

AGENDA

WORCESTER COUNTY COMMISSIONERS

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

November 20, 2018

- | | <u>Item #</u> |
|--|---------------|
| 9:00 AM - Meet in Commissioners' Conference Room - Room 1103 Government Center, One West Market Street, Snow Hill, Maryland - Vote to Meet In Closed Session | |
| 9:01 - Closed Session: Discussion regarding hiring three (3) Correctional Officer Trainees and promoting a Corporal to Sergeant to fill vacancies at the Jail; filling the vacancy for a Traffic Control Foreman in the Roads Division, hiring a Landfill Operator I, a Recycling Crew Leader, filling a vacancy for a Recycle Worker I, and hiring a Transfer Station Attendant in the Solid Waste Division of Public Works; receiving legal advice from Counsel; and performing administrative functions | |
| 10:00 - Call to Order, Prayer (Arlene Page), Pledge of Allegiance | |
| 10:01 - Report on Closed Session; Review and Approval of Minutes | |
| 10:02 - Chief Administrative Officer: Administrative Matters
(Award of Bids for Housing Rehabilitation Projects - White Horse Drive and Friendship Road; Bid Specifications for Housing Rehabilitation Project in Berlin; Over-expenditure for Jail Building Maintenance Repairs Account) | 1-4 |
| 10:10 - Public Hearing - Requested Five-Year Capital Improvement Plan, FY20 through FY24 | 5 |
| 10:20 - Public Hearing - Water and Sewerage Plan Amendment - Mystic Harbour SSA - Sea Oaks | 6 |
| 10:30 - Public Hearing - Proposed Establishment of Residential Planned Community Floating Zone for Sea Oaks Village LLC property - west side of MD Route 611, north of Sinepuxent Road | 7 |
| 10:40 - Public Hearing - Rezoning Case No. 420 - Ocean Tower Investment LLC
- Request rezoning from E-1 Estate District to A-2 Agricultural District
- 2.22 acres on the south side of St. Martins Neck Road, opposite Todd Industrial Park | 8 |
| 10:50 - | |
| 11:00 - Legislative Session - Introduction of Bill
- (Zoning - Campgrounds - Recreational Vehicle Camping Areas) | 9 |
| 11:10 - Chief Administrative Officer: Administrative Matters
(Proposed Revisions to Innerlinks-Mumfords Landing Planned Unit Development in Ocean Pines; Mystic Harbour Effluent Disposal Project - Loan and Grant from USDA; Scheduling a Public Hearing on a Proposed Water and Sewerage Plan Amendment - Ocean Pines SSA - Atlantic General Hospital; Joint Use Agreement with Board of Education for Recreational Use of Facilities; Grant Application to LGIT for 2019 National Hurricane Conference Attendance; Harris P25 Radio System Status Update; Resolution to Confirm Salary of Worcester County State's Attorney; and potentially other administrative matters) | 10, 12-17 |
| 11:20 - | |
| 11:30 - Hearing with Edward L. Cioffioni, Jr. on Nuisance Abatement Order No. 18-2
- regarding the property located at 10646 Bishopville Road, Bishopville, MD | 18 |
| 11:40 - | |
| 11:50 - | |
| 12:00 - Questions from the Press | |

Lunch at Jail

AGENDAS ARE SUBJECT TO CHANGE UNTIL THE TIME OF CONVENING

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

Please be thoughtful and considerate of others.

Turn off your cell phones & pagers during the meeting!

Minutes of the County Commissioners of Worcester County, Maryland

November 7, 2018

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

Following a motion by Commissioner Bertino, seconded by Commissioner Lockfaw, 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), (3), and (7) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; Stacey Norton, Human Resources Director; Tom Perlozzo, Recreation and Parks Director; Ed Tudor, Development Review and Permitting Director; Phil Thompson, Finance Officer; and Kathryn Gordon, Economic Development Deputy Director. Topics discussed and actions taken included: hiring Tyler Marlott as a Roads Worker I for the Roads Division and James Dinkins as a Maintenance Worker III for the Maintenance Division; approving personnel changes in the Water and Wastewater Division of Public Works to include eliminating two vacant Maintenance Worker positions, and one vacant Construction Supervisor position, reclassifying two Equipment Operators to Heavy Equipment Operators, and continuing to advertise to fill two Maintenance Worker II positions; denying a request to post to fill a vacancy for a Receptionist in Development Review and Permitting; considering acquisition of real property for public purposes; receiving legal advice from counsel; and performing administrative functions.

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

The Commissioners reviewed and approved the October 23, 2018 open session minutes as presented and closed session minutes as revised.

The Commissioners presented a proclamation recognizing November as National Adoption Month to raise awareness of Worcester County youth who need stable homes with loving parents who will protect, nurture, and support them as they grow, and to honor those who have dedicated their lives to serving these children. The Commissioners extended their gratitude to Worcester County Department of Social Services (DSS) Director Roberta Baldwin and her

staff for their efforts to bring stability back into the lives of children who through no fault of their own have been removed from their families of origin.

In a related matter, the Commissioners presented a commendation to Steve and Tina Collins, the 2018 Worcester County Adoptive Parents of the Year, for adopting five siblings, three boys and two girls, and for providing Worcester sons and daughters with a forever home.

The Commissioners met with Superintendent of Schools Louis Taylor to review and discuss the Board of Educations's (BOE's) proposed FY20 Capital Improvement Plan (CIP) request. Mr. Taylor thanked the Commissioners for their support and for partnering with the BOE to continue to provide Worcester County students with exceptional educational opportunities. Mr. Taylor stated that the CIP, which has been developed in accordance with Maryland Interagency Committee for Public School Construction (IAC) regulations, is a planning document, and he is not here seeking funding for any project today. He further advised that the CIP is consistent with the Worcester County CIP and incorporates all prior recommendations of the County Commissioners regarding future school construction needs. He then reviewed the proposed CIP, which includes replacing Showell Elementary School (SES) at an estimated cost of \$47.5 million, with total requested State funding of \$8,672,000 and County funding of \$38,880,420, and for which construction began September 29, 2018; Pocomoke Middle School Systemic Roof Replacement at an estimated cost of \$2,649,000 in FY21; Stephen Decatur Middle School (SDMS) 16,300-square-foot addition at a total estimated cost of \$9,205,000, with requested planning approval for FY22; Snow Hill Middle School/Cedar Chapel Special School Systemic Roof Replacement at an estimated cost of \$3,506,000 in FY23; Pocomoke Elementary School (PES) Systemic Roof Replacement at an estimated cost of \$1,787,000 in FY24; and Buckingham Elementary School (BES) Renovation/Addition or Replacement at an estimated cost of \$54,259,000 for planning in FY23 and funding in FY25.

Commissioner Bertino noted that the State funding allotted to the County appears to be grossly unfair, since the State formula calls for a 50/50 cost share in Worcester County, but actual funding is much less. In response to a question by Commissioner Bertino, Facilities Manager Joe Price advised that State funding for school construction is calculated at a capacity rate of 25 students per classroom, while the student to teacher ratio in Worcester County is based on their continuing initiative to maintain smaller class sizes. In response to a question by Commissioner Elder, Mr. Taylor stated that the State funds roughly 80% of the budgets for the Somerset County BOE and Wicomico County BOE, but only 18% of the Worcester County BOE budget based on the State's wealth formula, which is skewed due to non-resident properties in Ocean City.

Upon a motion by Commissioner Bunting, the Commissioners unanimously approved the BOE FY20 CIP as presented.

In follow-up to a request by Commissioner Elder, Information Technology Director Brian Jones provided an update on the status of broadband in Worcester County and steps needed to extend broadband to underserved residents (those who generally have options to acquire broadband) and more importantly currently unserved residents (those with little or no options for internet services). Economic Development Deputy Director Kathryn Gordon was also in attendance. Mr. Jones advised that in 2015 the Federal Communications Commission (FCC)

changed the definition of broadband by raising the minimum download speeds from 4MBPS (megabytes per second) to 25 MBPS, and the minimum upload speed from 1 MBPS to 3 MBPS, effectively tripling the number of U.S. households without broadband access as identified under the new definition. He noted that in his discussions with State and local government officials he learned that Sussex County, Delaware recently initiated a broadband project. He advised that Sussex County officials refrained from signing any franchise agreements and instead issued a Request for Proposals (RFP) that drew interest from five wireless broadband companies, and they budgeted \$1 million to pay for the tower space rental fees and other incidentals, such as permitting and electricity costs, for these companies for a period of one year, with the hope that in the following years these providers will continue to offer broadband service to their area. Mr. Jones noted, however, that the Sussex County project is in its infancy, and there are no statistics on how many residents of this program were previously unserved. He advised he would follow the progress of this project to determine its success and whether Worcester County might benefit from a similar project. In the meantime, he recommended the County hire a consultant to identify Worcester County residents who are currently unserved or underserved for broadband.

Mr. Jones stated that the Maryland Governor's Office is working with all Maryland counties that are struggling to obtain the information needed to provide internet coverage throughout the State. He stated that a first step in the process for Worcester County would be to hire a consultant at a cost of roughly \$30,000 to determine those who are unserved and underserved with high speed broadband services and to determine the primary needs and expectations of the residents of Worcester County with regard to data consumption. On a positive note, he stated that there is fiber on the Eastern Shore that is administered by the Maryland Broadband Cooperative (MBC) in conjunction with the Maryland Department of Information Technology (DoIT), as well as Choptank Electric, to serve as the necessary backbone, though the primary hurdle would be identifying how to extend service from this fiber to the last mile (homes and offices). He stated that, perhaps, the County could attract the interest of wireless providers that would be willing to work with MBC, Choptank, and DoIT to provide services to residents. In response to a question by Commissioner Bertino, Mr. Jones stated that it would cost millions of dollars just to start an internet project. He stated that Sussex County succeeded in attracting internet providers because they budgeted \$1 million to help cover some of those start-up costs. However, it remains to be seen if these companies will continue to offer service in that area once county funding is no longer available.

Following some discussion and upon a motion by Commissioner Elder, the Commissioners unanimously authorized staff to develop a Request for Proposals (RFP) for a consultant to conduct a study of Worcester County residents to determine those who are unserved and underserved with high speed broadband services and to determine the primary needs and expectations of the residents of Worcester County with regard to data consumption for the Commissioners review and approval at a future meeting.

Mike Pennington, who will be retiring as Executive Director of the Tri-County Council (TCC) of the Lower Eastern Shore of Maryland on December 31, 2018, introduced incoming TCC Director Gregory Padgham. The Commissioners thanked Mr. Pennington for his years of service and welcomed Mr. Padgham.

The Commissioners reviewed and discussed a board appointment.

Upon a nomination by Commissioner Mitrecic, the Commissioners unanimously agreed to appoint Melanie Pursel to the Workforce Development Board of the Lower Shore Workforce Alliance (LSWA) for a four-year term expiring September 30, 2022 to replace Geoffrey Failla whose term expired.

Human Resources Director Stacey Norton introduced Kevin Candy, the new Safety Coordinator, to the Commissioners. The Commissioners welcomed Mr. Candy.

