

Minutes of the County Commissioners of Worcester County, Maryland

March 1, 2016

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

Following a motion by Commissioner Lockfaw, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included hiring Keri Tinker as a part-time Document Imager II within the Management Information Systems (MIS) Division of the Treasurer's Office; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Bunting called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the minutes of their February 16, 2016 open session and administrative session meetings as presented and closed session meeting as amended.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Purnell, the Commissioners unanimously approved bid specifications for the rehabilitation of a single-family home in the Stockton area, which will be funded through the County's current Community Development Block Grant (CDBG) Housing Rehabilitation Grant and the Lead Hazard Reduction Grant Program.

The Commissioners met with Human Resources Director Stacey Norton to review the revised Trustee list for the Nationwide Pension Plan, which serves the 19 active County employees on the Worcester County Sanitary District Pension Plan (referred to as the Worcester County Supplemental Pension Plan and created April 1, 1968). Ms. Norton reviewed the proposed list of positions to be added as Trustees, which include the Worcester County Commission President and Vice President, Chief Administrative Officer, Treasurer, and Human Resources Director. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously

adopted Resolution No. 16-5 revising the Trustees for the Supplemental Pension Plan with Nationwide for former Sanitary Commission employees.

Pursuant to the request of Tourism Director Lisa Challenger and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized Commission President Bunting to sign the FY16 Destination Marketing Organization Grant Agreement between the Maryland Department of Commerce (Commerce), Maryland Tourism Development Board (MTDB) and the County Commissioners of Worcester County, Maryland for a grant of \$140,127.

Pursuant to the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Bunting to sign the Agreement of Sale between Michael C. and Linda C. Stevens (Seller) and the County Commissioners of Worcester County, Maryland (Buyer) for the purchase of a Rural Legacy easement at a cost of \$1,514.50 per acre for a total purchase cost of \$237,000 on approximately 156.49 acres located on Ward Road and identified on Tax Map 78 as Parcel 44. Mr. Mitchell stated that the easement purchase is fully funded by the State, including administrative costs to the County. He further stated that no County match is required. In response to a question by Commissioner Elder, Katherine Munson, Land Planner IV within Environmental Programs, advised that administrative fees account for 3% of the overall program cost.

The Commissioners met with Mr. Mitchell and Ms. Munson to review and discuss the approved minimum soils requirements to become part of Maryland Agricultural Land Preservation Foundation (MALPF) Application Criteria beginning March 1, 2016. Ms. Munson stated that on December 15, 2015 the Commissioners approved the inclusion of minimum soil requirements as part of three criteria proposed by the Worcester County Agricultural Land Preservation Advisory Board when accepting MALPF applications, after which it met with unanimous approval from the MALPF Board in Annapolis. Specifically, applicants will now be required to meet a minimum Land Evaluation (LE) score of 25 to be eligible to apply to sell an easement to MALPF. Commissioner Bunting thanked staff, stating that this new requirement is a step toward accepting only farmland with premium soils for conservation.

Pursuant to the recommendation of County Engineer Bill Bradshaw and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the bid for the addition of a shelter roof on the rear of the Animal Control building in Snow Hill to Hazard Construction Company of Ocean City, Maryland at a base bid cost of \$33,560, plus an additional \$3,456 for Alternate 1 to add side wall enclosures on both ends of the building and \$12,670 for Alternate 2 to include overhead garage doors and a personnel door on the rear of the building for a total project cost of \$49,686. Additional costs above the \$31,000 project budget will be derived from savings in the Sheriff's Office fuel budget. The total project cost is estimated at \$60,000, including professional services, electrical, fire alarm modifications and contingency.

Pursuant to the recommendation of Recreation and Parks Director Paige Hurley and upon

a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid to repair the pavilion at Newtown Park in Pocomoke to J & L Services, Inc. of Seaford, Delaware at a total cost of \$14,185. In response to a question by Commissioner Elder, Assistant Chief Administrative Officer Kelly Shannahan advised that only two of the seven contractors on the bidders list submitted bids for this project. Additional bidders are always encouraged to bid or to request to be added to the bidders lists.

