LEGISLATIVE SESSION
INTRODUCTION OF
BILL 20-8



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

PLANNING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Edward A. Tudor, Director
From: Jennifer K. Keener, AICP, Deputy Director *JKK*
Date: October 7, 2020
Re: Planning Commission Recommendation - Text Amendment Application -
§ ZS 1-338(b)(2) Accessory apartments

The purpose of this memo is to forward the Planning Commission's comments and recommendation regarding a text amendment application submitted by Hugh Cropper, IV, Esquire, on behalf of his client, Kathy Clark. It seeks to amend §ZS 1-338 Accessory apartments by eliminating the requirement that either the main dwelling or the accessory apartment be owner occupied.

In their report to the Planning Commission, the staff noted that accessory apartments are restricted with respect to the maximum gross floor area of the dwelling unit, number of bedrooms, and the location of the apartment relative to the main single-family dwelling. The intention of these limits is to prevent the doubling of density on a lot or parcel of land that would otherwise not support it (i.e. two dwellings on a single parcel), while providing for more affordable housing options in the County. The rental regulations which became effective on January 1, 2020 established the requirement for any rental property to be properly licensed, as well as the provision for a point of contact that would be available twenty-four hours a day in the event of any issues. Given the standards contained in the rental license regulations, staff was supportive of the proposed text amendment.

The Planning Commission reviewed the proposed text amendment at its meeting on October 1, 2020. Mr. Cropper reiterated several of the points made in the staff report, and also expressed that many properties are owned by a limited liability company (LLC). In his opinion, this would make it difficult for county staff to identify the members of the LLC, and therefore enforce the current occupancy requirement. 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 including the application is attached, as is a draft bill should any of the County Commissioners wish to introduce it. Should you have questions or require additional information, please do not hesitate to contact me.

Attachment



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

PLANNING DIVISION
ENGINEERING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Worcester County Planning Commission
From: Jennifer Keener, AICP, Deputy Director JKK
Date: September 24, 2020
Re: Text Amendment Application – §ZS 1-338(b)(2) Accessory apartments

The attached text amendment application has been submitted by Hugh Cropper, IV, Esquire, on behalf of his client, Kathy Clark. It seeks to amend §ZS 1-338 Accessory apartments by eliminating the requirement that either the main dwelling or the accessory apartment be owner occupied. Following our customary practice, once the text amendment application was received, it was reviewed by Ed Tudor, Director, and Roscoe Leslie, County Attorney and Planning Commission Attorney, as well as myself for comment.

Overall, accessory apartments are restricted with respect to the maximum gross floor area of the dwelling unit, number of bedrooms, and the location of the apartment relative to the main single-family dwelling. The intention of these limits is to prevent the doubling of density on a lot or parcel of land that would otherwise not support it (i.e. two dwellings on a single parcel), while providing for more affordable housing options in the County. These regulations were first established in the 1992 Zoning and Subdivision Control Article. The regulations (then as now) require that a property owner reside in one of the units; they cannot rent both the house and the apartment to two separate family or housekeeping units. The applicant is requesting to strike this language from the code. A copy of §ZS 1-338 with the stricken language is attached for your consideration.

Under the new rental regulations which were effective January 1, 2020, any property owner that rents their dwelling would be required to obtain a rental license through the department. There are numerous standards that are set forth in §TR 2-106 Rental licenses, one of which is that the owner is responsible for providing contact information for the owner, manager or resident agent with availability twenty-four hours a day should there be any issues with respect to the property or rental activity (for both short-term and long-term rentals). A short-term rental in accordance with §ZS 1-351 is limited to a maximum of one rental contract for any overnight period, regardless of whether they rent the dwelling or the accessory apartment (or both combined). This amendment would not change those provisions. With respect to long-term rentals (29 or more consecutive days), a property owner is limited to one rental contract by virtue of the section that the applicant is now proposing to eliminate

from the code. If this amendment is approved, it would allow a property owner to rent both units separately on a long-term basis.

Given the standards associated with the various rental license provisions, the staff gives a favorable recommendation to the text amendment application as 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.

Attachments

cc: Edward A. Tudor, Director
Roscoe Leslie, County Attorney
Hugh Cropper, IV, Esquire

§ ZS 1-338. Accessory apartments.

(a) Purpose and intent. It is the specific purpose and intent to allow no more than one accessory apartment per lot of record through conversion of existing residential structures or construction of new residential facilities so as to provide the opportunity and encouragement to meet the special housing needs of persons of low and moderate income as well as relatives of families currently residing in the County. It is furthermore the intent and purpose of this provision to allow the more efficient use of the County's existing housing stock in a manner consistent with land use objectives identified in the Worcester County Comprehensive Plan and to provide economic support for present resident families of limited income, while protecting and preserving property values and community character.

(b) Standards. The following specific standards are set forth as conditions for such accessory uses:

(1) Accessory apartments shall only be permitted where adequate wastewater disposal capacity has been determined to be available by the Environmental Programs Division but, as accessory residential uses, shall not be counted against permitted density on any parcel with respect to the requirements of this Article. However, other regulations may stipulate that such accessory residential uses be considered when calculating permitted density.

~~(2) The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.~~

(3) An accessory apartment may be located either in the principal dwelling unit or in an accessory building. Manufactured or mobile homes shall not be construed as an accessory apartment.

(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.

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-

BY:

INTRODUCED:

A BILL ENTITLED

AN ACT Concerning

Zoning – Accessory apartments

For the purpose of amending the Zoning and Subdivision Control Article to eliminate the requirement that a property owner occupy either the primary dwelling or accessory apartment on the premises.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-338(b)(2) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-338(b)(3) through ZS 1-338(b)(8) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be renumbered as §§ ZS 1-338(b)(2) through ZS 1-338(b)(7) respectively.

Section 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

DRAFT



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Edward A. Tudor, Director
Roscoe Leslie, County Attorney
From: Jennifer K. Keener, AICP, Deputy Director *JKK*
Date: September 15, 2020
Re: Text Amendment Application – §ZS 1-338(b)(2) Accessory apartments

The attached text amendment application has been submitted by Hugh Cropper, IV, Esquire, on behalf of his client, Kathy Clark. It seeks to amend §ZS 1-338 Accessory apartments by eliminating the requirement that one of the dwelling units on the premises be owner occupied. Currently, the department would be unable to permit an accessory apartment if the owner of the property was not residing in or, in the event of a dwelling under construction, intending to reside in one of the units (either the primary dwelling or the accessory apartment).

Also attached is the draft bill form of the request. 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 September 24, 2020.

Should you have questions or require additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

Attachment

Worcester County Commissioners
Government Office Building
One West Market Street, Room 1103
Snow Hill, Maryland 21863

Please Type or
Print in Ink

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 Development Review and Permitting: 9/14/2020

Date Reviewed by Planning Commission: 10/1/2020

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. XXX

B. Taxpayer of Worcester County. XXX

C. Governmental Agency _____

(Name of Agency)

II. Proposed Change to Text of the Zoning and Subdivision Control Article.

A. Section Number: ZS 1-338(b)(2)

B. Page Number: 262

C. Proposed revised text, addition or deletion:

Delete Section ZS 1-338(b)(2), and re-number subsequent subsections

J

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:

Please See Attached

IV. Signature of Applicants

Signature: 

Printed Name of Applicant: Sovereign, II, LLC

Mailing Address: C/O Kathleen M. Clark, Resident Agent

12319-304 Ocean Gateway, Ocean City, MD 21842

Phone Number: 410-213-1633 E-Mail: kclark@monogrambuilders.com

Date: September 9, 2020

Signature of Attorney: 

Printed Name of Attorney: Hugh Cropper IV

Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, Maryland 21842

Phone Number: 410-213-2681 E-Mail: hcropper@bbcmlaw.com

Date: September 9, 2020

V. General Information Relating to the Text Change Request.

- 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 any 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 need not be considered.

REASONS FOR REQUESTING TEXT CHANGE

There are several arguments in support of this Text Amendment:

Section ZS1-338 permits accessory apartments. Section 1-338(b) provides standards for accessory apartments. Specifically, Section 1-338(b)(2) states that the owner of the primary dwelling unit shall occupy at least one of the dwelling units on the premises.

Since the enactment of this subsection, Worcester County held extensive public hearings, and developed standards for rental licenses. Therefore, rental units are now governed by Worcester County.

Additionally, many properties are owned by a corporation or LLC, even if it is the owner's primary residence. It is difficult, if not impossible, to determine what individual person is the owner, when the unit is owned by either a corporation or an LLC.

Respectfully submitted,



Hugh Cropper IV
Attorney for Sovereign II, LLC

purpose (i.e., death, relocation or recovery), the special exception shall immediately become null and void, and any buildings or structures shall be removed within three months of the change in conditions. Where removal of the buildings or structures within the specified three-month period would cause a hardship on the applicant, the Board of Zoning Appeals may grant an extension of up to twelve months for such removal.

- (3) Transient use of manufactured or mobile homes for residential purposes originally approved by the Board of Zoning Appeals prior to March 10, 1992. The Department may authorize additional one-year extensions of a special exception approval for a transient use manufactured or mobile home for residential purposes which was valid as of March 10, 1992, and which has not otherwise expired. Such extension may be granted upon formal application to the Department and such extension shall be subject to such conditions and limitations as originally imposed by the Board of Zoning Appeals.
- (c) Exemption for residential sales offices. Sales offices, including sales trailers and model homes used exclusively for the sale of improved or unimproved lots or units within the subdivision or other residential development in which the offices are located, shall be exempt from this Section; however, such offices shall be subject to the provisions of § ZS 1-325 hereof. In granting site plan approval, the Department, Technical Review Committee or Planning Commission shall place restrictions on its approval regarding the length of time which the sales office shall be considered valid.
- (d) Exemption for conservation ponds. Ponds of one acre or less in surface area for fish, wildlife, fire control, irrigation, scenic amenity, stock watering, recreation or other conservation use shall be exempt from the provisions of this Section, provided that a conservation plan has been approved by the Worcester County Soil Conservation District in accordance with pertinent review criteria and that no more than two such exemptions per property are permitted. A minimum setback of fifty feet from property lines is required, unless the pond is a cooperative effort between adjacent property owners and is to cross the mutual property line. In such cases no setback shall be required, provided that the mutual rights of access and maintenance responsibilities of such shared pond shall be described in properly witnessed and recorded cross-easements.

§ ZS 1-338. Accessory apartments.

- (a) Purpose and intent. It is the specific purpose and intent to allow no more than one accessory apartment per lot of record through conversion of existing residential structures or construction of new residential facilities so as to provide the opportunity and encouragement to meet the special housing needs of persons of low and moderate income as well as relatives of families currently residing in the County. It is furthermore the intent and purpose of this provision to allow the more efficient use of the County's existing housing stock in a manner consistent with land use objectives identified in the Worcester County Comprehensive Plan and to provide economic support for present resident families of limited income, while protecting and preserving property values and community character.
- (b) Standards. The following specific standards are set forth as conditions for such accessory uses:
 - (1) Accessory apartments shall only be permitted where adequate wastewater disposal capacity has been determined to be available by the County Department of Environmental Programs but, as accessory residential uses, shall not be counted against permitted density on any parcel with respect to the requirements of this Article. However, other regulations may stipulate that such accessory residential uses be considered when calculating permitted density.