Pursuant to the request of Ms. Norton and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized the County's benefit broker/consultant, PSA Insurance and Financials, to conduct a RFP for pharmacy benefit manager and dental vendors.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for a housing rehabilitation project in West Ocean City to be funded through the County's current Community Development Block Grant (CDBG).

Pursuant to the request of Local Management Board Director Jessica Sexauer and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the Community Partnership Agreement between the County, the Local Management Board (LMB), and the Governor's Office for Children for FY19 with grant funds of \$832,918 to be used beginning July 1, 2018 to assist The Cricket Center, Comprehensive Parenting Program Initiative, Building Bridges, Worcester Education, Employment, and Empowerment, Youth Connection Center, and Local Care Team Coordinator.

Pursuant to the request of Budget Officer Kathy Whited and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the Certification for Cooperative Local-State Library Aid Programs for FY19, with State aid of \$159,476 and County funding of \$2,642,946 for the County Library. Ms. Whited advised that other expenses include \$1,264,639 for the Ocean Pines Library heating, ventilation, and air conditioning (HVAC) project.

Pursuant to the recommendation of Colonel Doug Dods of the Sheriff's Office and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized the filing of a State Aid for Police Protection Fund application for FY20 from the Governor's Office of Crime Control and Prevention, with anticipated funding of \$153,146 to be used exclusively to provide adequate police protection throughout the County. Colonel Dods explained that the exact amount of funding provided would not be known until approved; however, FY18 funding was \$173,251.

Pursuant to the request of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Church, the Commissioners unanimously authorized Commission President Purnell to sign the Memorandum of Understanding (MOU) for the FY19 Dividing Creek Rural Legacy Area (RLA) Project between the Worcester County Commissioners, the

Somerset County Commissioners, and the Lower Shore Land Trust, Inc. (LSLT). Mr. Mitchell advised that with the execution of this MOU, sponsorship of the program will change from The Nature Conservancy (TNC) to the LSLT, with Worcester County Government to remain the grantee and fully responsible for easements in Worcester County. The Commissioners further approved the draft letter to Stacy J. Schaefer, Associate Director of Land Acquisition and Planning Unit for the Department of Natural Resources (DNR) confirming this change.

Pursuant to the request of Mr. Mitchell and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the FY19 Dividing Creek Rural Legacy Area (RLA) Grant Agreement for funding of \$1,060,000 for the Dividing Creek RLA. Mr. Mitchell stated that the grant funding will be used to purchase two to four conservation easements in Somerset and Worcester Counties from willing landowners and will also cover County administrative costs.

The Commissioners met with Mr. Mitchell to discuss plans by Phil Houck, owner of certain unimproved real property located in Berlin and identified on Tax Map 25 as Parcel 460, to obtain the necessary regulatory permits to develop a commercial warehouse facility on his property and to relocate the Kitts Branch Tax Ditch, which is part of the Kitts Branch Public Drainage Association (PDA). Mr. Mitchell stated that PDAs are independent political subdivisions of the State, and their purpose is to establish and maintain drainage systems. He stated that the State allows these managers to request that the Commissioners appoint a subsequent board of viewers to determine if the original determination regarding which lands have benefitted from the improvements have changed and to report their findings to the Commissioners. He stated that the steps necessary for the property owner to move forward include the following: the owner to prepare a detailed engineering report and plan, and the Commissioners to appoint a new Board of Viewers consisting of three to five impartial individuals who reside in the vicinity of the drainage association, with that new board to review and submit a final report with recommendations back to the Commissioners so that they may advertise and conduct a public hearing on the matter prior to voting to approve or disapprove the relocation plan.

Upon a motion by Commissioner Church, the Commissioners unanimously agreed to appoint John Ross, Robert E. Shockley, Alan H. Hudson, R. Lee Gilliss, and David Bradford, Sr. as members of the Board of Viewers for the Kitts Branch Tax Ditch relocation application process for the property identified on Tax Map 25 as Parcel 460 in Berlin, in accordance with State law. The board will review and submit a final report and recommendation to the Commissioners regarding the proposed relocation to protect the property owners in the Kitts Branch Public Drainage Association, ensure the work proposed is feasible, and that it will benefit the public and promote the public health, safety and welfare, and will benefit the land to be affected by the drainage project.

The Commissioners met with Public Works Director John Tustin to review a request from Dane Bauer, President of the Lighthouse Sound Property Owner's Association, outlining concerns about speeding traffic within the subdivision and requesting the speed limit be reduced on all roads within the Lighthouse Sound community from 30 miles per hour (mph) to 25 mph.

Mr. Tustin stated that a speed study is not warranted at this time, as County staff agrees that the reduction in speed is warranted. Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to reduce the speed limit on all roads within the Lighthouse Sound community from 30 mph to 25 mph and to request that the Sheriff's Office begin enforcing this new speed limit once the new speed limit signs are posted.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized staff to negotiate with fencing contractors to supply and install the required fencing, gates, operating controllers, and hardware for improvements to the Judges' secured parking lot. Mr. Tustin stated that a bid opening for this project was scheduled for October 29, 2018; however, no local fencing contractors bid on the project, as the project was too small for general contractors, and fencing contractors could not perform the landscaping and parking lot paving aspects of the project. He further advised that Public Works will utilize in-house staff to remove the existing landscaped areas and investigate the possibility of using brick pavers or some other method to stabilize the areas underneath the existing landscaping to provide a secured and hard surface for vehicles.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications to replace the 1964 heating, ventilating, and air conditioning (HVAC) system in the Court House. Mr. Tustin stated that funds of \$600,000 are available in the budget for this project.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Lockfaw, the Commissioners unanimously awarded the low bid for the purchase of one 2019 John Deere Model 670G Motor Grader at a base price of \$240,747.73, plus Option 1 (V-Plow) for an additional \$12,028, and Option 2 (Joystick Hydraulic Control) for an additional \$22,716.75, for a total delivered price of \$275,492.48.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved Change Order No. 1 for the construction of the piping and controls for connection of the Mystic Harbour Wastewater Treatment Plant (WWTP) effluent to the Eagle's Landing Golf Course at a total additional cost of \$17,598.42 to cover the following five items: removal of up to four trees at a cost of \$862; install a power supply at a cost of \$3,633.92; install additional circuit panel power pack and circuit for sump pump at a cost of \$1,837.50; replace 60 feet of the drain line between the holding pond and the spray irrigation pump station and redirect the irrigation piping under the drain at a total cost of \$7,129; and modify the pipe outlet structure at the golf course at a total cost of \$4,136. Public Works Deputy Director John Ross advised that project contingency funds are available to cover these additional expenses.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to accept the best proposal from George, Miles, and Buhr (GMB), LLC of Salisbury, Maryland for engineering design and bidding services for the equalization tank rehabilitation project in the Riddle Farm

Sanitary Service Area (SSA) at a not to exceed cost of \$24,550, plus reimbursable expenses. Mr. Tustin stated that the estimated cost to rehabilitate the tank is \$250,000, and he proposed these funds be included in the upcoming bond issue planned for the Showell Elementary School (SES) replacement project, with funding by a short-term loan from the General Fund in the interim. He advised that, though Davis Bowen & Friedel (DBF) submitted a proposal at a total cost of \$17,300, GMB has been involved in this project since the original construction, making them more familiar with the history of this tank, and they authored the report recommending the improvements. In response to a question by Commissioner Bertino, Chief Administrative Officer Harold Higgins advised that it is standard practice for the County to include smaller enterprise fund projects like this in bond funding.

Commissioner Elder stated that GMB's proposed rate was 40% higher than that of DBF, and for that reason he could not vote to accept their proposal.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Mitreicic, the Commissioners unanimously approved Central Landfill Cell 5 Construction Change Order No. 4 - Weather Delays, to add 19 non-compensable calendar days to the construction schedule to establish a new completion date of December 2, 2018 to account for adverse weather days.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously accepted the proposal from EA Engineering, Science, and Technology of Hunt Valley, Maryland for Cobalt Evaluation at the Central Landfill in Newark on a time and materials basis at an estimated cost of \$14,705.90.

The Commissioners met with Development Review and Permitting (DRP) Director Ed Tudor to review the nuisance abatement request for two rapidly deteriorating structures (a parsonage and former Grace Tabernacle of Deliverance Church) and the uncontrolled growth of vegetation on property located at 5492 and 5496 Stockton Road and more specifically identified on Tax Map 86 as Parcel 134. Mr. Tudor stated that both structures have significant roofing problems, and the entire property, including the cemetery, is overgrown. Furthermore, the specific nature of the nuisance is the uncontrolled growth of grass, weeds or other rank vegetation to a height exceeding one foot, and the unattended and uninhabitable dilapidated structures on the property, which are beyond reasonable hope of rehabilitation or restoration, and which constitutes a nuisance under the provisions of Subsections PH 1-101(a)(l) and (11) of the Public Health Article. He explained that Donald and Lucy Redden of Laurel, Delaware, who represent the church, are both in poor health and do not have the financial means to do anything with the property, nor have they been successful in selling it. Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously declared the property to be a nuisance pursuant to Section PH 1-101(a)(1) and (11).

In response to a question by Commissioner Bertino, Mr. Tudor agreed to investigate whether this nuisance can be abated via a controlled burn of the structures.

The Commissioners met with Mr. Tudor to review nuisance conditions on a property located at 10720 St. Martins Neck Road in Bishopville and more specifically identified on Tax Map 9 as Parcel 152, which consist of a two-story dwelling built in the 1920s, which some years

ago was stripped and gutted with apparent intentions of fixing it up, and a somewhat later single-story addition. Mr. Tudor stated that work on the two-story structure ceased soon after it had begun and only minor work has been completed on this section in recent years. If determined by the Commissioners, the precise nature of the nuisance could be the unattended and uninhabitable dilapidated portion of the structure on the property that is beyond reasonable hope of rehabilitation or restoration, which could constitute a nuisance under the provisions of Subsections PH 1-101(a)(11) and (14) of the County Code. Mr. Tudor stated that the single-story side of the structure was and continues to be occupied. However, it is difficult to ascertain without a detailed inspection if the two-story section can be removed without damaging the occupied portion. At the very least, Mr. Tudor recommended against removal of the two-story section while the single-story section is occupied. For that reason, he recommended that the property owners be given more than 30 days to remedy the situation or relocate the occupants from the one occupied portion should the Commissioners find the structure meets the definition of a ramshackled or decayed structure as outlined in Section PH 1-101(a)(11) of the Public Health Article of the County Code.

Following some discussion and upon a motion by Commissioner Bunting, the Commissioners unanimously declared the structure to be ramshackled or decayed and beyond reasonable hope of rehabilitation or restoration pursuant to Section PH 1-101(a)(11) of the Public Health Article of the County Code.