Department of Liquor Control (DLC) Director Bobby Cowger presented the Commissioners with a proposal to liquidate 31 non-moving inventory items at the DLC warehouse in Snow Hill by discounting the cost at which licensees may purchase them for the upcoming summer season. Mr. Cowger stated that these are products the DLC has in the warehouse at volumes that are not likely to be completely sold at standard pricing. Therefore, lowering the prices on this excess inventory will enable the DLC to liquidate inventory to wind down wholesale operations on September 30, 2016 at a minimal loss to the County. He advised that the proposed prices would allow the products to sell at prices below the Beverage Journal prices to encourage licensees to buy. Commissioner Lockfaw stated his concern as to whether the DLC can wrap up operations within the time frames of September 30, 2016 for wholesale operations and June 30, 2017 for retail operations established within the Exit Strategy without incurring substantial losses. Commissioner Church concurred. In response to questions by Commissioner Lockfaw, Mr. Cowger stated that he believes inventory liquidation alone will cost the County around \$2 million, and given other estimated losses for outstanding debt the total cost of the Exit Strategy under the current time frame will be in excess of \$4 million by his estimates. He suggested extending the time frame to three years to enable the current debt to be paid off and, thereby, reduce losses. Commissioner Bunting stated that the time frame for the Exit Strategy has already been set, and the Commissioners are not here to debate that issue. Upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the proposed liquidation of non-moving inventory within the DLC as requested. Commissioner Lockfaw further stated that it is the Commissioners' responsibility to watch out for the taxpayers and minimize the losses due to the Exit Strategy as much as possible.

The Commissioners presented a proclamation recognizing March as Women's History Month to Commission for Women Chair Eloise Henry-Gordy and other members. Ms. Henry-Gordy invited the Commissioners to attend the Women's History Month luncheon on March 16, 2016 at the Clarion Resort Fontainebleau Hotel in Ocean City, at which time former County Commissioner Louise L. Gulyas will be honored posthumously as the Woman in History, and current County Commissioner Diana Purnell will be honored as the Woman of the Year for 2016, along with six young women in Worcester County public middle and high schools who will be honored as Women of Tomorrow.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Purnell, the Commissioners unanimously agreed to appoint Helen Whaley to the Commission on Aging for the remainder of a three-year term expiring September 30, 2018 to replace Gloria Blake who resigned.

Commissioner Elder temporarily left the meeting.

The Commissioners met with County Attorney Maureen Howarth to discuss a request to support Senate Bill 729 (SB 729) and companion House Bill 1097 (HB 1097) - Maryland Income Tax Refunds - Eastern Shore Counties - Warrant Intercept Program, which would expand the warrant intercept program to include Eastern Shore counties to the list of Maryland counties with the ability to request that the State Comptroller withhold any tax refund to which an individual is entitled if said individual has an outstanding warrant. Ms. Howarth reviewed the bill. Commissioner Purnell stated that SB 729 is too invasive; therefore, she could not support it. Upon a motion by Commissioner Bertino, the Commissioners voted 5-1, with Commissioner Elder temporarily absent and Commissioner Purnell voting in opposition, to authorize Commission President Bunting to sign a letter of support for SB 729/HB 1097.

Commissioner Elder returned to the meeting.

The Commissioners met with Chief Administrative Officer Harold Higgins to review a letter from Superintendent of Schools Dr. Jerry Wilson advising that the Board of Education (BOE) Maintenance of Effort (MOE) funding will increase by \$761,792 for a total MOE funding level of \$79,480,752 for FY17. Mr. Higgins advised that the MOE level increased due to the following two changes in the State Education Article: Section 5-202(d), which states that the MOE must be based on the total per pupil appropriation for FY16, including the amount added in that fiscal year for the local share of Teacher Retirement; and Section 5-202(d)(ii)2, which includes an MOE escalator provision that requires counties that are below the statewide five-year moving average education effort level to increase their annual per pupil MOE amounts by the lesser of the following: a county's increase in the local wealth per pupil, or the statewide average increase in local wealth per pupil, or 2.5%. Mr. Higgins stated that County staff verified the MOE increase is correct according to State law. In response to a question by Commissioner Bunting, Mr. Higgins confirmed that the \$761,792 increase in MOE costs would be borne entirely by the County. Commissioner Bunting expressed concern that Worcester County has the highest per student cost in the State, yet continues to be required to increase the level of school funding. He stated that the rising MOE is like a snowball that will continue to grow bigger and bigger until it rolls over and crushes the County. Commissioner Bertino expressed concern that the State wealth formula is inherently unfair, and the County seems to have no recourse.

Following some discussion and upon a motion by Commissioner Bertino, the Commissioners voted 5-2, with Commissioners Church and Mitrecic voting in opposition, to contact the Eastern Shore Delegation expressing their concerns regarding the level of funding that the County is required to allocate to Worcester County public schools, which is based on the existing State wealth formula, and the new MOE Escalator provision, which requires an additional 1% in funding per pupil, at a time when revenues are still down and the County is still struggling to recover from the economic downturn since 2008.