- ~~(2) The owner of the residential dwelling unit in which the accessory apartment is to be located shall occupy at least one of the dwelling units on the premises.~~
- 2 ~~(3)~~ An accessory apartment may be located either in the principal dwelling unit or in an accessory building. Manufactured or mobile homes shall not be construed as an accessory apartment.
- 3 ~~(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.
- 4 ~~(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.
- 5 ~~(6)~~ There shall be no more than one accessory apartment permitted per existing single-family dwelling.
- 6 ~~(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.
- 7 ~~(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 (a)(9) hereof. Any outdoor storage, including storage of equipment or vehicles, shall not exceed ~~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.
 - (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,

ITEM
11

NOTICE OF RESCHEDULED PUBLIC HEARING ON BILL 20-7
WORCESTER COUNTY COMMISSIONERS

Take Notice that Bill 20-7 (Creation of a Casino Entertainment District) was introduced by Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell on August 18, 2020.

A fair summary of the bill is as follows:

§ZS 1-103(b). (Adds the definition for “Casino” in the Zoning and Subdivision Control Article to describe a building or structure in which gaming tables, wagering devices or machines, or other games of chance are present and available for persons to wager. It does not include games of chance that are operated by a charitable organization licensed under County Law.)

§ZS 1-103(b). (Adds the definition for “Gaming Facility” in the Zoning and Subdivision Control Article to describe a “casino” as well as the associated amenities, such as but not limited to a restaurant, bar, hotel, retail establishment, or exhibition hall.)

§ZS 1-202(b)(20). (Adds “Casino entertainment district” to the list of uses permitted in the A-2 Agricultural District.)

§ZS 1-352. (Adds this entirely new section to the Zoning and Subdivision Control Article to establish an overlay district for the “casino entertainment district” with the intent of encouraging comprehensive planned gaming facilities or casinos under a unified plan of development that allows for flexibility while also requiring harmonious design within the development and ensuring compatibility with and minimum impact upon existing and future development in the surrounding area; establishes requirements for the district, including: a minimum lot area of fifty acres; direct access to a major collector or arterial highway; provides a list of permitted uses; parking and pedestrian circulation requirements; open space and landscaping provisions; architectural design; height limitations; and establishes a review and approval process with specific standards and criteria to be evaluated by the Planning Commission.)

A Public Hearing

will be held on Bill 20-7 at the Commissioners' Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland, on a rescheduled date of **Tuesday, October 20, 2020 at 10:30 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 20-7

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom, and Purnell
INTRODUCED: August 18, 2020

A BILL ENTITLED

AN ACT Concerning

Zoning - Casino Entertainment District

For the purpose of amending the Zoning and Subdivision Control Article to allow the Casino Entertainment District in the A-2 Agricultural District as a permitted use and to set forth the regulations for the Casino Entertainment District as an overlay district.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-103(b) be amended by the addition of a new definition to read as follows:

CASINO - A building or structure in which one or more gaming tables, wagering devices or machines, or other games of chance are present and available for persons to wager money or something of value on an uncertain outcome, with an unassured prospect of winning money or other stakes, prizes or something of value, including but not limited to video lottery terminals, roulette, card games, dice, sports betting and off-track simulcast horse race wagering. This definition does not apply to games of chance operated by charitable organizations licensed under County law.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-103(b) be amended by the addition of a new definition to read as follows:

GAMING FACILITY - A casino with table games and/or video lottery terminals as regulated under COMAR Title 36 as from time to time amended and any buildings, facilities or rooms functionally or physically connected to the casino, including but not limited to any bar, restaurant, hotel, cocktail lounge, nightclub, retail establishment, exhibition hall, or arena or any other facility located under the control of a casino licensee or affiliated company.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-202(b) be amended by the addition of a new subsection § ZS 1-202(b)(20) to read as follows:

(20) Casino entertainment district, subject to the provisions of § ZS 1-352 hereof.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new § ZS 1-352 be enacted to read as follows:

§ ZS 1-352. Casino Entertainment District.

(a) Purpose and intent. The purpose and intent of this section is to encourage

comprehensively planned gaming facilities or casinos and associated uses under a unified plan of development that allows for flexibility while also requiring harmonious design within the development and ensuring compatibility with and minimum impact upon existing and future development in the surrounding area. The casino entertainment district (CED) is intended to encourage economic growth and tourism in Worcester County and shall include a gaming facility that will serve as a local and regional draw. Although development of the entire CED may not occur at one time and may instead be phased, its development is intended to be accomplished in a manner which will ensure compatible, integrated development with provisions being made for safe internal traffic circulation, sufficient parking, appropriate access to public roadways, appropriate pedestrian circulation, and adequate screening, buffering and landscaping, as the lands are developed. The first phase of any CED development shall consist of, at a minimum, the fully licensed and constructed casino building with all necessary and appropriate approvals for legal operation.

- (b) Location and area requirements. The CED is permitted in the A-2 Agricultural District upon review and approval by the Planning Commission. The minimum required lot area for a CED is fifty acres which in no case may be reduced by action of the Board of Zoning Appeals notwithstanding the provisions of § ZS 1-116(c)(4) hereof. Any CED must be located such that it is directly served by a major collector or arterial highway as identified by § ZS 1-326 of the Zoning and Subdivision Control Article or by a service road as defined in § ZS 1-103 of the Zoning and Subdivision Control Article and in accordance with § ZS 1-319 of the Zoning and Subdivision Control Article to provide access from such a highway. The location and construction standards for such service road shall be as determined and approved by resolution of the County Commissioners.
- (c) Permitted uses and structures. The following uses and structures may be permitted in a Casino Entertainment District:
 - (1) Fairgrounds and commercial race tracks licensed by the Maryland State Racing Commission.
 - (2) Commercial boarding stables for three or more animals, used in conjunction with fair grounds or commercial race tracks licensed by the Maryland State Racing Commission.
 - (3) Gaming facilities and casinos licensed under the Maryland Video Lottery Facility Location Commission.
 - (4) Off street parking garage or structure.
 - (5) Restaurants, bars, nightclubs and banquet halls.
 - (6) Motels and hotels.
 - (7) Retail or service establishments.
 - (8) Stadiums and arenas for outdoor entertainment.
 - (9) Theaters, including movie and/or performing arts.

- (10) Health clubs and fitness centers.
 - (11) Places of assembly for exhibitions.
 - (12) Public commercial, cultural, social and recreational areas and centers, including playgrounds, parking and outdoor areas utilized for tents and other temporary uses selling any item brought to the location for such purpose.
- (d) Area limitations for uses. Within a CED a minimum of twenty percent 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 open space. Such open space shall not include utility and other service areas, roads, parking lots or loading areas, except underground utility areas, nor shall it include buildings except those specifically intended for recreational use. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space. At least twenty-five percent of the required open space shall be provided for common use such as landscaped pedestrian plazas or pedestrian greenways with seating, picnic areas and similar facilities and may include walking paths, except for those connecting principal and/or accessory buildings. Proposed common use open space areas must be specified on the site plan for review and approval by the Planning Commission.
- (e) Lot and road frontage requirements. For individual structures, there shall be no minimum lot area, bulk, lot width, area or road frontage requirements. Such standards shall be as approved by the Planning Commission on a site plan prepared in accordance with § ZS 1-325 hereof. Notwithstanding the Planning Commission's determinations herein, in no instance may a principal structure be constructed closer than one hundred feet to the perimeter property line of the CED. Where adjoining the A-1, A-2, E-1, V-1, RP and all R Districts, such setback shall be increased to a minimum of two hundred feet.
- (f) Parking requirements. The following provisions shall apply to all uses within the CED:
- (1) Notwithstanding the provisions of § ZS 1-320, the required amount of off-street parking for all uses in the CED shall be a minimum of one space for each two hundred and fifty square feet of gross floor area. There shall be a maximum of one space per two hundred square feet of gross floor area allowed.
 - (2) Bicycle spaces shall be provided in accordance with § ZS 1-320(a) for the individual uses.
 - (3) All other standards for the design of the off-street parking areas shall be as provided for in § ZS 1-320.
 - (4) The CED shall be served by internal driveways or roads of sufficient capacity and design to ensure that traffic congestion does not occur on the major collector or arterial highway that serves as access to the site, either directly or via a service road.

- (g) Pedestrian circulation. The CED shall be designed to provide a site-wide comprehensive pedestrian network fully accessible to all structures on the property but shall not be used to comply with the calculation of the common use open space required in subsection (d) above. Such sidewalks shall be landscaped as required by the Worcester County "Design Guidelines and Standards for Commercial Uses."
- (h) Architectural design. A coordinated architectural design shall be established for the site consistent with one or more of the architectural traditions contained within the Worcester County "Design Guidelines and Standards for Commercial Uses."
- (I) Landscaping, buffering and screening requirements. In addition to the requirements set forth in Subsection (d) herein, the CED shall comply with all pertinent landscaping, buffering and screening requirements set forth in § ZS 1-322 hereof. Buffering shall be required along all perimeter property lines, except screening shall be required where adjoining any residentially zoned or used property, and all such perimeter buffering or screening shall be installed in the first phase of development.
- (j) Height. No structure shall exceed either four stories or forty-five feet in height. However, notwithstanding the provisions of § ZS 1-305(n), the Planning Commission may allow an increase above the maximum permitted height or number of stories where they find that such an increase is reasonably necessary for the proposed purpose and no neighborhood adverse effects or safety hazards will be created.
- (k) Review and approval procedure. Any CED application shall be reviewed by the Technical Review Committee and the Planning Commission in a two-step process. Each step must be completed in its entirety prior to initiating the next step.
 - (1) In Step I, a schematic concept plan generally identifying the type, location, and acreage of all proposed land uses, a preliminary traffic study and any other pertinent documents or plans necessary to sufficiently address the items identified in this section as the Planning Commission criteria shall be submitted for review and approval by the Technical Review Committee and the Planning Commission. This plan shall also include general information relative to the applicable architectural traditions contained in the *Design Guidelines and Standards for Commercial Use*.
 - (2) In Step II, a master site plan prepared in accordance with § ZS 1-325 hereof. It shall include a final traffic study, an outline of the proposed protective covenants, lease and management and maintenance agreements by which the applicant proposes to operate the development, and all other pertinent documents or plans necessary to fully address the items identified in this section as the Planning Commission criteria shall be submitted for review and approval by the Technical Review Committee and the Planning Commission. Minor revisions to the Step II plan may be approved by the Department as provided for in § ZS 1-325(h).
- (l) Planning Commission criteria. The Planning Commission shall not approve a

CED until it shall find that each of the following criteria have been met:

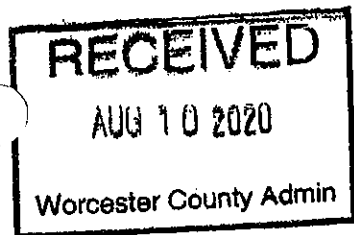
- (1) The proposed development will not be detrimental to or endanger the public health, safety or general welfare and is consistent with the goals and objectives of the Comprehensive Plan. This evidence shall take the form of a community impact statement covering such topics as highway capacity, traffic congestion and traffic safety, the capacity and availability of public services, including water and sewer service, air and water pollution, the effect on County revenues and expenditures, jobs created, and such additional information as may be requested to adequately understand and review the application.
- (2) The proposed development is sufficient in size to provide gaming and entertainment facilities and services to the marketing area which may be expected to use the development, yet is not of such a size as to overwhelm the site or be a detriment to the surrounding community.
- (3) The proposed development is at a location where traffic congestion does not exist on the roads to be used for access to the development or where such congestion can be obviated by committed public road improvement projects or by projects to be undertaken by the applicant at his expense.
- (4) The proposed development will consist of structures of an integrated and harmonious design, provided with adequate vehicular, pedestrian and bicycle circulation, parking, service, utility services, and landscaping.
- (m) Other regulations. In regulating the development of the CED, the provisions of this section shall first apply, but when a matter is not specifically regulated by this section, then the other provisions of this Title and of the district in which the development is located shall apply, as well as any Acts of the Maryland Legislature.
- (n) Permits. No permit shall be issued for any work in connection with a CED or any permitted uses designated in this section until all required review by the Planning Commission shall have been completed and approved. Construction and development of the CED shall be in accordance with the site plan as approved by the Planning Commission pursuant to § ZS 1-325 hereof.