Upon a motion by Commissioner Bunting, the Commissioners unanimously voted to schedule a public hearing on the proposed comprehensive (sectional) reclassification of the E-1 Estate and A-1 Agricultural Zoned Properties that are located north of Grays Corner Road on the easterly and westerly sides of McAllister Road, northerly and southerly sides of Griffin Road, and the westerly side of MD Rt. 589 (Racetrack Road) in the Third Tax District of Worcester County on December 18, 2018. Mr. Tudor advised that the Planning Commission has recommended that the subject properties retain their existing E-1 and A-1 zoning classifications.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Bunting, the Commissioners unanimously approved the application for Emergency Medical Dispatch Training Grant from the Maryland Institute for Emergency Medical Services Systems in the amount of \$3,000 to be used for Communications Clerk training.

Pursuant to the request of Mr. Webster and upon a motion by Commissioner Church, the Commissioners unanimously approved additional funding of \$7,380 to upgrade the Superion Computer Aided Dispatch (CAD) software in Emergency Services as an authorized over-expenditure, contingent upon the satisfaction of County Attorney Maureen Howarth with minor corrections to be made to the contract. Mr. Webster explained that the FY19 budget included funding for a fire reporting software program, as requested by the fire service, and after Information Technology moved the existing software to the new RedNMX software, Superion, the County's CAD vendor, informed them that additional funding would be required to purchase software that would automatically send data from the CAD to RedNMX. He advised that the initial quote for the software upgrade was \$9,380, minus a discount in the amount of \$2,000, for a total cost of \$7,380 for the software, plus an annual maintenance fee of \$1,500.

Pursuant to the recommendation of Mr. Webster in response to a request by the Ocean Pines Police Department (OPPD) and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Emergency Services to seek funding from the Emergency Number Systems Board (ENSB) for the purchase and installation of an EARS Compact Recording Device from Exacom at a total cost of \$5,938.25, plus an additional one-year warranty in the amount of \$104.50. In response to a question by Commissioner Bertino, Mr. Webster explained that the project will replace the voice logging recorder at the OPPD, noting that as a secondary answering point for 911 calls, the OPPD is required to record all 911 calls transferred to them from the County, which serves as the public safety answering point for all 911 calls in the County.

The Commissioners met with Mr. Webster to discuss the proposed Telephone Fiber Upgrade - Phase II. Mr. Webster advised following approval from the Commissioners on July 3, 2018, Emergency Services staff sought and was awarded grant funding from the ENSB of \$166,718.89 to fund this project. However, on October 31, 2018 Verizon officials advised that eight Tellab circuit cards were omitted from the original proposal, and it will cost an additional \$105,060.67 to purchase this equipment. Upon a motion by Commissioner Bertino, the Commissioners unanimously authorized staff to seek additional funding from the ENSB in the amount of \$105,060.67 to cover this additional cost.

Mr. Webster provided the Commissioners with a P25 Radio System status update, noting that Federal Engineering (FE) analyzed raw data points for Bit Error Rate (BER) and Delivered Audio Quality (DAQ) testing from Harris and identified several discrepancies in the 14 db test grids, which were quickly resolved, but that they had not been provided with the 20 db data, which Harris later agreed to provide. Mr. Webster advised that once FE is able to review that data they will provide their findings, after which they will continue their work to provide recommendations regarding the areas impacted by noise from surrounding systems. In response to a question by Commissioner Bertino, Assistant Chief Administrative Officer Kelly Shannahan stated that the County's 90-day contract with FE will be expiring soon, but that FE officials are likely to stretch the contract beyond that timeframe to accommodate the needs of the County.

Pursuant to a request from the local medical examiner and upon a motion by Commissioner Bunting, the Commissioners unanimously authorized Commission President Purnell to sign a letter to Michele Phinney, Director of the Office of Regulation and Policy Coordination for the Maryland Department of Health, to support the proposed compensation increase for fees paid to Deputy Medical Examiners and Forensic Investigators from \$80 to \$120 per case investigated, which will help retain the six investigators covering Somerset, Worcester, and Wicomico Counties.

Pursuant to the recommendation of Assistant Chief Administrative Officer Kelly Shannahan and upon a motion by Commissioner Mitrecic, the Commissioners unanimously approved the annual holiday turkey/ham program and agreed to present each of the roughly 674 County employees with a \$30 WalMart gift card for the purchase of a turkey or ham for the holidays at an approximate overall cost of \$20,220, minus the seven County Commissioners who

opted to decline this holiday gift. Funds for the gift cards are available within the FY19 budget.

The Commissioners met with Mr. Shannahan to review the Commissioners' proposed meeting schedule and budget schedule for 2019, with Commissioners' meetings generally taking place on the 1st and 3rd Tuesday of each month, except where such dates fall on a legal holiday or other conflicting event. Mr. Shannahan stated the New Year's Day holiday falls on a Tuesday and is followed immediately by the Maryland Association of Counties (MACo) Winter Conference from January 2-4, so the meetings in January are proposed to take place on the second and fourth Tuesdays on January 8 and 22, with the legislative session to take place on the fourth Tuesday, January 22. The National Hurricane Conference, which will take place in New Orleans from April 22-25 will not pose a scheduling conflict if attended by any of the Commissioners or staff.

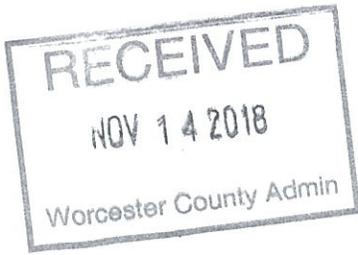
Upon a motion by Commissioner Church, the Commissioners unanimously approved their schedule of meeting dates and budget schedule for calendar year 2019, as proposed by staff.

In a related matter, Mr. Higgins stated that President Purnell had questioned why the Christmas Eve holiday was only a half-day holiday rather than a full day. After some discussion and upon a motion by Commissioner Church, the Commissioners unanimously agreed to revise the Personnel Rules and Regulations to declare Christmas Eve as a full-day holiday.

The Commissioners answered questions from the press.

Following a motion by Commissioner Bunting, seconded by Commissioner Bertino, the Commissioners unanimously voted to meet in closed session at 11:53 a.m. in the Commissioners' Conference Room to consider acquisition of real property for public purposes, as permitted under the provisions of Section 3-305(b)(3) of the General Provisions Article of the Annotated Code of Maryland. 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; Tom Perlozzo, Recreation and Parks Director; Ed Tudor, Development Review and Permitting Director; Phil Thompson, Finance Officer; and Kathryn Gordon, Economic Development Deputy Director. Topics discussed included considering the acquisition of real property for public purposes.

The Commissioners adjourned to meet again on November 20, 2018.



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

1

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Worcester County Commissioners
CC: File
From: Jo Ellen Bynum 
Date: 11/14/2018
Re: Bid Recommendation- White Horse Drive

A bid opening was held Tuesday, November 13 for a proposed housing rehabilitation project located in Ocean Pines. Bids were received from four contractors as follows:

Page

- 3 - Ocean Tower Construction LLC- \$30,546
- 6 - Shoreman Construction Company, Inc.- \$ 35,500
- 9 - Poseidon Plumbing and Home Services- \$37,436
- 12 - Colossal Contractors, Inc.- \$41,470

After reviewing the bids with the Program Inspector, it is my recommendation to accept the bid from Ocean Tower Construction LLC in the amount of \$30,546 as low bidder. Ocean Tower will be a new contractor to the program; I have confirmed their MHIC license is current and that this firm is not barred by HUD or the State of Maryland from receiving government construction contracts. A copy of the Competitive Bid Worksheet and the proposal from Ocean Tower Construction are attached for your reference.

Competitive Bid Worksheet

Item: Housing Rehabilitation Projects in Berlin and Ocean Pines - Koltuk Property and Ziencik Property

Bid Deadline/Opening Date: 1:00 P.M., Tuesday, November 13, 2018

Bids Received by deadline = 4

	Soner Koltuk Property 10115 Friendship Road Berlin, MD 21811 <u>Total Quote</u>	Laura Ziencik Property 11 White Horse Drive Ocean Pines, MD 21811 <u>Total Quote</u>
<u>Contractor's Submitting Bids</u>		
Colossal Contractors, Inc. 4601 Sandy Spring Road Burtonsville, MD 20866	_____	* <u>41,470</u>
Shoreman Construction Co., Inc. 606 East Pine Street Delmar, MD 21875	_____	* <u>35,500</u>
Ocean Tower Construction LLC 12905 Coastal Highway Ocean City, MD 21842	_____	* <u>30,546</u>
Poseidon Plumbing and Home Services 12637 Sunset Avenue, Suite 1 Ocean City, MD 21842	* <u>29,402</u>	* <u>37,436</u>
_____	w/Add. * <u>41,512</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

BID FORM

***must be signed to be valid**

**Property of Laura Ziencik
11 White Horse Drive
Berlin, MD 21811**

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

Total Quote : \$ 30,546⁰⁰

Date: 11/13/18



Signature _____
OLEG SHAKIROV
Typed Name _____
PRESIDENT
Title _____
OCEAN TOWER CONSTRUCTION LLC
Company Name _____
12905 COASTAL HWY
Address _____
OCEAN CITY MD 21842
443-366-5556
Phone Number(s) _____
128811 11/30/20
MHIC License # _____ Expiration Date _____

**LAURA ZIENCIK
11 WHITEHORSE DRIVE
OCEAN PINES, MD 21811
443-235-6017**

09-25-2018

SCOPE OF WORK

A: Remove all roof shingles, felt paper, flashings, drip edge, any water damaged roof sheathing, and guttaring. Replace any water damaged roof sheathing with like size plywood sheathing. Install new peel and stick roof underlayment. Install new white, wide aluminum drip edge, as well as new ice and water shield at all valleys and eaves. Install new plumbing vent boots, aluminum wall and step flashing as necessary. Install new thirty year architectural shingles and hip and ridge shingles as necessary. Install new roof ridge venting. Remove old unused gas water heater exhaust pipe at rear of roof, and cover opening with like size roof sheathing. Install new white continuous aluminum gutters and downspouts. Downspouts are to have extensions and splash blocks. Clean up and haul away all construction related debris including fallen and dropped nails.

PRICE: 13,996.⁰⁰

B: Remove existing master bathroom fiberglass tub/shower unit. Install new three piece fiberglass tub/shower unit with new builder grade faucet and shower head with diverter assembly. Remove hall bathroom tub/shower faucet and assembly and replace with new builder grade. Replace kitchen refrigerator water supply valve and line. Make necessary connections, and repair any water damaged drywall. Replace range rear right burner. Replace all existing smoke detectors with new mandated 10 year battery life units per County code.

PRICE: 3,495.⁰⁰

C: Make all repairs as necessary to interior wall and ceiling drywall due to water entry and or settlement. Paint all wall and ceiling areas where drywall repairs have been made, including the master bathroom. Painting to be two (2) coats Sherwin Williams or equal. Color to match existing as well as possible. Prep and paint front door interior and exterior, color to match existing as close as possible. Remove all interior carpet. Install builder grade laminate with necessary floor trim.

PRICE: 10,894.⁰⁰

D: Have garage overhead door adjusted and lubricated for proper operation. Remove existing rear sliding glass door screen door and install new. Replace rear screen porch wooden screen door and replace any damaged screen porch wall screening. Seal all penetration openings in garage walls and ceilings as required for fire proofing. Replace three (3) exterior front light fixtures at front porch and garage with builder grade fixtures. All fixtures are to be same style, with energy efficient LED bulbs.