The Commissioners reviewed a letter from Dr. Wilson advising that the BOE's proposed FY17 Operating Budget adopted on February 16, 2016 does not include any items identified as non-recurring costs.

The Commissioners met with representatives from the towns of Pocomoke City, Snow Hill and Berlin, as well as the Ocean Pines Association (OPA) regarding their Fiscal Year 2017 grant requests from the County.

The Commissioners met with Pocomoke City Mayor Bruce Morrison, Council member George Tasker and City Manager Ernie Crofoot. Mayor Morrison stated that Pocomoke is witnessing renewed economic growth with the groundbreaking of Cobb Industries and new businesses opening in the downtown area. He advised that following a meeting he had with the Secretary of Transportation during the recent Maryland Municipal League conference the State has agreed to replace the lighting on the MD Rt. 13 bridge in Pocomoke. Mr. Crofoot thanked the Commissioners for their ongoing support of Pocomoke City and the nonprofit organizations serving their residents, and advised that they are requesting that the County maintain its current level of funding to Pocomoke City in all categories for FY17. These include continuing categorical funding, and special projects and services which have regional benefit and interest. He asked for continued categorical funding and pass-through grants as follows: \$450,000 for an unrestricted grant; Liquor License Fees; \$449,980 in support for the city's ambulance services based on the County formula; fire department funding; and marketing/promotional assistance of \$4,500; shared revenues for income and room tax; and state pass-through aid for a grand total of \$1,534,189.

The Commissioners met with Snow Hill Mayor Charles Dorman and Council members Alison Cook and Michael Pruitt. Mayor Dorman thanked the Commissioners for their past support, and he asked them to reconsider their earlier denial of his request to redistribute Local Impact Grant (LIG) funds from the Casino at Ocean Downs to include funding to Pocomoke and Snow Hill. He stated that the annual Snow Hill budget has grown, and the town is in dire need of funding to complete infrastructure improvements to revitalize, repair and/or renovate vacant properties and provide space for interested businesses, and LIG funds would be allocated for such projects. He also asked the Commissioners to continue to support the development of an excursion train that would run from Berlin to Snow Hill to boost economic growth and tourism in both towns. Mayor Dorman advised that Snow Hill currently has 92 tax exempt properties, 23 of which are owned by Worcester County. He thanked the County for providing \$100,000 to the town in lieu of taxes each year, but noted that the actual total of taxes the town would receive from these properties if they were not tax exempt would be \$320,209.82, funding that would greatly assist the town with infrastructure projects. In closing, he requested a total of \$750,000 from the County in grant funding, which includes an unrestricted grant of \$450,000 and a payment in lieu of taxes of \$300,000 to help maintain current services and implement revitalization efforts. Together with ambulance and fire department funding and other shared revenues and State aid pass throughs, the grand total request is \$1,620,445.

The Commissioners met with Berlin Mayor Wm. Gee Williams, III. Mayor Williams thanked the Commissioners for partnering with the town to fund the excursion train feasibility study, noting that Berlin officials are working closely with Snow Hill and Worcester County Economic Development officials to attract the right private entity to bring the project to fruition. He stated that great potential exists in small towns, like Snow Hill and Berlin, to grow the economy and bring in revenues to help fund education. He thanked the Commissioners for their prior support and asked the County to award the town an unrestricted grant in the amount of \$450,000 for FY17, noting that the bulk of the funding would be used to construct a new facility

to house the Berlin Police Department. He stated that the town first recognized the need to update the existing facility 25 years ago, and the ground breaking for the new facility is expected to take place no later than fall 2016. Together with ambulance and fire department funding and other shared revenues and State aid pass throughs, the grand total request for Berlin is \$1,794,333.

The Commissioners met with Ocean Pines Association (OPA) Board President Pat Renaud and Vice President Cheryl Jacobs to discuss their FY17 grant requests from the County. Mr. Renaud advised that Ocean Pines is home to 11,700 year-round residents or 23% of the County's residents, and that number increases to 24,000 residents each summer. However, despite having the largest year-round population, the OPA continues to receive the minimum level of funding. He and Ms. Jacobs reviewed the services and amenities the OPA provides to the community and all Worcester County residents, including recreation and parks and public safety, and he asked the Commissioners to provide funding for four distinct needs as follows: a minimum public safety grant of \$625,000 for police services; a \$295,000 grant for the restoration of roads and bridges; a grant of \$10,000 for tourism to partially offset the cost of 4th of July fireworks; and \$200,000 for Recreation and Parks programs. Ms. Jacobs stated that 35% of participants using Ocean Pines Recreation and Parks programs are from outside Ocean Pines. She further stated that, though the OPA spends in excess of \$1.6 million annually for recreational activities and programs, they ask the County to cover less than 10% of those costs. In total, including fire and ambulance funding, the OPA requests \$1,844,971 in funding from the County in FY17.