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



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201

SNOW HILL, MARYLAND 21863

TEL: 410.632.1200 / FAX: 410.632.3008

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

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Harold L. Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director *EAT*
Date: August 6, 2020
Re: Planning Commission Recommendation - Text Amendment Application -
Casino Entertainment District

The Department has received and processed a text amendment application submitted by Joseph E. Moore, Esquire, which seeks to add a Casino Entertainment District as an overlay district in the Zoning and Subdivision Control Article, and establish such use as a permitted use in the A-2 Agricultural District.

The proposed text amendment was reviewed by the Planning Commission at its meeting on August 6, 2020. Following the discussion, the Planning Commission gave a favorable recommendation to the text amendment application as submitted by the applicant. 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 this matter with you and the County Commissioners at your convenience.

Attachments

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Deputy Director



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
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DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

MEMORANDUM

To: Edward A. Tudor, Director
From: Jennifer K. Keener, AICP, Deputy Director *JKK*
Date: August 6, 2020
Re: Planning Commission Recommendation - Text Amendment Application -
Casino Entertainment District

The purpose of this memo is to forward the Planning Commission's comments and recommendation regarding a text amendment application submitted by Joseph E. Moore, Esquire, which seeks to add a Casino Entertainment District as an overlay district in the Zoning and Subdivision Control Article, and establish such use as a permitted use in the A-2 Agricultural District.

In their report to the Planning Commission, the staff expressed that an overlay district of this type is more appropriate than a rezoning of the Ocean Downs property, for a number of reasons. Historically, Ocean Downs has operated as a horse racing track for most of its history, along with the associated betting, food and beverage service, etc. When casinos became legalized in Maryland, Worcester County classified casinos as an accessory use to the live horse racing activity in the A-2 Agricultural District. Therefore, Ms. Wimbrow notes that a significant number of other uses that are generally associated with a casino are not allowed under the current zoning, such as retail establishments, hotels, theaters, and exhibition space. The overlay district would provide for a variety of entertainment-based uses to make it more of a destination, while eliminating the reliance of the casino on the live horse racing for its continued existence. The district establishes appropriate design standards for parking, pedestrian circulation, landscaping provisions and open space, while the review and approval process by the Planning Commission will involve long-standing criteria for evaluation of its impact on the public health, safety and welfare, among other considerations. Overall, staff was supportive of the proposed text amendment.

The Planning Commission reviewed the proposed text amendment at its meeting on August 6, 2020. Mr. Moore noted that this request was for an overlay district that would fully recognize the economic driver that Ocean Downs has become with the addition of the casino. He also assuaged members' concerns by noting that Ocean Downs, owned and operated by Churchill

Downs, had no intentions of eliminating the live horse racing activity. In fact, Ms. Bobbi Sample, General Manager, stated that the horse races actually bring in more people to the casino. 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 including the application is attached, as is a draft bill should any of the County Commissioners wish to introduce it. Should you have questions or require additional information, please do not hesitate to contact me.

Attachment



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
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SNOW HILL, MARYLAND 21863
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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: Worcester County Planning Commission
From: Jennifer Keener, AICP, Deputy Director *JKK*
Date: July 29, 2020
Re: Text Amendment Application – Casino Entertainment District

The attached text amendment application was submitted by Joseph E. Moore, Esquire. It seeks to add a Casino Entertainment District as an overlay district in the Zoning and Subdivision Control Article, and establish such use as a permitted use in the A-2 Agricultural District.

Following our customary practice, once the text amendment application was received, it was reviewed by Ed Tudor, Director, Phyllis Wimbrow, Deputy Director, Roscoe Leslie, County Attorney and Planning Commission Attorney, as well as myself for comment. The comments of both Mr. Tudor and Ms. Wimbrow are attached. Mr. Tudor states that staff has internally discussed the need for the comprehensive recognition of the activities of the Ocean Downs Casino into something more than an accessory use for some time now. Ms. Wimbrow notes that Ocean Downs has operated as a horse racing track for most of its history, along with the associated betting, food and beverage service, etc. When casinos became legalized in Maryland, Ocean Downs morphed into something much more than anything that was originally contemplated. Worcester County allows casinos as an accessory use to the live horse racing activity. Therefore, Ms. Wimbrow notes that a significant number of other uses that are generally associated with a casino are not allowed under the current zoning, such as retail establishments, hotels, theaters, and exhibition space.

Staff assisted Mr. Moore in the drafting of an overlay district that would provide for a variety of entertainment-based uses to make it more of a destination, while eliminating the reliance of the casino on the live horse racing for its continued existence. As Ms. Wimbrow stated, the district establishes appropriate design standards for parking, pedestrian circulation, landscaping provisions and open space. The review and approval process by the Planning Commission will involve long-standing criteria for evaluation of its impact on the public health, safety and welfare, among other considerations. For the Ocean Downs property, Ms. Wimbrow concludes that an overlay district of this type is more appropriate than the rezoning of the property to a commercial designation, and therefore she is supportive of the text amendment. Mr. Tudor

echoes her sentiments relative to the important considerations that were part of the development of the text amendment language, and also supports the amendment as drafted.

I concur with the comments of Mr. Tudor and Ms. Wimbrow, and conclude that the Casino Entertainment District is appropriate. Therefore, the staff gives a favorable recommendation to the text amendment application as 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.

Attachment

cc: Edward A. Tudor
Phyllis Wimbrow
Roscoe Leslie
Joseph E. Moore



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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MEMORANDUM

TO: Jennifer K. Keener, Deputy Director
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*
DATE: July 15, 2020
RE: Text Amendment Application - Casino Entertainment District

This memorandum is in response to your request for comments on the text amendment application and draft legislation submitted by Joseph E. Moore on behalf of the owners of the Ocean Downs Casino. As you are aware, the text amendment seeks to establish a Casino Entertainment District as a permitted use in the A-2 Agricultural District and set forth the regulations for it as an overlay district.

For most of its history Ocean Downs operated as a horse racing track, with the associated betting, food, beverages, etc. It has only been since casinos became legalized in Maryland that Ocean Downs morphed into the much more complex development that it is today. Yet that evolution was only brought about zoning-wise by construing the casino use as an accessory to the permitted use of the site as a race track. As such, it would not permit some of the other uses that are often associated with casinos such as retail establishments, hotels, theaters, exhibition space, and the like. In drafting the legislation, we attempted to make the overlay district one that would provide a variety of entertainment uses and allow the site to become more of a destination in and of itself while also making it no longer dependent on the race track for its legal existence. Additionally, we included appropriate design standards for parking, pedestrian circulation, landscaping, buffering and screening, and open space. The procedures for review by the Planning Commission establish specific criteria to be considered regarding the public health, safety and welfare, highway capacity, traffic congestion, and public services. I have long felt that an overlay district such as this was needed for Ocean Downs rather than a commercial rezoning of the property, which would in turn permit any use allowed by that zoning district as opposed to limiting the use solely to those associated with a casino. I am fully supportive of the proposed text amendment.

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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MEMORANDUM

To: Jennifer Keener, Deputy Director
From: Edward A. Tudor, Director
Date: July 29, 2020
Re: Text Amendment Application – Casino Entertainment District –
Joseph E. Moore, applicant

This memorandum is in response to your request for comment on the above referenced text amendment application.

As you know, we have discussed internally for some time the need to recognize the Ocean Downs Casino in a more comprehensive manner than just as an accessory use to the pari-mutuel wagering at the racetrack. I personally envisioned that at some time in the future we would find the time to prepare new language to do just that. As it turns out, Mr. Moore's text amendment application just sped that process up. I think Ms. Wimbrow's memo clearly states the important considerations in the development of the language that is currently before the Planning Commission for review, and I am fully supportive of the proposed text amendment as well.

Jennifer Keener

From: Jennifer Keener
Sent: Tuesday, July 14, 2020 3:24 PM
To: Ed Tudor; Phyllis Wimbrow; Roscoe Leslie
Subject: FW: Ocean Downs-Casino Entertainment District
Attachments: 20200713132255.pdf; Draft Bill Casino Entertainment Overlay District 7.7.2020.docx

Good afternoon,

Joe would like us to proceed with the final amended version of the Casino Entertainment District overlay that we drafted. The only change from the May draft was a modification to the height section, to allow the Planning Commission the authority to approve anything in excess of 4 stories and 45' in height. Attached is his letter and request, along with a Word version of the latest and greatest bill.

I would like to schedule this for the August 6th Planning Commission meeting, so I would need to have comments back by Wednesday, July 29th to prepare the staff report.

Thank you!!

Jen

Jennifer K. Keener, AICP
Deputy Director
One West Market Street, Room 1201
Snow Hill, MD 21863
(410) 632-1200, extension 1123
jkkeener@co.worcester.md.us

From: Joe Moore <jmoore@whmsh.com>
Sent: Monday, July 13, 2020 2:27 PM
To: Jennifer Keener <jkkeener@co.worcester.md.us>; Ed Tudor <etudor@co.worcester.md.us>
Cc: Bobbi Sample (Ocean Downs) <Bobbi.Sample@oceandowns.com>; Neal Curtis (CDI) <Neal.Curtis@kyderby.com>
Subject: Ocean Downs-Casino Entertainment District

Jen; I attach a letter and its exhibits, requesting that the Version 2 Casino Entertainment District Bill be submitted to the Planning Commission for its review, and recommendation.

Thanks, Joe

Joseph E. Moore, Esq.
Williams, Moore, Shockley & Harrison, L.L.P.
3509 Coastal Highway
Ocean City, MD 21842
(410)289-3553 – office
(410)289-4157 – facsimile

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MARCUS J. WILLIAMS (1923-1996)
EDWARD H. HAMMOND, JR. (1942-2011)

OF COUNSEL
JOSEPH G. HARRISON, JR.