PRICE: 2,161.⁰⁰

LAURA ZIENCIK
11 WHITEHORSE DRIVE
OCEAN PINES, MD 21811
443-235-6017

09-25-2018

TOTAL PRICE: *Oleg* \$ 30,546⁰⁰

SIGNATURE: _____

PRINTED NAME: OLEG SHAKIROV

TITLE: PRESIDENT

COMPANY NAME: OCEAN TOWER CONSTRUCTION LLC

ADDRESS: 12905 COASTAL HWY
OCEAN CITY MD 21842

PHONE NUMBERS: OFFICE: 443-366-5556 CELL: 443-373-7096

MHIC#: 128811 EXPIRATION DATE: 11/30/20

DATE OF PROPOSAL: 11/13/18

I have reviewed and hereby approve the specifications as written above.

Laura Ziencik 10-15-18
Owner Date

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

BID FORM

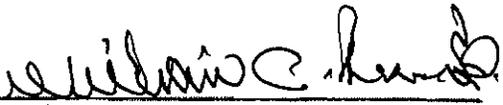
***must be signed to be valid**

**Property of Laura Ziencik
11 White Horse Drive
Berlin, MD 21811**

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

Total Quote : \$ 35,500.00

Date: 11-10-2018


Signature
WILLIAM C. HEARN, JR.
Typed Name
OWNER
Title
SHOREMAN CONSTRUCTION CO. INC.
Company Name
606 E. PINE ST.
Address
DBZ MAR, MD, 21875
410-896-3200 443-359-0095
Phone Number(s)
5859 10-11-2019
MHIC License # Expiration Date

LAURA ZIENCIK
11 WHITEHORSE DRIVE
OCEAN PINES, MD 21811
443-235-6017

09-25-2018

SCOPE OF WORK

A: Remove all roof shingles, felt paper, flashings, drip edge, any water damaged roof sheathing, and guttering. Replace any water damaged roof sheathing with like size plywood sheathing. Install new peel and stick roof underlayment. Install new white, wide aluminum drip edge, as well as new ice and water shield at all valleys and eaves. Install new plumbing vent boots, aluminum wall and step flashing as necessary. Install new thirty year architectural shingles and hip and ridge shingles as necessary. Install new roof ridge venting. Remove old unused gas water heater exhaust pipe at rear of roof, and cover opening with like size roof sheathing. Install new white continuous aluminum gutters and downspouts. Downspouts are to have extensions and splash blocks. Clean up and haul away all construction related debris including fallen and dropped nails.

PRICE: \$10,700.00

B: Remove existing master bathroom fiberglass tub/shower unit. Install new three piece fiberglass tub/shower unit with new builder grade faucet and shower head with diverter assembly. Remove hall bathroom tub/shower faucet and assembly and replace with new builder grade. Replace kitchen refrigerator water supply valve and line. Make necessary connections, and repair any water damaged drywall. Replace range rear right burner. Replace all existing smoke detectors with new mandated 10 year battery life units per County code.

PRICE: 11,400.00

C: Make all repairs as necessary to interior wall and ceiling drywall due to water entry and or settlement. Paint all wall and ceiling areas where drywall repairs have been made, including the master bathroom. Painting to be two (2) coats Sherwin Williams or equal. Color to match existing as well as possible. Prep and paint front door interior and exterior, color to match existing as close as possible. Remove all interior carpet. Install builder grade laminate with necessary floor trim.

PRICE: \$11,900.00

D: Have garage overhead door adjusted and lubricated for proper operation. Remove existing rear sliding glass door screen door and install new. Replace rear screen porch wooden screen door and replace any damaged screen porch wall screening. Seal all penetration openings in garage walls and ceilings as required for fire proofing. Replace three (3) exterior front light fixtures at front porch and garage with builder grade fixtures. All fixtures are to be same style, with energy efficient LED bulbs.

PRICE: \$1,500.00

LAURA ZIENCIK
11 WHITEHORSE DRIVE
OCEAN PINES, MD 21811
443-235-6017

09-25-2018

TOTAL PRICE: \$35,500.00

SIGNATURE: William C. Hearn, Jr.

PRINTED NAME: WILLIAM C. HEARN, JR.

TITLE: OWNER

COMPANY NAME: SHOREMAN CONSTRUCTION CO., INC.

ADDRESS: 606 E. PINE ST.
OCEAN AR, MD 21875

PHONE NUMBERS: OFFICE: 410-996-3200 CELL: 443-359-095

MHIC#: 5859 EXPIRATION DATE: 10-11-2019

DATE OF PROPOSAL: 11-8-2018

I have reviewed and hereby approve the specifications as written above.

Laura Ziencik 10-15-18
Owner Date



Property of Laura Ziencik
11 White Horse Drive
Berlin, MD 21811
443-235-6017

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

Total Quote: \$ \$ 37,436.00

Date: 11-12-18

[Signature]
Signature

Matt Stepha
Typed Name

Member
Title

Poseidon Plumbing and Home Services, LLC
Company Name

12637 Sunset Ave #1
Address

Ocean City, MD 21842

410-251-1096
Phone Number(s)

5079464 10-12-2019
MHIC License # Expiration Date

12637 Sunset Avenue #1
Ocean City, MD 21842
(410)251-1096

LAURA ZIENCIK
 11 WHITEHORSE DRIVE
 OCEAN PINES, MD 21811
 443-235-6017

09-25-2018

SCOPE OF WORK

A: Remove all roof shingles, felt paper, flashings, drip edge, any water damaged roof sheathing, and guttering. Replace any water damaged roof sheathing with like size plywood sheathing. Install new peel and stick roof underlayment. Install new white, wide aluminum drip edge, as well as new ice and water shield at all valleys and eaves. Install new plumbing vent boots, aluminum wall and step flashing as necessary. Install new thirty year architectural shingles and hip and ridge shingles as necessary. Install new roof ridge venting. Remove old unused gas water heater exhaust pipe at rear of roof, and cover opening with like size roof sheathing. Install new white continuous aluminum gutters and downspouts. Downspouts are to have extensions and splash blocks. Clean up and haul away all construction related debris including fallen and dropped nails.

PRICE: \$12,000.00

B: Remove existing master bathroom fiberglass tub/shower unit. Install new three piece fiberglass tub/shower unit with new builder grade faucet and shower head with diverter assembly. Remove hall bathroom tub/shower faucet and assembly and replace with new builder grade. Replace kitchen refrigerator water supply valve and line. Make necessary connections, and repair any water damaged drywall. Replace range rear right burner. Replace all existing smoke detectors with new mandated 10 year battery life units per County code.

PRICE: \$8,560.00

C: Make all repairs as necessary to interior wall and ceiling drywall due to water entry and or settlement. Paint all wall and ceiling areas where drywall repairs have been made, including the master bathroom. Painting to be two (2) coats Sherwin Williams or equal. Color to match existing as well as possible. Prep and paint front door interior and exterior, color to match existing as close as possible. Remove all interior carpet. Install builder grade laminate with necessary floor trim.

PRICE: \$14,340.00

D: Have garage overhead door adjusted and lubricated for proper operation. Remove existing rear sliding glass door screen door and install new. Replace rear screen porch wooden screen door and replace any damaged screen porch wall screening. Seal all penetration openings in garage walls and ceilings as required for fire proofing. Replace three (3) exterior front light fixtures at front porch and garage with builder grade fixtures. All fixtures are to be same style, with energy efficient LED bulbs.

PRICE: \$2,536.00

Total: \$37,436.00

LAURA ZIENCIK
11 WHITEHORSE DRIVE
OCEAN PINES, MD 21811
443-235-6017

09-25-2018

TOTAL PRICE: 37,436.00

SIGNATURE: [Signature]

PRINTED NAME: Matt Steyer

TITLE: member

COMPANY NAME: Poseidon Plumbing and Home Services, LLC

ADDRESS: 12637 Sunset Ave #1
Ocean City, MD 21842

PHONE NUMBERS: OFFICE: 410-291-1096 CELL: 239-560-2214

MHIC#: 5079464 EXPIRATION DATE: 10-12-2019

DATE OF PROPOSAL: 11-12-2018

I have reviewed and hereby approve the specifications as written above.

[Signature] 10-15-18

Owner Date



Colossal Contractors, Inc.

4601 Sandy Spring Road Burtonsville, Md 20866 • Tel: 301-476-9060 • Fax: 301-476-9064

www.colossalcontractors.com

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

BID FORM

***must be signed to be valid**

**Property of Laura Ziencik
11 White Horse Drive
Berlin, MD 21811**

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

Total Quote : \$ 41,470.00

Date: 11/09/18

Signature	
Juan R. Navarro	
Typed Name	President
Title	Colossal Contractors, Inc.
Company Name	4601 Sandy Spring Rd.
Address	Burtonsville, MD 20866
301-476-9060	
Phone Number(s)	122805 08/09/20
MHIC License #	Expiration Date

**LAURA ZIENCIK
11 WHITEHORSE DRIVE
OCEAN PINES, MD 21811
443-235-6017**

09-25-2018

SCOPE OF WORK

A: Remove all roof shingles, felt paper, flashings, drip edge, any water damaged roof sheathing, and guttering. Replace any water damaged roof sheathing with like size plywood sheathing, install new peel and stick roof underlayment. Install new white, wide aluminum drip edge, as well as new ice and water shield at all valleys and eaves. Install new plumbing vent boots, aluminum wall and step flashing as necessary. Install new thirty year architectural shingles and hip and ridge shingles as necessary. Install new roof ridge venting. Remove old unused gas water heater exhaust pipe at rear of roof, and cover opening with like size roof sheathing. Install new white continuous aluminum gutters and downspouts. Downspouts are to have extensions and splash blocks. Clean up and haul away all construction related debris including fallen and dropped nails.

PRICE: \$14,040.00

B: Remove existing master bathroom fiberglass tub/shower unit. Install new three piece fiberglass tub/shower unit with new builder grade faucet and shower head with diverter assembly. Remove hall bathroom tub/shower faucet and assembly and replace with new builder grade. Replace kitchen refrigerator water supply valve and line. Make necessary connections, and repair any water damaged drywall. Replace range rear right burner. Replace all existing smoke detectors with new mandated 10 year battery life units per County code.

PRICE: \$8,450.00

C: Make all repairs as necessary to interior wall and ceiling drywall due to water entry and or settlement. Paint all wall and ceiling areas where drywall repairs have been made, including the master bathroom. Painting to be two (2) coats Sherwin Williams or equal. Color to match existing as well as possible. Prep and paint front door interior and exterior, color to match existing as close as possible. Remove all interior carpet. Install builder grade laminate with necessary floor trim.

PRICE: \$11,440.00

D: Have garage overhead door adjusted and lubricated for proper operation. Remove existing rear sliding glass door screen door and install new. Replace rear screen porch wooden screen door and replace any damaged screen porch wall screening. Seal all penetration openings in garage walls and ceilings as required for fire proofing. Replace three (3) exterior front light fixtures at front porch and garage with builder grade fixtures. All fixtures are to be same style, with energy efficient LED bulbs.