Commissioner Bunting thanked town and OPA officials for meeting with them.

The Commissioners met with Ocean City Mayor Rick Meehan, City Council member Tony Deluca, Finance Officer Martha Bennett and new City Manager Doug Miller to further discuss their request for a property tax setoff in the form of a tax differential for Ocean City taxpayers for FY17 or to discuss their alternate proposal to enter into a Memorandum of Understanding (MOU) between the Mayor and City Council of Ocean City and the County Commissioners of Worcester County, Maryland that establishes a multi-year funding formula and predictable methodology that would result in predictable incremental annual increases in the town's unrestricted grant award from the County. He stated that Ocean City officials recently updated the town's Strategic Plan, and the top priority for 2015 was to obtain a tax differential for town property owners. He stated that 59% of the County's assessable base is located on the resort island, and these revenues have helped make Worcester County strong and able to provide exceptional educational opportunities and a great quality of life to residents and visitors alike. He thanked Mr. Higgins in advance for meeting with the town later in the week to talk about a possible tax differential and advised that the County's decision to award a contract to a private entity to perform a tax differential study is a good first step toward addressing the town's request for funding relief. He pointed out that the County's annual grant to Ocean City actually decreased by 0.8 percent last year, even though Ocean City taxpayers paid \$4.9 million more in taxes for FY16 than they did the prior year. He stated that town officials can relate to Commissioner Bunting's earlier comments about education costs snowballing out of the County's control due to the State's wealth formula because town officials feel much the same way about the County's existing grant funding formula. He pointed out that there is a huge disparity between the revenues

paid to the County and the grant funds paid to each of the towns annually and noted that Berlin receives back 21.96% of the total property and income taxes paid to the County by their citizens, Snow Hill receives back 71.22%, Pocomoke receives back 24.7%, but Ocean City receives back only 4.46% despite accounting for 59% of the County's Net Assessable Real Property Tax Base. He stated that Ocean City taxes help subsidize lower taxes in West Ocean City, where the business climate is now competing directly against Ocean City. He pointed out that Ocean City provides round trip bus service from May through September annually to the WOC Park and Ride and the outlet shopping stores, a benefit to those in the WOC area that costs the town \$80,000 annually to maintain, which he asked the Commissioners to share equally with the town. He further noted that the town provides many such services to WOC, including fire and ambulance services. He concluded that he looks forward to continuing to work with County officials to address the need for a tax differential. In closing, Mayor Meehan invited the Commissioners and all in attendance to join town officials, as they celebrate St. Patrick's Day with a parade down Coastal Highway on March 12, 2016 with about 100,000 of their closest friends.

Commissioner Bunting thanked Ocean City officials for their presentation.

The Commissioners recessed for 10 minutes.

The Commissioners conducted a public hearing on Rezoning Case No. 392, for an application submitted by Attorney Hugh Cropper, IV on behalf of the estate of Mildred L. Parsons/Margaret P. Bunting, Personal Representative, which seeks to rezone approximately 11.5 acres of land located on the east side of MD Rt. 589 north of Gum Point Road, and more specifically identified on Tax Map 21 as Parcel 72 in the Third Tax District of Worcester County, Maryland, from A-1 Agricultural District to C-2 General Commercial District. Staff members present at the hearing were Development Review and Permitting Director Ed Tudor and Deputy Director Phyllis Wimbrow. County Attorney Maureen Howarth informed the public of the procedures in rezoning cases. She then swore in those individuals who planned to give testimony during the hearing. Mr. Tudor reviewed the application. Ms. Wimbrow entered the Planning Commission's Findings of Fact into the record and stated that, according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that the zoning was first established in the mid 1960s, and that reclassification was retained in both the 1992 and 2009 comprehensive rezonings; however, there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning adopted by the Commissioners on November 3, 2009. She stated that the petitioned area is defined as being bound on the north by MD Rt. 90, on the east by the Isle of Wight Bay, on the south by U.S. Rt. 50, and on the west by those properties on the westerly side of MD Rt. 589. She stated that Mr. Cropper previously represented Silver Fox, LLC as the applicant in Rezoning Case No. 392 in which the property immediately to the north of the now petitioned area was rezoned from A-1 to C-2 in 2012. She stated that this same definition of the neighborhood was utilized in that case. Ms. Wimbrow advised that the application received a favorable recommendation from the County Planning Commission, which had concluded that there has been a general increase, though not a substantial one, in the population of the neighborhood since the 2009 comprehensive rezoning and concurred with the applicant's assertion that the most predominant change is the approval of