July 13, 2020

Jennifer Keener, Deputy Director
Development Review and Permitting
Worcester County Government Center
One West Market Street, Rm 1201
Snow Hill, MD 21863
Via email: jkeener@co.worcester.md.us

RE: Proposed Bill for Casino Entertainment Districts

Dear Jennifer:

I attach hereto my cover letter to Kelly Shanahan dated April 15, 2020 wherein I submitted my request for the creation of a casino entertainment district, which has been reviewed by you and Mr. Tudor, and Version 2 of the proposed bill amending the zoning and subdivision control article to allow casino entertainment districts, with the attended provisions related thereto. I have reviewed the Version 2 of the proposed bill, and submitted it for review by the Senior Management of Ocean Downs Casino. We do not have any further comments with respect to any potential amendments to Version 2. Accordingly, it is my understanding that the matter is now ready to submit to the Worcester County Planning Commission for its review, and subsequent recommendation to the County Commissioners.

With my letter to Mr. Shanahan, I paid the required filing fee for the Text Change.

When the matter is scheduled for the agenda of the Planning Commission, I would appreciate it if you would provide me with the date and time thereof.

Sincerely,

Joseph E. Moore

JEM/kd
Attachment

cc: Ed Tudor, Director of Development Review and Permitting
Bobbi Sample
Neal Curtis

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DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Edward A. Tudor, Director
Jennifer K. Keener, Zoning Administrator
Roscoe Leslie, County Attorney
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*
DATE: April 21, 2020
RE: Text Amendment Application - Casino Entertainment District

The attached text amendment application has been submitted by Joseph E. Moore, Esquire, on behalf of Ocean Enterprise 589, LLC, property owner of the Ocean Downs Casino. It seeks to amend the A-2 Agricultural District regulations to add a casino entertainment overlay district as a permitted use and to amend the supplementary district regulations of the Zoning Code to establish the casino entertainment overlay district and its regulations.

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 15, 2020. In the interim I will be putting the proposed regulations into bill form.

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



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: 4/15/2020

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: ZS1-202(b)-add (20)

Add Section ZS1-352 to Supplementary Districts.

B. Page Number: _____

C. Proposed revised text, addition or deletion:

1. Section ZS1-202^(b)(20):

"Casino Entertainment Area subject to the provisions of ZS1-352 hereof".

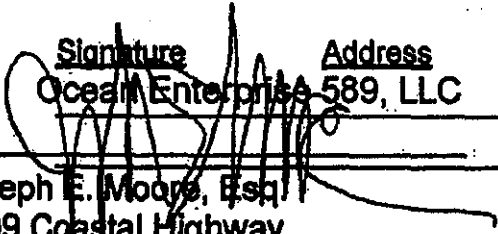
2. Add "Casino Entertainment District" as a Supplementary District as Section 1-352 – set forth in attached District Regulations - Exhibit "A"

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:

To provide a regulated Casino Entertainment District in order to facilitate the appropriate uses in such zone, and the conditions thereof.

IV. Signature of Applicant

<u>Signature</u>	<u>Address</u>	<u>Phone</u>
By: 	Ocean Enterprise 589, LLC	10218 Racetrack Road
		Berlin, MD 21811
		410-641-0600 ext. 3192
	Joseph E. Moore, Esq.	
	3509 Coastal Highway	
	Ocean City, MD 21842 410-389-3553	

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.

EXHIBIT "A"

ZS1-352 Casino Entertainment District

(a) Purpose and Intent. The purpose and intent of this section is to encourage comprehensively planned Casino Entertainment Development with appropriate uses in areas near established residential communities which have vehicular access from adequate highways and roads in a close proximity to such sites, while requiring beneficial design features and compatibility with the surrounding area.

Such development must be located within tracts of land with sufficient acreage in order to maintain adequate open space, safe internal traffic circulation, adequate parking, appropriate access to public roadways, and with adequate buffering and landscaping within the site.

(b) Location and area requirements. The minimum required lot area for a Casino Entertainment area is 90 acres of land.

(c) Permitted uses and structures.

- (1) Casino Gaming Facilities licensed under the Maryland Video Lottery Facility Location Commission (Md. State Gov't §9-1A-36)
- (2) Off street parking garage or structure
- (3) Nightclubs or other similar entertainment facilities
- ~~(4) Fairgrounds and race tracks, limited to commercial race tracks, licensed by the Maryland State Racing Commission~~
- (5) Commercial boarding stables for three or more animals, used in conjunction with fair grounds or commercial race tracks licensed by the Maryland State Racing Commission
- (6) Public commercial, cultural, social and non-retail recreation areas and centers, including playgrounds, parks, and outdoor areas used in conjunction with a licensed casino facility, and for the outdoor display of tents, temporary uses selling any items brought to the location for such purpose.
- (7) Stadiums, arenas for outdoor entertainment

- (8) Theaters, including movie and/or performing arts
- (9) Restaurants and bars, banquet halls
- (10) Health clubs, fitness centers
- (11) Places of assembly for exhibitions

(d) Road frontage requirements. Although there shall be no minimum road frontage requirements, there shall be maintained adequate frontage on a public road to render the casino facility fully visible and adequately designated as a Casino Entertainment area facility.

(e) Parking requirements. Parking shall be in accordance with the provisions of Section ZS1-320 hereof.

(f) Height. By virtue of the unique nature of size of Casino facilities, it is likely that the height of a request casino structure will exceed that otherwise allowed by the Code. The Board of Zoning Appeals shall determine by Special Exception the appropriate height of a casino structure, if the allowed District height is exceeded.

(g) Landscaping, buffering and screening requirements. Casino facilities shall comply with all pertinent landscaping, buffering and screening requirements set forth in ZS1-322 hereof.

(h) Review and approval procedure. Any casino facility application shall be reviewed by the Technical Review Committee and the Planning Commission pursuant to the provisions of ZS1-325 hereof, and this section; except any facility that has been previously reviewed and approved.

(i) Other regulations. In addition to the provisions of this section, the other provisions of this Title and of the District in which the Casino Entertainment area is located shall apply, as well as any Acts of the Maryland Legislature.

(j) Permits. No permit shall be issued for any work in connection with a Casino Entertainment facility or permitted uses designated in this section until all required review by the Planning Commission shall have been completed and approved.

LAW OFFICES

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OF COUNSEL
JOSEPH G. HARRISON, JR.

April 15, 2020

Mr. Kelly Shannahan
Assistant Chief Executive Officer for
Worcester County
Worcester County Government Center
1 West Market Street, Room 1103
Snow Hill, MD 21863

**RE: Requested Text Amendment creating a Casino Entertainment Area --
including new Casino Entertainment District as a supplementary district**

Dear Kelly:

Several months ago, I met with Ed Tudor, Director of Development Review and Permitting, Phyllis Wimbrow, Deputy Director, and Jen Keener, Zoning Administrator with respect to the potential creation of a Casino Entertainment District at the location of Ocean Downs Casino. The agreement at that time was that it would be appropriate for me, on behalf of Ocean Enterprise 589, LLC, property owner of the casino, to make application for a Text Amendment and a commensurate new supplementary district for the appropriate regulation of casino entertainment properties.

Subsequent to that conference, I have proceeded with developing an outline for the potential text amendment and for the creation of a district, as an overlay district and, the submission is enclosed herewith.

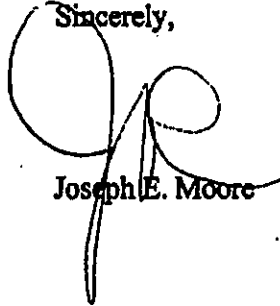
I want to recognize the guidance and cooperation of Phyllis, and particularly Ed, who have been instrumental in fashioning the concept upon which I submit the enclosed provisions for consideration.

Mr. Kelly Shannahan
Page 2
April 15, 2020

I understand that this will be submitted to the Office of Development Review and Permitting for staff review, and I will stand by to cooperate in every way necessary, in order to accommodate this beneficial Text Change to the Worcester County Code.

I also enclose the required \$350.00 filing fee check payable to Worcester County.

Sincerely,



Joseph E. Moore

JEM/kd
Enclosures

cc: Ed Tudor
Phyllis Wimbrow

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Maryland

Background

Maryland is currently home to six casinos located in geographically diverse regions of the state. Its first casino, Hollywood Casino Perryville, opened nearly a decade ago, while the most recent addition to the market, MGM National Harbor, has been welcoming guests since the end of 2016. The Casino at Ocean Downs is unique among Maryland's properties in that it is a hybrid facility offering live harness racing and pari-mutuel wagering in addition to traditional casino gaming options. In terms of size, Maryland is ranked ninth among the 25 commercial casino states based on 2019 gaming revenue of more than \$1.75 billion.

Purpose

The casino gaming industry is one of the most heavily taxed sectors of the U.S. economy. While this fact may not come as a surprise to some elected officials, members of the media, or others familiar with gaming, even among industry observers there is a widespread lack of knowledge about the specific tax impacts of gaming on a number of levels. For example:

- Casino companies pay a substantial tax to states on their gross gaming revenue before also paying all remaining taxes (e.g., sales, property, corporate incomes, etc.) non-casino businesses pay. Because most gaming regulatory authorities release financial reports detailing tax collections on a monthly basis, which are subsequently reported by the media, many mistakenly believe these figures represent casinos' full fiscal contributions to the state. They do not.
- What are the casino industry's tax contributions to state coffers relative to other sectors of a state's economy? Very few people have an appreciation or understanding of the answer to this question.
- The casino industry in many states generates hundreds of millions or even billions of dollars in tax revenue each year, but translating these dollar amounts into terms that people can understand is almost never done. Casino taxes make a real difference in terms of how well state and local governments can deliver for their residents in hundreds of communities across the country.
- Today, there are many companies in all 50 states that receive substantial tax incentives or subsidies as part of deals negotiated with state and local governments to attract their business. Casino companies almost never receive this kind of preferential treatment, and it makes their relative contributions to states' fiscal health even more outsized.

Maryland

The American Gaming Association (AGA) commissioned Oxford Economics (Oxford) to study the casino industry's full tax contributions to Maryland, assess the industry's contributions relative to other sectors of the economy, and detail its implications for the state's fiscal health. In conducting this research, Oxford surveyed a number of companies operating in the state in order to get a more complete understanding of their operations than would have been available via public reporting. After collecting public and proprietary data on the business operations of Maryland's casinos, Oxford then utilized IMPLAN—the leading data solution for researchers to evaluate and measure the direct, indirect, and induced economic activity of businesses in any sector of the economy—to generate its findings.¹ This report summarizes these findings.

An Overview of How Gaming Revenue is Distributed

The Maryland Lottery and Gaming Commission (MLGC), among other activities, is responsible for ensuring that taxes from casino operations are appropriately distributed to the various entities that they are required by law to go.² Last year, casino operators retained just over 58 percent, or \$1.03 billion, of the total \$1.76 billion that was generated in gross gaming revenue. The following table details how the remainder of these funds were distributed.