PRICE: \$7,540.00

**LAURA ZIENCIK
11 WHITEHORSE DRIVE
OCEAN PINES, MD 21811
443-235-6017**

09-25-2018

TOTAL PRICE: \$41,470.00

SIGNATURE: 

PRINTED NAME: Juan R. Navarro

TITLE: President

COMPANY NAME: Colossal Contractors, Inc.

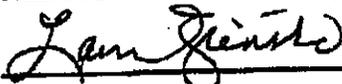
ADDRESS: 4601 Sandy Spring Rd., Burtonsville MD 20866

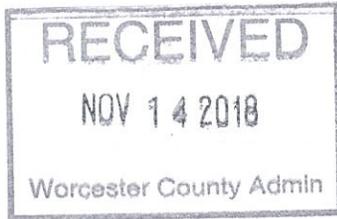
PHONE NUMBERS: OFFICE: 301-476-9060 CELL: 301-476-9060

MHIC#: 122805 EXPIRATION DATE: 08/09/20

DATE OF PROPOSAL: 11/09/18

I have reviewed and hereby approve the specifications as written above.

 10-15-18
 Owner Date



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

2

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Worcester County Commissioners
CC: File
From: Jo Ellen Bynum 
Date: 11/14/2018
Re: Bid Recommendation- Friendship Road

A bid opening was held Tuesday, November 13 for a proposed housing rehabilitation project located in the Berlin area. The only response received for quotes on this project was from Poseidon Plumbing and Home Services in the amount of \$29,402 for the scope of work as written. However, Poseidon has submitted an addendum to the original scope of work which calls for a more extensive clean up due to the environmental hazards presented by waste infiltration under the home. Their bid with this addendum brings the project total to \$41,512 and the company representative has stated that in order for them to proceed with the project they would need approval for the additional services for safety and liability reasons. The addendum includes clearance from Sussex Environmental to ensure the biohazards have been effectively removed. The items outlined in the addendum were not included in the scope of work as placed out for bids as the Program Inspector could not gain complete access to the crawlspace due to the excessive waste material present.

After reviewing this proposal with our inspector, and confirming with the State CDBG Rehabilitation Officer that the receipt of one bid on the project is acceptable, it is my recommendation that the Commissioners accept the bid with addendum from Poseidon Plumbing and Home Services in the amount of \$41,512. A copy of the Competitive Bid Worksheet and contractor bid with addendum are attached for your reference.

Competitive Bid Worksheet

Item: Housing Rehabilitation Projects in Berlin and Ocean Pines - Koltuk Property and Ziencik Property

Bid Deadline/Opening Date: 1:00 P.M., Tuesday, November 13, 2018

Bids Received by deadline = 4

Contractor's Submitting Bids

Colossal Contractors, Inc.
4601 Sandy Spring Road
Burtonsville, MD 20866

Shoreman Construction Co., Inc.
606 East Pine Street
Delmar, MD 21875

Ocean Tower Construction LLC
12905 Coastal Highway
Ocean City, MD 21842

Poseidon Plumbing and Home Services
12637 Sunset Avenue, Suite 1
Ocean City, MD 21842

Soner Koltuk Property
10115 Friendship Road
Berlin, MD 21811

Total Quote

not bidding

not bidding

not bidding

* 29,402

W/Add. * 41,512

Laura Ziencik Property
11 White Horse Drive
Ocean Pines, MD 21811

Total Quote

* 41,470

* 35,500

* 30,546

* 37,436



Property of Soner Koltuk
10115 Friendship Road
Berlin, MD 21811
757-998-9364

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

Total Quote: \$ 29,402.00
w/ Addendum *41,512.00*

Date: 11-12-18

[Signature]
Signature

Matt Steehr
Typed Name

Member
Title

Poseidon Plumbing and Home Services, L
Company Name

12637 sunset Ave #1
Address

Ocean city, MD 21842

410-251-1096
Phone Number(s)

5079464 10-12-2019
MHIC License # Expiration Date

12637 Sunset Avenue #1
Ocean City, MD 21842
(410)251-1096

SONER & TYLER KOLTUK
10115 FRIENDSHIP ROAD
BERLIN, MD 21811
757-998-9364

10-12-18

SCOPE OF WORK

A: Installation of new septic system per Environmental Programs specifications as follows: 260 linear feet of drain field with 2 foot wide trenches. Installation depth of 6 inches (12-18 inch elevated finish grade), dug out 4-4½ feet and backfilled with approved sand. Minimum 1250 gallon septic tank is required. A lift station and pump will be needed and electric work to be included in bid. All plumbing will need to be connected to the new system; washing machine waste water currently runs to the front ditch and sewage odor detected coming from under the house. The old tank located under the rear deck will need to be pumped, crushed and filled. Additionally there is a large hole in the rear of the property that appears to be connected to the current system and will need to be pumped and filled. System is to be properly graded and stabilized with seed and a layer of straw. The permit fee of \$275.00 will need to be submitted. Installer submitting a quote must visit the property; contact Ed Lawson in Environmental Programs with questions on the new septic system specifications.

PRICE: \$15,000.00

B: Remove existing vapor barrier and fallen insulation in the crawlspace. Remove all standing water and any waste line overflow or back up debris. Inspect all waste lines within the crawlspace for leak areas, and make any necessary repairs where any leakage is found. Clean and treat any framing that may have been contacted with septic waste. Install new vapor barrier and R-19 Kraft faced fiberglass insulation after all repairs have been completed. Install new metal, insulated, crawlspace access door.

PRICE: \$10,922.00

C: Remove portion of existing rear deck that currently covers the septic tank, so tank can be emptied, crushed, and filled in. Make repairs as necessary for support and finish of the remainder of the deck, with like size pressure treated framing materials. Galvanized fasteners and hanger brackets installed per Code. Any required new pier footings and beams are to meet existing Code as well. Any and all necessary permits are to be secured by the Contractor.

Addendum: \$23,032.00

PRICE: \$3,480.00

TOTAL PRICE: \$29,402.00 // \$41,512.00

SIGNATURE: [Signature]

PRINTED NAME: Matt Steeh

TITLE: Member

COMPANY NAME: Poseidon Plumbing and Home Services, LLC

ADDRESS: 12637 Sunset Ave #1

Ocean City, MD 21842

PHONE NUMBERS: OFFICE: 410-251-1096 CELL: 239-560-2214

MHC#: 5079464 EXPIRATION DATE: 10-12-2019

DATE OF PROPOSAL: 11-12-18

SONER & TYLER KOLTUK
10115 FRIENDSHIP ROAD
BERLIN, MD 21811
757-998-9364

10-12-18

I have reviewed the preceding specifications and hereby accept them as written.



Owner- Soner Koltuk

10-15-18

Date



**ADDENDUM – SONER & TYLER KOLTUK
10115 FRIENDSHIP ROAD
BERLIN, MD 21811**

The following is Poseidon's protocol / SOP for any sewage loss in a crawlspace. The current scope of work for Section B based on the Worcester county Rehabilitation program dated 10-12-18 for the Koltuks is insufficient in Poseidon's opinion. In order to prevent Health & Safety Issues, as well as potential future litigation, we would need to perform the following scope of work to properly provide a proposal. This scope of work is based on previous projects performed by Poseidon Plumbing & Home Services, LLC that were scoped out and had final clearance from Sue White from Sussex Environmental. A professional Hygienist is highly recommended to provide safety clearance on a project like this.

***Please note that in a sewage loss, it is standard for us to remove all insulation, damaged duct board & flex lines. In this instance, there is at least one missing flex line that is not connected to the collar. In our opinion, this has allowed the particulates from the sewage to migrate into ductwork & flex lines, therefore making them unsalvageable. *** See Photo on Page 3

MITIGATION

1. Supply dumpster on-site
2. Place HEPA filtered air scrubber in crawlspace to collect dusts, debris, etc. during cleaning
3. Remove loose soil and sewage contamination; soil may have to be removed to hard pan to remove all contamination
4. Pull insulation to discard. Seal penetrations into living space and exterior with approved product to separate crawlspace from interior of house and to help dry surfaces
5. Remove all debris, duct board, flex lines, insulation and vapor barrier from the crawlspace.
6. Use dehumidifiers to dry any wet surfaces to normal moisture
7. HEPA vacuum and use approved biocide (Shockwave) to clean surfaces of soils, floor joists, sub floors
8. Use aggressive methods such as sanding or wire brushing to remove any microbial growth from wood surfaces
9. Clean and disinfect soils a second time
10. Run HEPA filtered Air Scrubbers for at least 48 hours after cleaning
11. Call in Sussex Environmental to provide clearance on this project

Poseidon Plumbing & Home Services
12637 Sunset Ave. Suite 1
Ocean City, MD 21842
(410)251-1096



PUTBACK

1. Supply & Install select fill to replace soils that were removed during mitigation
2. Supply & Install new 6mil plastic clear vapor barrier in crawlspace
3. Supply & Install new R-19 Faced fiberglass insulation
4. Ductwork
 - a. Supply and install new galvanized trunk duct
 - b. Seal trunk duct, and wrap with R6 insulation
 - c. Supply & install new R6 insulated flex duct to each register
 - d. Supply & install new R6 insulated return ducts
5. Supply & Install new metal, insulated crawlspace door

Total investment for the proposed work\$23,032.00

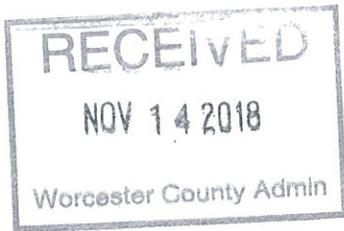
Respectfully
Matthew Stoehr
Poseidon Plumbing & Home Services, LLC

Poseidon Plumbing & Home Services
12637 Sunset Ave. Suite 1
Ocean City, MD 21842
(410)251-1096



Photo showing missing flex line, and damaged duct board

Poseidon Plumbing & Home Services
12637 Sunset Ave. Suite 1
Ocean City, MD 21842
(410)251-1096



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

3

ZONING DIVISION
BUILDING DIVISION
ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

Memorandum

To: Worcester County Commissioners
CC: File
From: Jo Ellen Bynum 
Date: 11/14/2018
Re: Worcester County Housing Rehabilitation Program Bid Package

Attached please find a bid package for rehabilitation work to be performed at a single-family home located in Berlin. This project is proposed to be funded through the County's current CDBG grant, MD-18-CD-21. Please review and approve to be placed out for the County's competitive bidding process.

DRAFT

**NOTICE TO HOME IMPROVEMENT CONTRACTORS
INVITATION TO BID
Housing Rehabilitation
Worcester County, Maryland**

The Worcester County Commissioners are currently accepting bids for rehabilitation work to be performed on a single-family home located in the Ocean Pines area of Worcester County. Bid specification packages and bid forms are available to licensed Maryland Home Improvement Contractors and may be picked up from the Office of the County Commissioners, Worcester County Government Center, One West Market Street - Room 1103, Snow Hill, Maryland 21863, obtained online at www.co.worcester.md.us under the "Bids" drop-down menu in the lower right hand side of the home page, or by calling the Commissioners' Office at 410-632-1194 to request a package by mail.