Rezoning Case No. 392, which reclassified the adjacent property to the north from A-1 to C-2. Furthermore, the Planning Commission concluded that the proposed development of the adjacent property to the east into a 17-lot residential subdivision constitutes a change to the character of the neighborhood because the granting of Atlantic Coastal Bays Critical Area growth allocation by the Commissioners and the Critical Area Commission was necessary to allow the subdivision to occur. She further stated that the Planning Commission agreed with Mr. Cropper's argument that, although the Casino at Ocean Downs is located on agriculturally zoned property, it is truly not an agricultural use and is in fact commercial in nature, given its size of approximately 10,000 square feet and the extensive expanse of parking lots associated with the use. She stated that the Planning Commission further agrees with the applicant's contention that because Rezoning Case No. 392 was upheld in court it is only equitable to give the petitioned area the same zoning; therefore, the Planning Commission gave a favorable recommendation to Rezoning Case No. 396, seeking a rezoning of the petitioned area from A-1 Agricultural District to C-2 General Commercial District.

Commissioner Bunting opened the floor to receive public comment.

Mr. Cropper, attorney for the applicant, concurred with staff's assessment and advised that the basis for the proposed change in zoning from A-1 to C-2 is that there has been a change in the character of the neighborhood since the 2009 Comprehensive Rezoning. He cited the following developments since 2009 to support his conclusion: the opening of the Ocean Downs Casino, an amendment to the Comprehensive Water and Sewerage Plan to extend sewer service to the casino; and the proposed development of a 17-lot residential subdivision, which was awarded a growth allocation. He then identified the neighborhood as defined by the applicant and identified on the zoning maps, and he pointed out the various commercial entities located in and around the neighborhood. He asked the Commissioners to accept the Planning Commission's findings of fact with regard to the proposed rezoning.

In response to questions by Mr. Cropper, Land Planner and Landscape Architect Bob Hand stated that the definition of the neighborhood is appropriate, as it is the same used in the Silver Fox rezoning of the adjacent property immediately to the north, which was accepted by the Planning Commission, the County Commissioners, and the Courts due to a change in the character of the neighborhood, since the last comprehensive rezoning and extension of public sewer service from the Ocean Pines Sanitary Service Area (SSA) to the casino via a force main bored under Turville Creek and the associated Master Water and Sewerage Plan amendments. He maintained that the casino's clubhouse represents a substantial change in the character of the neighborhood as well. He noted that the petitioned area's soils are capable of providing adequate on-site septic disposal, though connection to the Ocean Pines SSA would be preferable. With regard to transportation impacts, Mr. Hand stated that, while no traffic study has been prepared relative to this site, he believes the impact would be minimal based on the findings of a similar study completed for Rezoning Case No. 392.

In response to questions by Mr. Cropper, Wetlands Scientist Edward Launay stated that the proposed rezoning is consistent with existing and proposed development and existing environmental conditions. Mr. Launay stated that he has analyzed this property and the Silver Fox site immediately to the north and concluded there would be no impact from either. He stated that the petitioned area is well elevated, well drained, has good depth to groundwater, and its soils are suitable for on-site septic if need be. He concluded that the soils and elevation of the

petitioned area are better than the Silver Fox property and most sites along the MD Rt. 589 corridor; therefore, rezoning the petitioned site to C-2 would have no adverse impact on impaired waters of the State and that no trees, archeological sites or endangered species are known to be on the site.

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

Upon a motion by Commissioner Church, the Commissioners unanimously adopted the Planning Commission's Findings of Fact and approved the rezoning based on a change in the character of the neighborhood since the last comprehensive rezoning on November 3, 2009.

Upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to support Senate Bill 767 (SB 767) and House Bill 1349 (HB 1349) - Education - Beginning of School Year - After Labor Day, which would require local school systems in Maryland to establish a post-Labor Day start date for students beginning with the 2016-2017 school year. This legislation would extend the summer tourism season in Ocean City, Worcester County and enable local businesses to employ high school students throughout the state through the Labor Day weekend. Commissioner Mitrecic stated that findings of a recent parent survey conducted by the Board of Education (BOE) showed that 79% of parents support postponing the start of the school year until after Labor Day. Commissioner Elder stated that the bus contractors support SB 767 as well.