Distribution of Gaming Revenue from Maryland Casinos in 2019 (CY) ³	Percentage	Amount Distributed
Education Trust Fund	31.03%	\$545.36 million
Local Aid	5.27%	\$92.74 million
Support for Horse Racing Industry	4.41%	\$77.53 million
Operating Expenses for MLGC / Responsible Gaming	.64%	\$11.37 million
Small, Minority & Women Owned Businesses		\$39,149
TOTAL TO STATE AND OTHER ENTITIES	41.38%	\$727.04 million

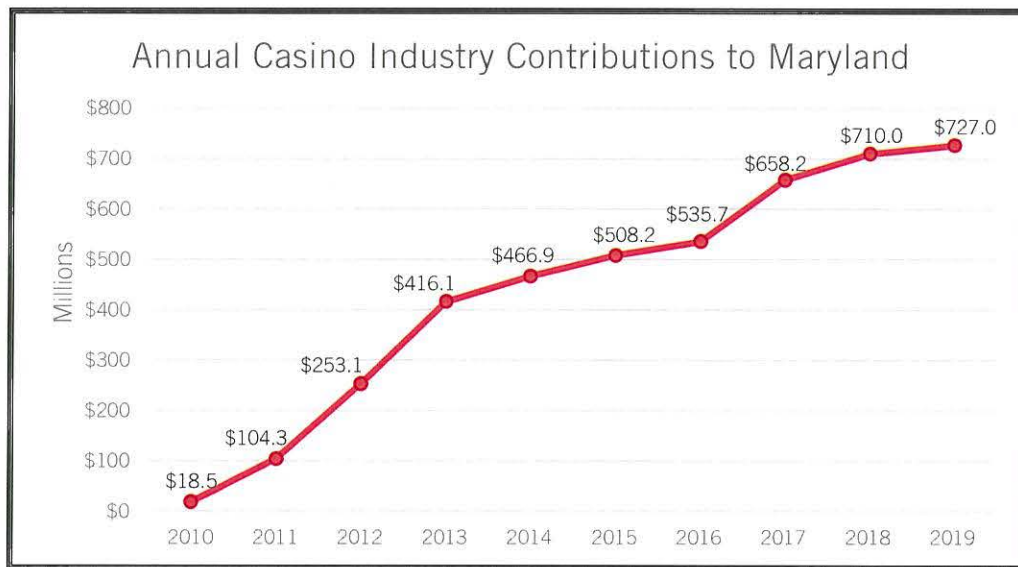
¹ Indirect economic impacts are those that occur as a result of casinos' spending with other businesses in the state. Induced impacts are those that result from casino employees' spending their wages and salaries throughout the Maryland economy.

² Maryland's legal and regulatory structure, in which the state distributes proceeds from gaming revenue to private casino operators as well as other sources, while not unique, is different than how most commercial casino states operate. While these distributions to other entities might not technically be termed taxes in the case of Maryland, they are effectively a tax on casinos' operations because operators are not permitted to use this revenue as they choose, such as for paying employee salaries, making property improvements or returning earnings to shareholders.

³ Due to rounding or reducing figures with decimals, the subcategories in the "Percentage" or "Amount Distributed" columns may not aggregate exactly to their totals.

Maryland

The casino industry's payments to state and local governments as well as other entities have grown substantially every year. In fact, as the chart below illustrates, casinos' annual tax payments have grown at an average annual rate of more than 50 percent, indicative of how vibrant and significant the industry has become over the past decade.



Since 2010, casinos' contributions from gaming operations to state and local entities are impressive. Highlights include:

- **More than \$3.4 Billion to Education** – The Education Trust Fund supports pre-K through 12 public education, public school, and higher-education construction, and capital improvements including community colleges.
- **Nearly \$470 Million in Aid to Local Communities** – Counties and other local authorities determine how to best use these important funds. For example, in Anne Arundel County where Maryland Live! Casino & Hotel is located, the county fire and police departments received grants of \$5.2 and \$3.4 million respectively within the past year thanks to casino funding.
- **More than \$500 Million to Maryland's Equine Industry** – Casino distributions to support racing purses have had a positive ripple effect for the thousands of people who work in Maryland's horse industry. In fact, [studies](#) have shown that 2010 was a key turning point for an industry that had suffered through years of economic decline.
- **\$55+ Million in Contributions to Maryland Businesses** – The Maryland Casino Business Investment Fund (MCBIF) provides affordable access to financing for state-based small-,

Maryland

minority-, and women-owned businesses. These dollars help recipients grow their businesses, which in turn drives job creation and economic activity in the communities where they are located. While 50 percent of the funds are distributed in areas immediately surrounding the casinos, the remaining portion goes to businesses located throughout the rest of the state.⁴

Tax Impacts: Beyond the Casino Floor

The casino industry plays a significant role in Maryland's economy and fiscal well-being beyond what is generated from gaming operations. While these benefits are more challenging to quantify, in part due to a lack of public reporting, they are vitally important to understand in order to make an accurate assessment of gaming's full impact on the state.

From dining and retail to live shows and hotels, the casino industry has become increasingly diversified in terms of its entertainment and hospitality offerings in recent years. These additional business verticals drive significant economic activity, and this diversification creates additional tax payments from the industry.

Across nearly all of its verticals, the casino industry is a labor-intensive business. Maryland's six casinos directly employ more than 8,000 people and support an additional 17,000 jobs through indirect and induced impacts. The salaries and wages of these more than 25,000 individuals total almost \$1.5 billion annually and ripple throughout the state's economy, producing ancillary but vital tax revenue as well.

Based on Oxford's analysis of industry data and use of IMPLAN modeling, casinos in Maryland generated over \$1 billion in state and local taxes in 2019. According to Census Bureau data, this is the equivalent of more than 4 percent of state government tax receipts for the year.⁵ The following table details the various tax categories to which casinos contribute and the dollar amounts for each.

⁴ Due to a change in state law, revenue that was previously directed to Small, Minority and Women-Owned businesses was shifted to other sources beginning in FY 2018. This change sunsets in FY 2021, and future distributions will revert back to funding this account.

⁵ In 2019, total Maryland tax receipts were \$23.61 billion. <https://www.census.gov/data/tables/2019/econ/stc/2019-annual.html>

TAX IMPACTS OF THE CASINO INDUSTRY



Maryland

Casinos' State & Local Tax Payments in Maryland, by Category (2019)	Amount (\$s millions)
Gaming Tax	\$727
Sales Tax	\$95
Property Tax	\$92
Personal Income Tax	\$49
Excise Taxes & Fees	\$27
Corporate Income Tax	\$12
Unemployment & Other Social Insurance Taxes	\$2
TOTAL STATE & LOCAL TAX PAYMENTS	\$1,004

Despite being a relatively young industry in Maryland with a limited number of locations, the gaming industry's annual contributions to state and local coffers are clearly impressive, particularly when compared to some of Maryland's other primary sources of funding. In fact, of the 30 different state tax revenue streams detailed in Census Bureau reporting for 2019, the more than \$1 billion in payments from the casino industry would place it as the sixth largest fiscal contributor to the state.

It is particularly noteworthy that gaming's payments to state and local entities are roughly equivalent to 80 percent of all the corporate income taxes paid by every business in the state, as the table below shows. Contributions from casinos far exceed what Maryland derives from other funding sources such as state property taxes, taxes on motor vehicles, and tobacco products.

Select 2019 Maryland Tax Receipts, by Source (FY)	Amount (\$s millions)
Commercial Casino Industry Taxes (State & Local)	\$1,004.00
Corporate Income Tax	\$1,301.05
Motor Fuels Sales Tax	\$1,140.22
Property Taxes	\$836.50
Motor Vehicle License Tax	\$516.79
Tobacco Product Sales Tax	\$356.68

Maryland

Casino Industry Fiscal Impacts Compared to Other Industries

To fully understand and appreciate Maryland casinos' contributions to the state's financial well-being, it is critical to not only look at the industry's impact in total dollars, but also analyze how it performs compared to other sectors of the economy.

Oxford estimates that the Maryland casino industry supported a total economic impact of \$4.1 billion in 2019. Of this total, \$1.9 billion are direct outputs (or business sales) and another \$2.2 billion are from indirect and induced activities. Oxford used the IMPLAN modeling system to trace the flow of these direct expenditures at casinos to estimate impacts on the broader economy and the effects on employment, labor income, and taxes. IMPLAN can be used to analyze and estimate impacts for many different sectors of the economy, which Oxford did for comparative purposes as part of this study.

Every \$1 million of spending at Maryland casinos generates nearly \$530,000 in state and local taxes. This is nearly six times greater than the average amount generated by eight other sectors of the state economy that were analyzed. Looked at another way, the gaming industry supports nearly \$120,000 in state and local taxes for every direct job it provides, which is more than double the average amount produced by these other industry sectors.

The following chart provides additional details as to how the casino industry in Maryland compares to a host of other sectors of the economy based on tax contributions per \$1 million in direct sales.



TAX IMPACTS OF THE CASINO INDUSTRY

Maryland

Below is more specific data with respect to how various industry sectors within the state compare to gaming in terms of the amount of state and local tax revenue they generate per direct job.



How Tax Incentives Impact Industries' Fiscal Contributions

Most observers of state and local government are well aware of the widespread use of tax incentives or subsidies in attracting new or expanding businesses. While the efficacy of these policies is the source of much debate among public policy and economic development experts, that discussion is beyond the scope of this study.⁶ What is clear though is that thousands of businesses throughout the country receive billions of dollars in tax incentives each year and almost none of this is directed toward the casino industry.⁷ In fact, before any of Maryland's six casinos could open, the operators had to pay initial license fees totaling more than \$88 million to the state.⁸ The gap between the gaming industry's financial contributions to the state compared to other business sectors only widens when the issue of tax incentives is considered.

⁶ A number of entities track and report on state and local tax subsidies and incentives. One such organization, Good Jobs First, maintains [Subsidy Tracker](#), a database of federal, state and local tax subsidies. The W.E. Upjohn Institute for Employment Research has created a similar [online tool](#).

⁷ Oxford searched the Subsidy Tracker and *The New York Times'* United States of Subsidies databases for casino-related incentives and found no examples in Maryland. Though there are potentially one-off examples, it is not at all common for casinos to receive incentives or subsidies. For example, while Maryland Live! Casino & Hotel supports property taxes in full on its casino operation, it was recently granted a property tax abatement for a new hotel and event center. As part of the agreement, the County is given free use of the 4,000-seat event center multiple times throughout the year.

⁸ License fees total \$3 million for every 500 Video Lottery Terminals (VLTs) at each casino. Licenses are awarded for an initial period of 15 years.