The projects are proposed to be funded by the Community Development Block Grant (CDBG) Program and are thus subject to all applicable Equal Opportunity and Civil Rights guidelines. **Sealed bids will be accepted until 1:00 p.m. on Monday, December 10, 2018** 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 "**Housing Rehabilitation Bid – December 10, 2018**" in the lower left-hand corner. Bids will be reviewed by staff and awarded by the County Commissioners at a future meeting. In awarding the bids, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities therein, and to take whatever bids they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with County contracts, or any other factors they deem appropriate.

All inquiries regarding the bid specifications shall be directed to the Housing Program Inspector, Dave Walter, at 410-213-2021. All other inquiries shall be directed to Jo Ellen Bynum, Housing Program Administrator, at 410-632-1200, ext. 1171.

WORCESTER COUNTY HOUSING REHABILITATION PROGRAM

GENERAL SPECIFICATIONS

These specifications cover general items of information relating to this bid solicitation. Detailed specifications for the homes to be rehabilitated are attached. Bids will be accepted until 1:00 p.m. on Monday, December 10, 2018 at the Worcester County Commissioners Office, Room 1103, One West Market Street, Snow Hill, Maryland 21863 at which time they will be opened and read aloud. General telephone inquiries may be directed to the County's Housing Consultant, Jo Ellen Bynum, at 410-632-1200, ext. 1171. Questions of a technical nature may be directed to the Program Inspector, Dave Walter, at 410-213-2021. Bids may be mailed or delivered in person. Faxed bids are not acceptable. Bids must be clearly marked "Housing Rehabilitation Bid – December 10, 2018". Each bid must be signed and dated.

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

Completion of job: Contractors are expected to commence work within ten (10) days of the issuance of the Notice To Proceed. Work must be completed within thirty (30) days of commencement of job. If anticipated start date and completion schedule is different than outlined above, please write estimated dates on enclosed Bid Form.

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

Bid Submission Checklist

- Contractor Qualification Form
- Copy of MHIC license
- Contractor Conflict of Interest Disclosure Form
- Bid Form- on your company letterhead using Worcester format
- Scope of Work with Line Item Breakdown- all lines completed and total price
- Signed Bid Submission Checklist

Signature

Date

Please check off items submitted above, sign and include this checklist with your submission package. If you have any questions as to if a previously submitted Contractor Qualification Form has expired, please contact Jo Ellen Bynum at 410-632-1200, ext. 1171. Bids submitted with no Contractor Qualification form on file dated within the past 6 months may not be considered.

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

Contractor _____

Address _____

Phone Number _____

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

Insurance Company, Agent, & Coverages: _____

List of Company Officers: _____

List of Licenses Currently Held:

_____ MHIC Number _____ Exp. Date

_____ MBR Number _____ Exp. Date

_____ MDE Lead Cert. _____ Exp. Date

_____ EPA Lead Cert. _____ Exp. Date

Trade References (2)

_____ Name _____ Phone

_____ Name _____ Phone

Client References (2)

_____ Name _____ Phone

_____ Name _____ Phone

Is contractor in a State of Bankruptcy? _____ Yes _____ No

Is contractor on HUD's debarred list? _____ Yes _____ No

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

_____ Minority Business Enterprise

_____ Women's Business Enterprise

_____ Disadvantaged Business Enterprise

_____ Section 3 Employer

Contractor Conflict of Interest Disclosure

All businesses submitting bids for projects and activities which include funding through the Maryland Community Development Block Grant Program must disclose any potential conflict of interest. A conflict of interest may occur if the business owner/principals are related to or have a business relationship with an employee, officer or elected official of **Worcester County**. If it is determined there is a conflict of interest or potential conflict of interest, you may not be selected even if your bid is determined to be the lowest, most qualified. The **County** can request for the State of Maryland CDBG Program to review and make a determination which could result in a waiver allowing for approval.

1. Are owner(s)/principal(s) ever been an employee, agent, consultant, officer, elected official or appointed official of _____? Yes No
If yes, please identify: _____

2. Are owner(s)/principal(s) related (including through marriage or domestic partnership) to an employee, agent, consultant, officer, elected or appointed official of _____? Yes No If yes, please identify: _____

3. Do owner(s)/principal(s) have a business or professional relationship with anyone identified under Question #1? Yes No
If yes, please identify: _____

I/We certify that the above information is true and correct. I/We understand that providing false statements or information is grounds for termination of assistance and is punishable under federal law.

Signed: _____

Date: _____

Name: _____ (Print)

Signed: _____

Date: _____

Name: _____ (Print)

**For all non-construction contracts and for single family housing rehabilitation only
9/2017*

For Grantee Use Only:

CDBG Grant Number: _____	Date Received: _____
<input type="checkbox"/> Conflict of Interest does not exist <input type="checkbox"/> Conflict of Interest exists	
Date Sent to State: _____	<input type="checkbox"/> Waiver Granted <input type="checkbox"/> Waiver Denied

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

PROPERTY OF: **Richard Grisbach**
ADDRESS: **97 Martinique Circle**
Berlin, MD 21811
TELEPHONE: **443-397-4383**

TOTAL QUOTE: _____

CONTRACTOR: _____ DATE: _____
NO QUOTATIONS AFTER: 12/10/18

PART ONE: GENERAL CONDITIONS
PART TWO: SCOPE OF WORK

PART ONE – GENERAL CONDITIONS

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

required for substitutions or additions to the original scope of work not involving additional costs.

- 8) The Contractor shall obtain and pay for all building, plumbing, electrical, well, septic and other permits required for specified work.
- 9) The Contractor shall call for all inspections required by County law as well as inspections to receive draw payments and any special inspections required by the Program Inspector. All work shall conform to code.
- 10) All of the above general conditions shall be adhered to unless otherwise specifically described in the following scope of work.

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

BID FORM

***must be signed to be valid**

**Property of Richard Grisbach
97 Martinique Circle
Berlin, MD 21811**

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

Total Quote : \$ _____

Date: _____

Signature

Typed Name

Title

Company Name

Address

Phone Number(s)

MHIC License # Expiration Date

SCOPE OF WORK

A: Prune and or trim any tree limbs and or plantings that are touching the roof or house siding. Remove all existing roof shingles, flashings, drip edge, roof fan, and any water damaged roof sheathing. Replace any water damaged roof sheathing with like sized sheathing. Install new peel and stick roof underlayment. Install white, wide aluminum drip edge, as well as new ice and water shield at all valleys and eaves. Install new plumbing vent boots, aluminum wall and step flashings as necessary. Install new thirty year architectural shingles and hip and ridge shingles as necessary. Install new roof ridge venting. Install new roof attic fan with thermostat control. Clean up and haul away all construction related debris including fallen and dropped roofing nails.

PRICE: _____

B: Obtain a plumbing permit for required repairs. Remove all existing water system polybutylene supply lines. Replace all water supply lines with CPVC water piping. Remove hall bathroom toilet. A new tall and elongated, builder grade toilet, with new seat, is to be installed. Toilet, with new shut off valve to be installed after floor repairs as noted are completed, with new wax ring seal. Install new ½ horse power, builder grade disposal. Install new exterior frost free, hose bibb. Vent dryer to exterior with metal ducting and exterior vent hood. Repair vinyl soffit at left side gable area.

PRICE: _____

C: Replace all existing smoke detectors with mandated 10 year battery life units per current County Code. Have existing electrical panel inspected by qualified electrician due to age, and make any necessary repairs or corrections. Install three (3) GFCI wall outlets in kitchen and bathrooms. The kitchen GFCI is to be interconnected, to any other wall outlets in proximity to kitchen sink per Code. Remove hall bathroom finish flooring and any water damaged subflooring. Install new ¾ inch subflooring where water damaged sub flooring was removed. Install new builder grade vinyl sheet goods over ¼ inch underlayment. Replace hall bathroom door with lauan door and new lockset to match existing as close as possible.

PRICE: _____

D: Pump out all standing water in crawlspace. Remove all existing crawlspace floor insulation, vapor barrier, and debris. Have the crawlspace inspected by a qualified mold remediation company, and any abatement completed as necessary. Have crawlspace inspected for possible termite activity, and serviced as necessary. Sister in new floor joists where there are existing water damaged joists, after any required fungi growth treatment is completed. Install new metal insulated, crawlspace access door, seal all foundation vents, and install a dehumidifier with condensation line to the exterior by gravity, or by pump if necessary. After

RICHARD GRISBACH
97 MARTINIQUE CIRCLE
OCEAN PINES, MD 21811
443-397-4383

09-24-2018
Revised 10/29/18

all abatements completed, install new R-19 Kraft faced fiberglass batt floor insulation and 6 mil poly vapor barrier. Remove all construction related debris.

PRICE: _____

E: Remove existing A/C system, including all ductwork. Install new builder grade, energy star, minimum 16 Seer, heat pump system, with a programmable thermostat. System to be designed to meet the requirements in accordance with the ACCA's manual J or other recognized methodology, and be capable of heating the interior to 78 F when exterior temperature is 0 degrees F. Data for heat load/loss calculations shall be based on post rehabilitation conditions. All ductwork is to be supported, sealed with mastic and insulated in unconditioned areas, minimum, 20 year life.

PRICE: _____

F: Remove existing stack washer and dryer in kitchen closet, units to be reinstalled after flooring replacement. Remove the vinyl flooring and underlayment in the kitchen area and kitchen closet. If the finish flooring and underlayment directly under the water heater are sound, leave it and make a clean square cut and bring new underlayment and finish flooring to it. Install new ¼ inch lauan underlayment, fill and smooth all joints. Install medium grade vinyl sheet finish flooring per manufacturer's installation instructions. Install shoe moulding at base of kitchen cabinets and at all wall junctions. Shoe moulding to be stained or painted to match exiting trim.

PRICE: _____

TOTAL PRICE: _____
SIGNATURE: _____
PRINTED NAME: _____
TITLE: _____
COMPANY NAME: _____
ADDRESS: _____
PHONE NUMBERS: OFFICE: _____ CELL: _____
MHIC#: _____ EXPIRATION DATE: _____
DATE OF PROPOSAL: _____

I have reviewed the above specifications and hereby accept them as written.