The Commissioners adjourned for lunch.

The Commissioners conducted a public hearing on Rezoning Case No. 395, for an application submitted by Attorney Hugh Cropper, IV on behalf of Sun TRS Frontier, LLC which seeks to rezone approximately 36 acres of land located to the east of MD Rt. 611 north of MD Rt. 376, and more specifically identified on Tax Map 33 as part of Parcel 94 in the Tenth Tax District of Worcester County, Maryland, from C-2 General Commercial District to A-2 Agricultural District. Staff members present at the hearing were Mr. Tudor and Ms. Wimbrow. Ms. Howarth informed the public of the procedures in rezoning cases. She then swore in those individuals who planned to give testimony during the hearing. Mr. Tudor reviewed the application. Ms. Wimbrow entered the Planning Commission's Findings of Fact into the record and stated that, according to the application for rezoning, the applicants' claim as the basis for their rezoning request was that there is a mistake in the existing zoning of the petitioned area, since when it was initially zoned C-2 in the mid 1960s when it was anticipated that Assateague Island would be developed in much the same fashion as Ocean City, as would the South Point area, and that nearby commercial areas were necessary to provide services to those resort and residential areas. However, Assateague Island instead was protected as both a national and state park and the expected residential growth of the island and nearby mainland did not occur, thus rendering the commercial zoning largely unnecessary and in fact excessive. She stated that the Planning Commission found that the proposed A-2 zoning would permit what is essentially infill development by allowing the expansion of an existing campground and that this would be an appropriate form of smart growth for the area; therefore, the Planning Commission had concluded that a change in the zoning would be more desirable in terms of the objectives of the

Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 395.

Mr. Cropper concurred with staff's assessment and maintained that the abundance of commercial zoning in this portion of MD Rt. 611 is no longer needed and is in fact antiquated given Assateague Island's status as a preserved area. He claimed that there is, therefore, a mistake in the existing zoning of the petitioned area, albeit one made in good faith many years ago, and he asked the Commissioners to support the Planning Commission's Findings of Fact.

In response to questioning by Mr. Cropper, Land Planner and Landscape Architect Bob Hand advised that the commercially zoned portion of the subject property, which is located along the roadway frontage, is appropriately developed; however, the C-2 zoning on the petitioned area is inappropriate and a mistake because it is too far removed from the main corridor for a successful commercial venture. He concluded that rezoning the property to A-2 is consistent with the Comprehensive Plan, which shows the petitioned area as being within the Existing Developed Area (EDA) land use category, an area where the Comprehensive Plan calls for orderly infill development consistent with the existing character in the area, which in this case is the campground. He concluded that this low impact use is more desirable than the commercial zoning designation.

In response to questioning by Mr. Cropper, Alex Dolgus, a retired U.S. Army Corps of Engineers employee who previously enforced tidal and nontidal wetland regulations and is now an environmental consultant, testified that he had thoroughly examined the petitioned area, and its subsequent use as a campground expansion is compatible with existing environmental conditions in the area. He noted that there are small pockets of wetlands on the site, but substantial areas of uplands, so there will be little or no impact if the property is rezoned. He further maintained that no archeological sites or endangered species were found on the site, and the proposed campground would not adversely impact any impaired waters or increase the Total Maximum Daily Loads (TMDLs).

Frontier Town owner Mitch Parker advised that camping in Worcester County has seen steady growth in the last few years and contended that there is an unmet need for camping facilities here. Furthermore, the petitioned area is a natural site for expansion of an existing campground. He asserted that the petitioned area is not appropriate for commercial development, and pointed out that a campground is a low impact use with mostly pervious surfaces, whereas commercial development would entail roads, parking, stormwater management and other more severe impacts. He also advised that access to the bay would be provided by existing facilities. In response to a question by Commissioner Elder, Mr. Parker stated that he planned to add no more than 200 campsites to the petitioned area if rezoned from C-2 to A-2.

Commissioner Bunting closed the public hearing.

Upon a motion by Commissioner Church, the Commissioners unanimously adopted the Findings of Fact of the Planning Commission and approved the rezoning based on the contention that there is a mistake in the existing zoning classification of the petitioned area.

The Commissioners answered questions from the press, after which they adjourned to meet again on March 15, 2016.