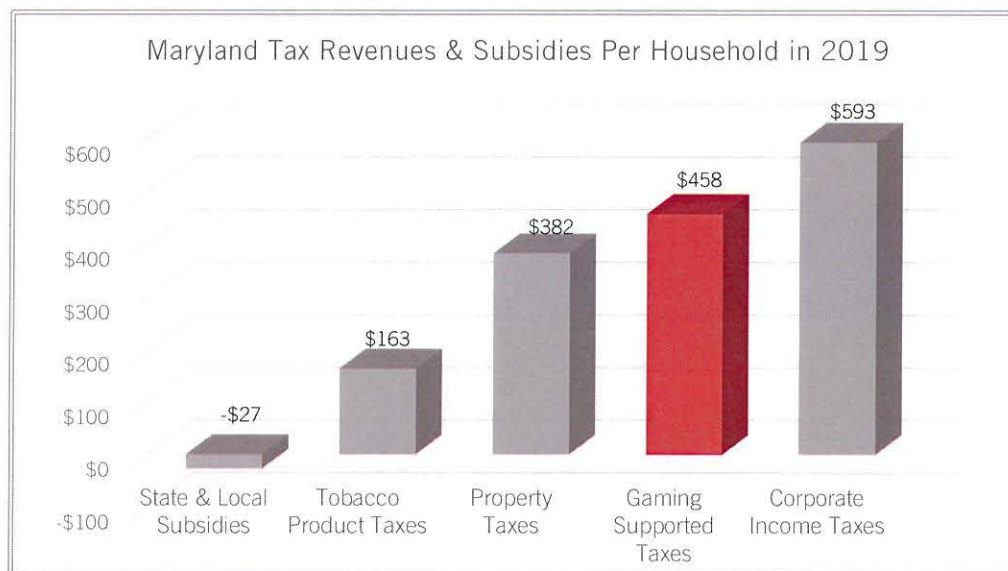
TAX IMPACTS OF THE CASINO INDUSTRY



Maryland

Based on newly required disclosures in its [Comprehensive Annual Financial Report](#), Maryland state and local governments awarded \$59.5 million in tax abatements to companies and other programs in FY 2019. To cite two examples, Northrop Grumman Corporation received a state income tax credit of \$7.5 million for the year, while a film production company received a similar abatement valued at \$7.2 million.

Trying to understand the implications of these tax and subsidy policies for the average Maryland resident is challenging. However, reviewing some of the tax payment and incentives data discussed above on a household basis, the numbers become easier to grasp. As the chart below illustrates, Maryland casinos, through gaming-supported taxes, generated a positive impact of \$453 for every household in the state in 2019. By contrast, tax incentives cost each household the equivalent of \$27 last year.



Supporting Healthy Communities

Across the country, state and local governments' ability to deliver for their constituents is predicated on having the necessary funding to provide what are often vital services. When people think about what makes communities vibrant and healthy, many of the factors they consider in making their assessment relate to the strength of their public sector institutions. Whether its public safety, quality education, access to affordable healthcare, or any number of other societal priorities, almost everything requires adequate funding for cities and states to prosper.

Maryland

In addition to providing thousands of high-quality jobs with benefits, first-rate entertainment, great restaurants, spas, and more, the casino industry undeniably benefits communities across the state with its sizeable contributions to government coffers. But what does \$1 billion per year in gaming-supported taxes really mean for cities and towns? According to the economists at Oxford, these funds are enough to support the annual wages and salaries of:

- 14,130 elementary school teachers (except special education)
- 13,855 librarians
- 16,253 firefighters
- 14,716 police and sheriff's patrol officers

When casinos opened in Maryland a decade ago, few predicted how successful and striking the industry's impact on the state would become. Oxford estimates the industry now supports two jobs at other businesses in the state for every one job at its properties. As an economic engine, job creator, and tax generator, the gaming industry is a proven and positive contributor. Marylanders in communities across the state will be well served if the next 10 years of gaming is as successful as the last.

AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this 18th day of July, 2011 by and between the OCEAN DOWNS LLC ("Ocean Downs") and The Great Pocomoke Fair (the "Fair").

WHEREAS the Fair relies upon subsidies from various sources to support harness racing at the Fair; and

WHEREAS Ocean Downs is interested in supporting harness racing at the Fair; and


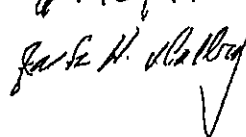
WHEREAS the Parties desire to promote harness racing by having a Pocomoke Fair Night at Ocean Downs;

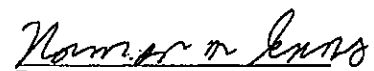

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the Parties agree as follows:

1. Ocean Downs will support harness racing purses for the Fair in the amount of \$5,000 per year from 2011 through 2015.
2. The Fair will conduct one race at Ocean Downs on Pocomoke Fair Night scheduled for the Thursday card prior to the opening of the Fair or as otherwise mutually agreed.
3. Ocean Downs shall provide \$1,000 in purse money for the race at Ocean Downs.
4. The Racing Secretaries for Ocean Downs and the Fair will coordinate conditions and entries for the sponsored race on Pocomoke Fair Night.

OCEAN DOWNS LLC

THE GREAT POCOMOKE FAIR


By: 7/18/11



By: 7/18/11


AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into this 31st day of Aug, 2015 by and between the OCEAN ENTERPRISE 589 LLC ("The Casino at Ocean Downs") and The Great Pocomoke Fair (the "Fair").

WHEREAS the Fair relies upon subsidies from various sources to support harness racing and the Fair; and

WHEREAS The Casino at Ocean Downs is interested in supporting harness racing at the Fair, and

WHEREAS the Parties desire to promote harness racing by having a Pocomoke Fair night at Ocean Downs Racetrack;

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the Parties agree as follows:

1. The Casino at Ocean Downs will support harness racing purses for the Fair in the amount of \$5,000 per year from 2016 through 2020.
2. The Fair will conduct one race at Ocean Downs Racetrack on Pocomoke Fair Night scheduled for the Thursday card prior to the opening of the Fair or as otherwise mutually agreed.
3. The Casino at Ocean Downs shall provide \$1,000 in purse money for the race held at Ocean Downs Racetrack.
4. The Racing Secretaries for Ocean Downs Racetrack and the Fair will coordinate conditions and entries for the sponsored race on Pocomoke Fair Night.
5. The parties agree to work together in good faith on joint media, promotions and or other marketing / public relations opportunities related to the Pocomoke Fair Night at Ocean Downs Racetrack.

OCEAN ENTERPRISE 589 LLC

THE GREAT POCOMOKE FAIR

[Signature]
By:

8/31/15
Date

[Signature]
By:

9/04/15
Date

1. located:

A. in a nonresidential area;

B. within one-half mile of Interstate 95;

C. within one-half mile of MD Route 295; and

D. on property that is owned by Baltimore City on the date on which the application for a video lottery operation license is submitted; and

2. not adjacent to or within one-quarter mile of property that is:

A. zoned for residential use; and

B. used for a residential dwelling on the date the application for a video lottery operation license is submitted; or

(vi) a location in Prince George's County within a 4-mile radius of the intersection of Bock Road and St. Barnabas Road.

(2) Nothing in this subtitle may be construed to preempt the exclusive authority of the Video Lottery Facility Location Commission to award video lottery operation licenses in accordance with this subtitle.

(3) (i) With respect to a video lottery operation license awarded to a location under paragraph (1)(iv) of this subsection, the holder of the video lottery operation license or any other person with a direct or indirect legal or financial interest in the Ocean Downs racetrack or video lottery facility may not:

1. build any type of hotel, motel, or other public lodging accommodation on or within 10 miles of the property owned by the holder of the license on which a video lottery facility is operated;

2. convert an existing facility on or within 10 miles of the property described in item 1 of this subparagraph into any type of hotel, motel, or other public lodging accommodation; or

3. build or operate a conference center or convention center, amusement park, amusement rides, arcade, or miniature golf course on or within 10 miles of the property described in item 1 of this subparagraph.

(ii) The prohibitions under subparagraph (i) of this paragraph apply to any subsequent holder of a video lottery operation license awarded under paragraph (1)(iv) of this subsection.

(i) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Video Lottery Facility Location Commission may not allocate more than the following number of video lottery terminals for:

(i) a location in Anne Arundel County – 4,750 video lottery terminals;

(ii) a location in Baltimore City – 3,750 video lottery terminals;

(iii) a location in Cecil County – 2,500 video lottery terminals;

REMAINING
RESTRICTIONS



RACEWAY INC.
CRABS TO GO INC.
12247 OCEAN GATEWAY
BERLIN MD 21811

October 7, 2020

Worcester County Commissioners
c/o Harold Higgins
Chief Administrative Officer
Worcester County Government Center
One West market Street
Snow Hill, MD 21863

Dear County Commissioners:

We are writing as neighborhood members and adjacent property owners to the Ocean Downs Racetrack and Casino. My family has owned and operated Raceway Citgo and Crabs-to-Go restaurant, located at the intersection of US Route 50 and MD 589, starting in 1992. The businesses are still family run today.

We strongly support the zoning amendment put forth by Ocean Downs. We have seen nothing but positive improvement in the neighborhood and business climate since the opening of the Casino. We have seen an improvement in the traffic pattern with the addition of the light on Route 589. Ocean Downs, proactively, at their expense constructed a public sewer system expansion which eliminated their use of a private septic system. This system also allowed homeowners on Gum Point Road to connect to a public sewer system taking more septic systems out of the ground.

Our businesses also had septic challenges as they grew and expanded over the past decade. Ocean Downs allowed us access through their property so that we could overcome these challenges and connect to the public sewer. This was something that Ocean Downs did not have to do, but fortunately for us, graciously allowed. This in turn is now allowing us to expand our businesses in these most challenging times. This would not be the case without the Casino at Ocean Downs.

As neighbors and fellow business operators we again express our support for the zoning amendment put forth by Ocean Downs

Sincerely:



John Wittmyer, Jr.
President

Raceway Citgo
Crabs To Go

Worcester County Commissioners
Worcester County Government Center
1 West Market St room 1103
Snow Hill, MD 21863

Dear Commissioners:

I would like to offer this letter of support for Ocean Downs and the proposed casino overlay zone.

Frankly, I was not in favor of the referendum to expand gambling in our State in 2008, particularly in Worcester County. The passage of time and circumstances, however, has in many ways changed my mind.

As a Commissioner on the Maryland Lottery and Gaming Commission I have had the opportunity to both observe and follow the record of responsibility and the valuable community partner Ocean Downs has become.

This zoning overlay will for the most part "clean up" existing zoning designations and allow reasonable expansion for the casino to more successfully market those segments of the population that desire this type of entertainment. By allowing a hotel and other entertainment venues for existing casino patrons, other businesses in both Ocean City and Berlin will no doubt benefit from these additional year round visitors to the area. To the best of my knowledge, Ocean Downs is committed to not marketing vacationers and families who frequent our beach and boardwalk, neither do they intend to add any amenity that would attract hotel guests with children to the property.

In the challenging economic times we are currently undergoing, increased guests at Ocean Downs equates to increased revenue which trickles down to additional income for our State and the local municipalities.

Finally, and probably most importantly, Ocean Downs has made tremendous contributions to our local community since its beginnings in 2011, and I anticipate that this giving back will continue in an even greater way should their ability to expand be approved.