Owner
11-5-18
Date

REHABILITATION

AIM Services, Inc.
Attn: Steve Coady
2314 Allen Drive
Salisbury, MD 21801
scoady@aimservicesinc.com
443-859-8009

Allstate Renovation & New Homes, Inc.
Leo Kuneman
PO. Box 303
Trappe, MD 21673
allstaterenovation@yahoo.com
443-880-2257

Apex Construction
Attn: Mike Meade
12650 Sunset Avenue, Suite 7
Ocean City, MD 21842
m.meadeestimator@gmail.com
jjfranzetti@gmail.com

Barmar Construction, LLC
714 Hills Point Road
Cambridge, MD 21613
410-901-2304
barmarconstruct@aol.com

Beach Construction Company 10/23/18
11555 Quillin Way
Berlin, MD 21811
443-880-3473
410-641-8590
beachcoeast@gmail.com

Robert Brooks MBE 8/10/18
Apostle Expert Exteriors
P.O. Box 485
Salisbury, MD 21803
410-548-1392, ext. 107
rbrooks.apostlecon@gmail.com

CONTRACTORS

C.A.R.E. Property Services, Inc.
Attn: Jordan Lehr
1235 Abbottstown Pike
Hanover, PA 17331 (has office in OC
too) 717-437-1649
jlehr@callcarefirst.com

Covenant Contractors
10522 Jones Road
Berlin, MD 21811
covenant_contractors@yahoo.com
410-629-1815

Colossal Contractors
Attn: Kim Crawford
4601 Sandy Spring Road
Burtonsville, MD 20866
301-476-9060
info@colossalcontrators.com

Curtis Mercer Remodeling, Inc.
9937 Hotel Road
Bishopville, MD 21813
410-352-5379
410-430-3446 cell
410-352-5920 fax
cmremodelinginc@hotmail.com

Barone Built, Inc.
David Barone
27320 Cash Corner Road
Crisfield, MD 21817
easternshoreconstructioninc@gmail.com
410-713-5763 cell
410-341-7400 office
410-341-7401 fax

Hebreux St. Fleur- MBE
P.O. Box 4501
Salisbury, MD 21803
hebrewqualityinsulation@gmail.com
410-860-1613

Poseidon Plumbing & Home Services
12637 Sunset Avenue #1
Ocean City, MD 21842
410-251-1096
matts@poseidonhomeservices.com

Andy Argetakis
J.A. Argetakis Contracting Co., Inc.
3723 Eastern Avenue, Baltimore, MD
21224
jcatanzaro.jaargetakis@verizon.net
P:410-633-8016/F:410-633-6010

Peoples Contracting Co., Inc.
76 Clubhouse Drive
Berlin, MD 21811

J & G Maintenance & Repair
10446 Dinges Road
Berlin, MD 21811
jwbunt@comcast.net
Cell 410-726-1611
Fax 410-641-0776

Shoreman Construction
William Hearn
606 E. Pine St.
Delmar, MD 21875
shoremanconstruction@gmail.com
Phone: 410-896-3200
Fax: Same

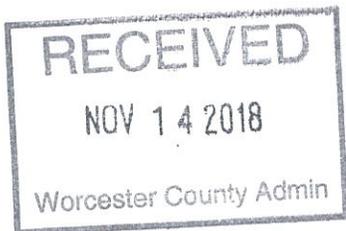
Mallard Home Improvements
P.O. Box 28
Quantico, MD 21856
mallardconst@yahoo.com
410-572-2727

Three Guys Construction
Stephen Frey
8660 Lake Somerset Rd.
Westover, MD 21871
sgfrey@yahoo.com
Phone: 410-430-1109
Mobile:
Fax: 410-957-2868

Medli Home Improvement
1806 Jersey Road
Salisbury, MD 21801
medlihome@comcast.net
302-841-2899

The Myers Group
1147 S. Salisbury Blvd #8-140
Salisbury, MD 21801
443-366-9222
Fax: 410-572-6081 left message
themyersgroupllc@aol.com

Ocean Tower Construction, LLC
Oleg Shakirov
12905 Coastal Highway
Ocean City, MD 21842
443-366-5556
oceantower9@usa.com



DONNA J. BOUNDS
WARDEN



Worcester County Jail

P.O. BOX 189
SNOW HILL, MARYLAND
21863

TEL: 410-632-1300
FAX: 410-632-3002

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QUINTIN L. DENNIS
SECURITY

FULTON W. HOLLAND JR.
CLASSIFICATION

November 14, 2018

Harold Higgins, Chief Administrative Officer
Worcester County Administration
Room 1103 Government Center
One West Market Street
Snow Hill, MD 21863

Greetings Mr. Higgins –

I am submitting this letter to advise you of the potential overage in the budget category Building Maintenance Repairs (100.1103.6550.090) for current FY19. In August of 2018, the jail sewer system was damaged by an inmate/detainee who flushed a sheet down the toilet. The sheet was embedded inside of the sewer pump and caused the pump to burn up and fail. In order to repair the sewer station Chesapeake Environmental Services was contacted to assist with the repair for a confined space entry. The total cost of repairs, to include the purchase of a new sewer pump and the invoices for Chesapeake Environmental Services and TK Construction, Inc. totaled \$9939.32.

In order to prevent future issues with the trash the inmate/detainee population flushes into the system, we have used Worcester County Waste Water's vacuum truck to attempt to remove excess trash. I spoke with John Ross and his recommendation is to use Chesapeake Environmental Services going forward as their equipment is better suited to handle the large amount of trash removed from the sewer station. Chesapeake Environmental Services has proposed a schedule to remove the excess trash on a 3 month basis at an expected cost of \$1450 per removal. I anticipate using Chesapeake Environmental Services at least 3 times before the end of June 2019. For FY20 I will be increasing this category to include the removal of excess trash from the sewer station to assist in the maintenance of the sewer pumps. Please contact me if you have any questions.

Sincerely,

Donna J. Bounds, Warden
Worcester County Jail

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



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

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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND
21863-1195

October 24, 2018

FAXED
10/24/18 @ 4:45pm

TO: *The Daily Times Group and The Ocean City Today Group*
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
SUBJECT: Worcester County Requested Capital Improvement Plan for FY 2020 through FY 2024

Please print the attached notice as a display ad at the legal advertising rates per our agreement in *The Daily Times/Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today* on November 1, 2018 and November 15, 2018. Please make the advertisement approximately 3 columns wide with a prominent border and place the ad in a part of the newspaper other than the legal ads. Thank you.

Notice of Public Hearing
REQUESTED Five-Year Capital Improvement Plan
FY 2020 through FY 2024
Worcester County, Maryland

The Worcester County Commissioners will conduct a public hearing on the REQUESTED Five-Year Capital Improvement Plan (CIP) for fiscal year (FY) 2020 through FY2024. The CIP is a planning document the County will use in preparing future operating budgets, to anticipate future financial needs of the County and to identify possible funding resources. Inclusion of a project in the CIP does not constitute a guarantee of funding from the County. Some capital projects will be added, deleted and/or amended as necessary. As with the Operating Budget, the projects for each fund have to be balanced with the resources available in that fund. Copies of the Worcester County REQUESTED Capital Improvement Plan for FY2020 through FY2024 summary may be obtained from the Worcester County Administration Office, Room 1103 - Government Center, One West Market Street, Snow Hill, Maryland 21863 or online at www.co.worcester.md.us. For additional information, please contact the County Administration Office at (410) 632-1194.

The public hearing will be held on:

Tuesday, November 20, 2018
at 10:10 A.M.
in the
County Commissioners Meeting Room
Room 1101 - Government Center
One West Market Street
Snow Hill, Maryland 21863



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

OFFICE OF THE
COUNTY COMMISSIONERS

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

October 17, 2018

TO: Harold Higgins, Chief Administrative Officer
Worcester County Commissioners

FROM: Kim Reynolds, Senior Budget Accountant

RE: “REQUESTED” Capital Improvement Plan FY2020 through FY2024

Please find attached, the Requested Fiscal Year 2020 through Fiscal Year 2024 Five-Year Capital Improvement Plan. The Plan Summary by Category indicates projects totaling \$91,867,085 are requested over the five-year period. Of these projects, \$7,927,492 or 8.63% is proposed to come from the General Fund and \$53,418,101 or 58.15% from general bond funds. The remaining portion would come from user fees, grant funds, state match funds, state loans, assigned funds and enterprise bonds. Public School projects have been included in the Capital Improvement Plan.

We would ask you to assess the requests for FY2020 to see if there are items in the plan that the County should review. The FY2020 General Fund request is \$1,500,000 or 4% and General Bonds total \$22,672,464 or 64% of the capital outlays. The Bond Rating Agencies look closely at the Capital Improvement Plan as a financial planning tool for the County.

Administration would like to propose a public hearing be held on the requested capital improvement plan on November 20, 2018. Should you have any questions please do not hesitate to contact me.

APPROVED
Worcester County Commissioners
Date HH 10/23/18

REQUESTED PLAN SUMMARY BY CATEGORY

10/16/2018

WORCESTER COUNTY
 FIVE YEAR CAPITAL IMPROVEMENT PLAN
 FY 2020 to FY 2024 Project Summary

Project Category	2020	2021	2022	2023	2024	Five Year Project Cost Total	Five Year % to Total Costs	Actual Prior Years	Balance to Complete *	Total Project Cost
General Government	250,000	2,500,000	0	550,000	0	3,300,000	3.59%	0	0	3,300,000
Public Safety	500,000	5,500,710	3,800,710	0	0	9,801,420	10.67%	3,500,000	0	13,301,420
Public Works	7,995,000	6,735,000	4,680,000	2,700,000	1,600,000	23,710,000	25.81%	1,116,000	0	24,826,000
Public Schools	26,756,519	10,027,637	7,690,062	5,461,370	2,553,000	52,488,588	57.14%	12,731,756	879,000	66,099,344
Community College	0	197,492	2,279,610	89,975	0	2,567,077	2.79%	0	0	2,567,077
TOTAL	35,501,519	24,960,839	18,450,382	8,801,345	4,153,000	91,867,085	100.00%	17,347,756	879,000	110,093,841

Source of Funds	2020	2021	2022	2023	2024	Five Year Project Cost Total	Five Year % to Total Costs	Actual Prior Years	Balance to Complete	Total Project Cost
General Fund	1,500,000	1,697,492	1,653,000	1,577,000	1,500,000	7,927,492	8.63%	1,016,000	0	8,943,492
User Fees	865,000	765,000	0	0	0	1,630,000	1.77%	0	0	1,630,000
Grant Funds	865,000	1,560,000	1,215,000	600,000	50,000	4,290,000	4.67%	50,000	0	4,340,000
State Match	5,285,000	1,250,000	3,650,000	1,906,000	831,000	12,922,000	14.07%	4,336,000	0	17,258,000
State Loan	815,000	960,000	15,000	0	0	1,790,000	1.95%	50,000	0	1,840,000
Assigned Funds	2,549,055	1,565,437	0	275,000	0	4,389,492	4.78%	5,858,188	0	10,247,680
Private Donation	0	0	0	0	0	0	0.00%	0	0	0
Enterprise Bonds	950,000	1,950,000	1,950,000	600,000	50,000	5,500,000	5.99%	0	0	5,500,000
General Bonds	22,672,464	15,212,910	9,967,382	3,843,345	1,722,000	53,418,101	58.15%	6,037,568	879,000	60,334,669
TOTAL	35,501,519	24,960,839	18,450,382	8,801,345	4,153,000	91,867,085	100.00%	17,347,756	879,000	110,093,841

* Balance to Complete - Years FY2025 and future

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**FY 2020 TO FY 2024 SUMMARY BY PROJECT
REQUESTED**