Thank you,

Michelle Fager



Plaza Tapatia Mexican Restaurante
11007 Manklin Creek Road
Berlin, MD21811

Joseph Mitrecic
1 Market St. Suite 103
Snow Hill, MD 21863

Dear Mr. Metrecic

I am writing to on the behalf of Plaza Tapatia restaurant. We are writing to express our support for the rezoning at Ocean Downs Casino.

We believe the rezoning will lead to more tax revenue for the county and additional revenue for local businesses in the area. This change can also lead to additional jobs for our community.

Ocean Downs has been a good community partner. We believe they hold the best interest for the county and city businesses, as well as residence.

Thank you.

Armando Saldana, Owner & CEO

Weston S. Young

From: Cathy Walkovic <rald56@ptd.net>
Sent: Saturday, October 17, 2020 3:22 PM
To: commissioners
Cc: Cathy Walkovic; Ed Tudor
Subject: Ocean Downs text amendment

CAUTION: This email originated from an external email domain which carries the additional risk that it may be a phishing email and/or contain malware.

Dear Commissioners and Mr. Tudor:

I am a resident of Ocean Pines.

I am against the proposed text amendment for the Ocean Downs property.

Ocean Downs is no longer locally owned. Churchill Downs Incorporated now has 100% ownership.

Agreeing to this text amendment in this A-2 district, increases the value of this land for Churchill Downs Incorporated substantially! Churchill Downs Incorporated's main goal is to grow investments for its stockholders. What is stopping them from selling Ocean Downs or parts of the land after the value increases?

Worcester County may be enticed by additional tax revenue and/or promises of development of Racetrack Road. However, the locals will bear the brunt of increased traffic and a huge change in character of our community.

Please do not "give away the farm" to Churchill Downs Incorporated!

Respectfully,

Cathy Walkovic
4 Newport Dr.
Ocean Pines, MD 21811

Sent from my iPad

Phone:
(301) 567-9636



Fax:
(301) 567-9638

Location: 6336 Rosecroft Drive • Ft. Washington, Maryland 20744

Mailing Address: P.O. Box 156 • Temple Hills, MD 20748

E-mail Address: cloverleaf@erols.com

September 14, 2020

Worcester County Commissioners
Worcester County Government Center
1 W. Market St. Room 1103
Snow Hill, MD 21863

VIA EMAIL

Subject: Comments of Cloverleaf Standardbred Owners' Association on Bill 20-7

Dear Honorable Commissioners:

As you know, Cloverleaf represents the horsemen who race at Ocean Downs and have been an important part of the Worcester County agriculture and tourism industries since 1949. For 70 years, residents of and visitors to the County have included a visit to the Ocean Downs racetrack as an important part of their summer. And the County always has supported the horse racing industry at Ocean Downs and all of the jobs (farmers, vets, trainers, track employees, etc.) provided by the industry. As you also know, in 2009, the County supported gambling at Ocean Downs provided that Ocean Downs would lose the right to continue having slots there if it stopped live racing for a period of 12 consecutive months. See the attached letter from the Chief Administrative Officer for the County to Cloverleaf dated March 18, 2009.

We recently learned that the Worcester County Planning Commission agreed to recommend to the Worcester County Commissioners that the County Code be changed to create a Casino Entertainment District as a permitted use in the A-2 (Agricultural) district and establish regulations as an overlay district. That recommendation is in Bill 20-7, which will be the subject of a Working Session of the Commissioners on September 15, 2020 and a public hearing tentatively scheduled for October 6, 2020. The fair summary in the Notice of Public Hearing, at ZS 1-352, states that the intent of the new section is to encourage "comprehensive planned gaming facilities or casinos...."

Cloverleaf has no objection to Ocean Downs expanding the casino operations to include other retail operations such as shops, hotels and theaters. That could create tax benefits for the County, additional entertainment options for residents and visitors, and benefits for the race track. However, there should be no change to the law unless the previously agreed-upon condition remains in effect; that is, that no gambling could be operated at the Ocean Downs site if live racing is stopped for a period of 12 consecutive months. To that end, we suggest that it would be appropriate to mark-up the proposed bill by amending Section ZS 1-352, paragraph (c) Permitted uses and structures, subparagraph (3) to read as follows: "Gaming facilities and casinos licensed under the Maryland Video Lottery Facility Location Commission, provided that such facilities and casinos conduct a live pari-mutuel standardbred horse racing meet of at least 48 days every year in the Casino Entertainment District."

We appreciate all that the Commissioners do to protect and support the horse racing industry in the County and the many County residents who are employed in that industry. And, please let us know if you need any further information from Cloverleaf.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gina Maybee".

Gina Maybee
Acting Executive Vice President

cc: Harold Higgins - Chief Administrative Officer
Roscoe Leslie - County Attorney

Horsemen Working For Horsemen

OCEAN PINES PROGRESS

THE OCEAN PINES JOURNAL OF NEWS & COMMENTARY

COVER STORY

OPA board endorses casino overlay zone

Ocean Downs offers to conduct traffic study for entirety of Route 589

By TOM STAUSS
Publisher

The Ocean Pines Association's Board of Directors informally endorsed the proposed casino overlay zone at the Ocean Downs casino and racetrack property after a 45-minute presentation on the proposal at the board's Oct. 17 monthly meeting.

The endorsement occurred in a showing of hands called by OPA President Larry Perrone at the conclusion of the presentation by Ocean Downs General Manager Bobbi Sample.

The OPA endorsement in part seems to have been positively influenced by Sample's offer on behalf of Ocean Downs to conduct a traffic study on the entirety of Route 589, not just in the area of the racetrack and casino, which is located roughly two miles south of Ocean Pines.

Sample said that Ocean Downs would allow the county to approve the traffic engineer/consultant chosen to conduct the study, an offer that may have been a response to recent comments by one of Ocean Pines representatives on the Board of County Commissioners, Chip Bertino, who suggested that traffic study results tend to be skewed to favor the conclusions sought by the entity paying for the studies.

Bertino, who attended the Oct. 17 OPA board meeting, in previous public meetings on the proposed overlay zoning appeared to be leaning against it, citing concerns

about traffic.

Sample used her presentation to counter those concerns, telling the board that it was in the casino's best interests to minimize traffic congestion. She recently told the *Progress* that people tied up in traffic trying to get to the casino might forgo the visit if it's too difficult getting there.

Concerning recent comments by County Commissioner Joe Metrecic of Ocean City about large gatherings exiting Ocean Downs after special events, Sample said they're already allowed and are effectively controlled with the help of the state police and Worcester County sheriff. She said that a lot of people attending large events at the venue stay to patronize the casino, spreading out traffic leaving the property.

She described the overlay zone as "largely a clean-up bill," designed to bring the mix of commercial and agricultural zoning, and two special exceptions in 1997 and 2010, into a more controllable regulatory framework.

She also said all future projects at the venue would need approval by the Worcester County Planning and Zoning Commission, which endorsed the overlay zoning at the urging of the county's Development Review and Permitting Department.

Acknowledging that Ocean Downs could have applied for a conventional commercial rezoning of the

To Page 31

Tuttle sells home, resigns from OPA board

Ocean Pines Association Director Steve Tuttle has resigned from the Board of Directors, effective with the Oct. 17 monthly board meeting.

Tuttle put his house on the market in early October and it very quickly resulted in a contract.

Former OPA director Tom Piatti and 2020 board candidate Stuart Lakernick are possible replacements. ~ Page 3

GM position attracts first OPA applicant, Colby Phillips

What Ocean Pines Association Director Frank Daly called a poorly kept "state secret" has now been confirmed: Colby Phillips, the OPA's director of amenities and logistical operations, is the first OPA department head to formally let it be known she would like to replace John Viola as OPA general manager when he decides to retire.

~ Page 6

Andre Jordan says he was 'fired' from golf course

Andre Jordan, a 35-year employee whose most recent role was golf course superintendent, says he was fired by the Ocean Pines Association because of a serious if not terminal rare disease and has been denied a severance package that he should have earned as a department head.

"I did not resign," an emotional Jordan told the *Progress* in an exclusive interview. He said he was diagnosed with an extremely rare condition that attacks muscles, making it impossible for him to work. ~ Page 10



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Ocean Pines commissioners express concerns about proposed casino rezoning

Bertino skeptical of traffic studies, calls for Route 589 widening

By ROTA L. KNOTT
Contributing Writer

Citing the potential for increased traffic on Route 589 and disruption to the integrity of agricultural zoning in Worcester County, Ocean Pines' representatives on the Board of Commissioners gave a lukewarm reception at best to a proposed overlay district for development of extensive commercial and recreational uses at Ocean Downs, including a hotel or motel.

The text amendment to the county's zoning code, which seeks to allow a Casino Entertainment District overlay in the A-2 Agricultural District, is subject to an Oct. 20 public hearing before the commissioners.

While Ocean Pines commissioners Chip Bertino and Jim Bunting, along with their five peers, agreed to introduce the text amendment for public hearing and consideration by the commissioners, both had concerns about the impacts of the zoning change.

"My concern is and has been for a long time, 589," said Bertino, who added there are choke points for traffic both north and south of Ocean Pines along Route 589.

Adding any one of the facilities permitted under the overlay zone would likely increase traffic on the already distressed highway, he said.

While the text change calls for a traffic study as part of the Casino Entertainment District application process, Bertino questioned the validity of those types of studies.

He said his experience is that the traffic surveys tend to support the position of whomever is paying for them.

As a result, he said the county could have increased traffic along Route 589 without the state moving forward to widen that road as commissioners have requested of the State Highway Administration for decades.

"That's a concern of mine. I don't see how we get around that unless

the state moves forward with widening 589, a project that has been discussed ad nauseam but with no funding forthcoming," he said.

Commissioner President Joe Mitrecic also cited traffic as a concern. He presented a scenario under which 2,500 to 3,000 people were to leave a concert at Ocean Downs at the same time and exit onto Route 589. "That's a possibility," he said.

Ed Tudor, county director of development review and permitting, said any project along a state highway has to be approved by the SHA including access points. "Which at least some of those concerns I think would play into that look by state highway," he told Bertino.

But Bertino wasn't convinced. He said there are already traffic challenges at both gates of Ocean Pines, and a relatively new medical complex near the North Gate has already exacerbated traffic problems.

He asked "if the state's not willing to pony up the money to do what everyone recognizes needs to be done, what's the likelihood that an approval would be given for a new hotel, motel, whatever venue they would like to put there?"

Tudor declined to speculate on the politics of those decisions.

He did note that all of the uses under the proposed Casino Entertainment District overlay are already permitted on the Ocean Downs property either by right or special exception under its existing A-2 and C-2 commercial zoning.

A special exception for fairgrounds, which allows more than 20 uses like monster trucks, cooking exhibitions, outdoor vehicles expo, flea markets, arts and crafts shows, beer festivals, classic car rallies, concerts, fairs, carnivals, and rodeos, already exists for the property.

"I don't believe there's anything in the current proposal for this casino overlay district that's not already allowed somewhere else through the combination of these different other approvals and other zoning dis-

tricts," Tudor said. The text amendment would simply allow for a holistic look at the project, he said.

Bunting was worried about the potential long term impact of allowing the casino-specific overlay districts on the A-2 zoning district. "I'm a little concerned about the integrity of the A-2 district," he said, adding that zoning district was created as a buffer between agricultural and business or residential zones.

The Ocean Downs property, the only site in Worcester County where a casino is currently permitted, contains property in both A-2 and C-2 Commercial zones. Bunting wanted to know if the overlay would apply to all A-2 zoning in the county.

Tudor said it does not, adding that "to apply for this district you have to have a legally approved casino authorized by the State of Maryland."

"So we're making an overlay district that can only go in one specific area?" Bunting asked. "Wouldn't there have been an easier way?" He suggested simply changing the zoning of the property. "I'm very concerned about the overlay district possibly being applied to other A-2 areas in the county eventually. The way things happen. I don't think this was the proper way to go through it."

Bunting asked if Ocean Downs is currently allowed to have a motel or hotel or a bar or nightclub on the site.

Tudor responded in the affirmative, saying a lodging facility would be allowed on the C-2 zoned portion of the casino property.

But, Bunting said, this would change the code so those uses could go on the A-2 zoned portions of the property, and that is inappropriate. Bunting stated that such uses are inappropriate in the A-2 district, and he would prefer to protect the integrity of the A-2 district, which acts as a buffer between the A-1 district and districts that allow higher use activities.

"It would," Tudor acknowledged. Mitrecic said the C-2 zoned por-

tion of the property is not large enough to accommodate a use like a hotel. He also pointed out that restrictions at the state level prohibit development of a hotel on the site. The state would have to lift that prohibition in addition to the county changing the zoning for a hotel to be constructed at Ocean Downs, he said. "There's a lot of restrictions under state law."

Still, Bertino said that if the overlay district is approved then the opportunity to put those types of venues would exist on this property.

Tudor explained that the Board of Zoning Appeals granted a Special Exception for the fairgrounds, which permits over 21 various events, with slots approved by State referendum in 2008.

He also said that the underlying A-2 zoning district allows 65 different principle and special exception uses, though the designation as an overlay district does not happen automatically.

He clarified that an overlay district can only be established on A-2 zoned property that has a fully licensed and operating casino, noting County staff worked with the applicant to develop a text amendment that would fit the county code, and most of the proposed uses would be permitted with the existing zoning by special exception.

During an August hearing before the Worcester County Planning Commission, Joseph Moore, attorney for Ocean Downs, said that while it has been an existing horse racing track for a substantial number of years, the casino operation continues to grow and is no longer a secondary use on-site.

The proposed text amendment would allow an overlay district to fully recognize the economic driver, which is the casino, he said.

During the planning commission review, members wanted to ensure the text amendment is not intended to end the live horse racing.

Bobbi Sample, general manager of Ocean Downs, explained that there are no plans to end racing. She said the racetrack enhances the casino and is still integral to their operation.

Moore said the intent of this amendment is not to eliminate the existing horse-racing establishment, but to allow the casino to flourish independently of that operation.

While the Ocean City Hotel Motel Restaurant Association had not been approached about this request,

WORCESTER COUNTY

Moore said Ocean Downs is an economic driver and that Ocean Downs has no intention of building a hotel at this time.

Moore further explained that the hotels are a permitted use in the C-2 zoning district; therefore, a hotel could be built by right on the lands located across Racetrack Road.

Currently, under existing commercial zoning, a hotel could be built on a casino-owned outparcel fronting on Route 50.

Moore said state legislation specifies that no hotel could be built on-site if the hotelier has a financial or legal connection with the casino; however, a hotelier without those connections could construct a hotel.

He said that regardless of what the overlay district allows, state law would prevail.

The planning commission ultimately forwarded a favorable recommendation on the proposed text amendment to the county commissioners.

Permitted uses and structures in a Casino Entertainment District would include fairgrounds and commercial race tracks; commercial boarding stables for three or more animals, used in conjunction with fair grounds or commercial race tracks; gaming facilities and casinos; off street parking garage or structure; restaurants, bars, nightclubs and banquet halls.

Also motels and hotels; retail or service establishments; stadiums and arenas for outdoor entertainment; theaters, including movie and/or performing arts; health clubs and fitness centers; places of assembly for exhibitions; public commercial, cultural, social and recreational areas and centers, including playgrounds, parking and outdoor areas utilized for tents and other temporary uses selling any item brought to the location for such purpose.

The minimum required lot area for a CED is 50 acres and any CED must be located such that it is directly served by a major collector or arterial highway.

Sample, the casino general manager, gave a presentation on the proposal at the Oct. 17 meeting of the Ocean Pines Association Board of Directors.

The OPA rarely takes a position on issues that primarily concern activities and issues outside the boundaries of Ocean Pines, but in this case endorsed it in a show of hands after she concluded her remarks.

Bobbi Sample presentation

From Page 1

parcels zoned for agriculture on its property, Sample said that an overlay zone allows for more limited uses than the 40 or so allowed in a convention C-2 zone.

Regarding concerns that a "Las Vegas" resort environment would be created by an overlay zone, Sample said the property isn't large enough to support that approach. She said whatever is planned there in the future would have a "consistent and seamless look" with what is already there on the property.

She said there would be no amenities on the venue in the future that might appeal to children.

She offered a clarification on the possibility of a future hotel on the property. She said Ocean Downs can't own or operate a hotel according to state law, but "can sell or lease [a hotel] to a third party."

She said the goal isn't to take business away from area hotels, which cater to vacationers, but rather is

to appeal to "significant players" to increase their "frequency and duration of trips and gain a larger share" of their gaming dollars.

Early in the presentation, she highlighted the positive impact of the casino in generating local impact grants, of which the OPA has been a consistent recipient in the casino's ten-year history.

She said any future expansion of the venue will increase employment locally, generating tax revenue for the county and the state.

Sample said she would be giving essentially the same presentation to the county commissioners at a public hearing on the proposed overlay zoning on Oct. 20.

In recent comments to the Progress, Sample said she didn't disagree with Commissioner Chip Bertino that the state needs to widen Route 589, noting that the State Highway Administration has already upgraded Route 589 in the vicinity of the casino, improving traffic flow there.

"Additional traffic studies could point to additional improvements that would need to be made," she said.



Kiwanis toy drive

The Kiwanis Club of Greater Ocean Pines - Ocean City is launching its annual drive annual Toy Drive. Besides club member donations, the Kiwanis Club will collect unwrapped donations from the public. Every Wednesday in November, Kiwanis members will be in the parking lot of the Ocean Pines Community Center from 9 a.m. until noon to accept donations. The club is working with Worcester G.O.L.D. to collect the toys. Pictured are some of the toys collected in last year's drive.

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and the Pocomoke River has what appears to be 90-degree turns in places, it's going to be quite a navigational feat to get this floating nightmare from Point A to Point B. Perhaps the county can place an ad on Craigs List to find a tugboat captain to assist.

By all accounts, the boat needs a lot of

appeared to him as an odorous, classic (and colossal) conflict of interest. Who was looking out for the interests of taxpayers when this acquisition was conceived?

Not to be deterred by the CARES Act obstacle, supporters then regrouped and proposed that the commissioners loan \$400,000 to the Town

so its unbiased and unfettered independent analysis might serve to bring the powers that be back to sober reality.

If the answer is there's no hope all, then Snow Hill should cut its losses and return whatever is left of the \$400,000 back to the county. — Tom Stauss

Casino overlay zone better than a classic rezoning

Ocean Pines' two county commissioners seem to be leaning against the proposed casino overlay rezoning that will be the subject of a public hearing and perhaps even a vote Oct. 20 in Snow Hill.

This issue should be of interest to Ocean Pines residents, as the casino/racetrack complex is roughly two miles away from Ocean Pines down Route 589.

It is, as they say, a road heavily traveled.

At an earlier informational meeting on the proposed rezoning, both made comments that suggested that when the proposal comes up for a vote, their approval is not very likely.

Later, in a response to a questions from the *Progress*, Jim Bunting went a little further and said he was opposed to the overlay zone as it has been presented.

He apparently is not convinced by the favorably recommendation of the overlay zoning already bestowed by the county's Planning and Zoning Commission and the county's planning staff.

Casino General Manager Bobbi Sample and Ed Tudor, the county's director of development review and permitting, both make strong cases for why the overlay zoning should be approved.

One can hope that Ocean Pines' two county commissioners will reflect further and not lock

themselves down against a concept for developing the casino site that would give the county and the commissioners greater control over that process than the alternative.

In the end, it really is a binary choice between the overlay zone and a more conventional commercial rezoning of the agricultural parcels within the casino/racetrack complex.

That there is even any agricultural parcels left in the complex is odd in itself, a byproduct of the incremental development of the property over the years, initially as a racetrack only and eventually a casino and then a casino that contains tables games.

The property's mix of commercial and agricultural is an anomaly that clearly is a "mistake" in zoning or a reflection of the zoning out of character with the neighborhood.

Should the overlay rezoning fail, the Ocean Downs owners would be well within their rights to file for a commercial rezoning that would convert all the agricultural parcels into commercial parcels, establishing the consistency that is lacking there now.

The mistake in existing zoning or zoning out of character with the neighborhood are the usual reasons for a rezoning to occur. Given approved spot rezonings along Route 589 over the years, including parcels right across the highway

from Ocean Downs on McAlister Road within the past year, conventional rezoning of the casino/racetrack complex is all but guaranteed.

Is there a better way?

Tudor and the planning department seem to think so, and they convinced Sample and her team that the overlay rezoning was the way to go.

Ocean Downs was cooperating with the county bureaucrats, attempting to be a good corporate citizen, when the more conventional commercial rezoning might have been the more expeditious route to achieve their purposes.

It seems somewhat unfair and unseemly for the commissioners to reject the overlay rezoning when it was pushed on the applicants by their own staff.

This is something that Bertino and Bunting might want to consider when they ponder the path forward.

What is the advantage of the overlay rezoning over the alternative? Arguably, it gives the county somewhat more control over discrete future development on the property, from hotels to other entertainment-related activities.

Reportedly, traffic studies could be required whenever a new phase of development is proposed, something that might not be required

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under the more conventional commercial zoning.

Granted, traffic studies usually if not always show what those who pay for them want them to show, a point Bertino made in a meeting last month.

If commissioners decide that traffic studies are worthless, then they should communicate that to staff so they in turn can inform applicants. That way, developers in the future who want to do business in the county can avoid the expense of alleged traffic experts.

Ocean Downs executives seems willing to undergo what may or may not be a sham process regarding traf-

fic studies. Tudor has also suggested some utility in other features of overlay zoning, details of which seems somewhat hazy, but again if Ocean Downs is willing to go along, then what is the point really in making the casino owners restart the process with more conventional commercial rezoning?

Bertino and Bunting expressed concern about increased traffic on Route 589 should their colleagues approve overlay rezoning. There is no reason to suspect increased traffic would not result when development occurs under conventional zoning. So what, really, is achieved by opposing the overlay? In the end, not very much. -- *Tom Stauss*