10/16/2018

**WORCESTER COUNTY
FIVE YEAR CAPITAL IMPROVEMENT PLAN**

	FY2020	FY2021	FY2022	FY2023	FY2024	Prior Allocation	Balance To Complete	TOTAL
General Government Facilities								
Pocomoke Library Building Improvements	250,000	2,500,000						2,750,000
Snow Hill Library Building Improvements				550,000				550,000
Total General Government Facilities	250,000	2,500,000	0	550,000	0	0	0	3,300,000
Public Safety								
Worcester County Jail Improvement Project	500,000	5,500,710	3,800,710	0	0	3,500,000		13,301,420
Total	500,000	5,500,710	3,800,710	0	0	3,500,000	0	13,301,420
Public Works								
Asphalt Overlay/Pavement Preservation of Roads	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,000,000		8,500,000
Bridge Replacement -Bayside Road Bridge	3,000,000					16,000		3,016,000
Water Wastewater								
Mystic Harbour Wastewater Plant Expansion	100,000	1,200,000	2,400,000	1,200,000	100,000			5,000,000
Newark Spray Irrigation	1,000,000	940,000				100,000		2,040,000
Lewis Road Sewer Extension	630,000	980,000	30,000					1,640,000
Ocean Pines Service Area Upgrades	900,000	1,350,000	750,000					3,000,000
Solid Waste								
Landfill Admin Scale Bldg Renovation & Addition	865,000	765,000						1,630,000
Total Public Works	7,995,000	6,735,000	4,680,000	2,700,000	1,600,000	1,116,000	0	24,826,000

FY 2020 TO FY 2024 SUMMARY BY PROJECT
REQUESTED

10/16/2018

WORCESTER COUNTY
FIVE YEAR CAPITAL IMPROVEMENT PLAN

Public Schools	FY2020	FY2021	FY2022	FY2023	FY2024	Prior Allocation	Balance To Complete	TOTAL
Showell Elementary School Replacement	25,723,464	9,712,200				12,116,756		47,552,420
Stephen Decatur High School - Turf Field	785,000					615,000		1,400,000
Stephen Decatur Middle School Addition	131,055	315,437	5,005,062	3,753,370				9,204,924
Pocomoke Middle School - Roof Replacement	117,000		2,532,000					2,649,000
Snow Hill Middle/Cedar Chapel School - Roof Replace			153,000	1,631,000	1,722,000			3,506,000
Pocomoke Elementary School - Roof Replacement				77,000	831,000		879,000	1,787,000
Total Public Schools	26,756,519	10,027,637	7,690,062	5,461,370	2,553,000	12,731,756	879,000	66,099,344
Wor-Wic Community College								
Wor-Wic Applied Technology Building		197,492	2,279,610	89,975				2,567,077
Total Wor-Wic	0	197,492	2,279,610	89,975	0	0	0	2,567,077

CAPITAL PROJECT SUMMARY - BY SOURCE OF FUNDS

Source of Funds	FY2020	FY2021	FY2022	FY2023	FY2024	Prior Allocation	Balance to Complete	TOTAL
General Fund	1,500,000	1,697,492	1,653,000	1,577,000	1,500,000	1,016,000		8,943,492
User Fees	865,000	765,000						1,630,000
Grant Funds	865,000	1,560,000	1,215,000	600,000	50,000	50,000		4,340,000
State Match	5,285,000	1,250,000	3,650,000	1,906,000	831,000	4,336,000		17,258,000
State Loan	815,000	960,000	15,000			50,000		1,840,000
Assigned Funds	2,549,055	1,565,437		275,000		5,858,188		10,247,680
Private Donation								0
Enterprise Bonds	950,000	1,950,000	1,950,000	600,000	50,000			5,500,000
General Bonds	22,672,464	15,212,910	9,967,382	3,843,345	1,722,000	6,037,568	879,000	60,334,669
TOTAL	35,501,519	24,960,839	18,450,382	8,801,345	4,153,000	17,347,756	879,000	110,093,841

Project: Pocomoke Library Building Improvements

Dept Head, Title & Phone #: Jennifer Ranck, Library Director, 410-632-2600

Project Summary: Pocomoke Library Building Improvements

Purpose: Replace roof, air conditioning unit and flooring; make energy improvements to plumbing and lighting systems; reallocate space to improve building functionality and staff visibility; construct 4,000 SF addition

Location: Pocomoke Library, 301 Market Street, Pocomoke, Maryland

Impacts on General Fund Operating, Personnel or Maintenance: No impact to personnel; operating and maintenance costs should decrease with more efficient equipment

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	250,000							250,000
Land Acquisition								0
Site Work								0
Construction		2,300,000						2,300,000
Equipment/Furnishings		200,000						200,000
Other								0
EXPENDITURES								

TOTAL	250,000	2,500,000	0	0	0	0	0	2,750,000
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match	125,000	1,250,000						1,375,000
State Loan								0
Assigned Funds	125,000	1,250,000						1,375,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
								0
								0

TOTAL	250,000	2,500,000	0	0	0	0	0	2,750,000
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PROJECTED OPERATING IMPACTS	0	200,000	0	0	0			
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Project: Pocomoke Library Building Improvements

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

Worcester County Library completed a Facilities Master Plan in 2013. The Berlin Branch Library replacement project was identified as the first priority; building improvements to the Pocomoke Branch Library were identified as the second priority. The Pocomoke Branch opened in 1970 with an addition constructed in 2004. The addition provided much needed space but much of the library's furniture and shelving was re-used and many of building systems are in need of replacement. This project will address the following problems: 1) the lack of flexible space for collaborative work for patrons and staff; 2) the need for upgraded electrical and data systems; 3) the need for upgraded heating, ventilation, air conditioning and lighting; 4) roof and window replacement; and 5) accessibility issues.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

The residents and visitors to Pocomoke City and the surrounding areas will benefit from this project. Many of the building's systems are nearing the "end of useful life" and replacement equipment will help maintain proper temperatures, improve lighting, and reduce the library's overall energy use. New flooring and furnishings will improve overall functionality and enable the library to reallocate collection space, create a dedicated young adult space, reconfigure staff area, and revise public service desk. Adjacent to the children's area, the lack of separation limits the use of the YA section. Due to space and wiring constraints, the library's 3D printer is housed on the other side of the building. Lack of programming space within the collection spaces limit the kinds of programs and equipment that the library can offer. The branch is often the recipient of discarded furniture. The mix of hodgepodge shelving negatively affects the overall character and layout of the branch. Library staff are continually weeding and shifting collections due to lack of space. The library would like to purchase additional non-fiction picture books for the Children's area to support Common Core curriculum but there is no room to expand library collections. Dated HVAC equipment has failed five times this past year. The circulation desk is crowded and there is little room to store held items and interlibrary loan materials for customers. The staff office and staff kitchen also serve as storage spaces. Many library operations must take place at the circulation desk in between assisting customers and checking out materials. The circulation desk is not accessible for those in wheelchairs and obstructs flow for all users. A more welcoming desk would improve the patron experience. A renovated and larger building will enable the library to create inspiring and defined spaces that will facilitate greater and higher quality use by its visitors. The addition of quiet study and the possibility of a small conference room will expand the types of activities that can take place in the library. Additional places for visitors to plug in their own devices will enable users to research, complete online classes, and communicate in a more comfortable setting. New shelving will allow for the print collections to be displayed in a functional manner and easier to access by all patrons. The library will increase aisle widths to 42" to meet ADA preferred guidelines. The projected increase for library use is 15%. A well-designed staff area will increase productivity and staff morale. Efficient electrical and data communications systems will modernize technology for now and future reconfiguration. The library will also strive to minimize its environmental footprint and will explore the opportunities to use sustainable building materials, incorporate natural light to reduce energy costs, and other design elements that are cost effective and environmentally friendly. The library is central to the Pocomoke community and serves as the cultural and learning center. The space, if renovated and expanded, will support modern usage and technology and enable the library to meet the needs of the current and evolving community.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Preliminary estimates were calculated in May 2018 by The Design Group. Engineering/Design fees (\$250,000); Construction costs (\$2,300,000); new furnishings and equipment (\$200,000).

Project: Pocomoke Library Building Improvements

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This project was first requested in FY 2019 and has been expanded to include a 4,000 SF addition. The library is currently in pre-design to determine if 4,000 SF is needed or space reallocation can help reduce the size of the overall expansion. The library will apply for state funding through the Public Library Capital Grant program.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project is necessary but not time critical, although some building systems are at the end of their life cycle. Building improvements should lower ongoing operating costs.

Project: Snow Hill Library Building Improvements

Dept Head, Title & Phone #: Jennifer Ranck, Library Director, 410-632-2600

Project Summary: Snow Hill Library Building Improvements

Purpose: Replace HVAC system and make energy improvements to plumbing and lighting systems

Location: Snow Hill Library, 307 N. Washington Street, Snow Hill, Maryland

Impacts on General Fund Operating, Personnel or Maintenance: No impact to personnel; operating and maintenance costs should decrease with more efficient equipment

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design				50,000				50,000
Land Acquisition								0
Site Work								0
Construction				500,000				500,000
Equipment/Furnishings								0
Other								0
EXPENDITURES								

TOTAL	0	0	0	550,000		0	0	550,000
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match				275,000				275,000
State Loan								0
Assigned Funds				275,000				275,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
								0
								0

TOTAL	0	0	0	550,000	0	0	0	550,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Snow Hill Library Building Improvements

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

Worcester County Library completed a Facilities Master Plan in 2013. Building improvements to the Snow Hill Branch Library were identified as the third priority after the Berlin Branch Library replacement project and building improvements to the Pocomoke Branch Library. The Snow Hill branch was built in 1974 and is in good shape architecturally but the building's mechanical systems are in need of replacement. Some of the lighting has been upgraded, but improvements are needed in the staff areas and meeting room. The building's plumbing, including domestic water heater and restroom fixtures, need to be upgraded as well.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

The residents and visitors to Snow Hill and the surrounding areas will benefit from this project. The Snow Hill branch houses the library's Worcester Room which contains the local history collection and includes some unique and one-of-a-kind items. Replacing the HVAC will help maintain proper will help preserve those items. Improvements made to the lighting and plumbing will reduce the library's overall energy use.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Preliminary estimates were calculated in 2012 by Entech Engineers. Figures have been adjusted, using the Berlin library project as a recent comparison. Engineering/Design fees (\$50,000); HVAC replacement (including air handling units, circulating pumps, and controls (\$275,000); plumbing and lighting improvements (\$225,000).

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This project was first submitted last year (FY 2019) and has been requested for approval in the FY 2023 budget. The library will apply for a matching grant Library Capital Grant program through the Maryland State Library.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project is necessary but not time critical. Building improvements should lower ongoing operating costs.

Project: Jail Improvements (Split Phase)

Dept Head, Title & Phone #: Donna Bounds, Warden, 410-632-1300

Project Summary: This project is being implemented in multiple phases. Phase 1 includes the replacement of high priority aging infrastructure equipment including electrical switchgear, generator, kitchen HVAC, corridor HVAC, gymnasium HVAC, laundry ventilation, services rooms HVAC, duct work, piping, pumps, and controls with the modern and more efficient equipment that will utilize the existing hot water boilers for the heating and cooling systems for select locations. Phase 2 includes equipment for the original and work release housing facilities, roofing replacement and infrastructure including piping and safety systems.

Purpose: This project is intended to replace infrastructure equipment based on priorities of need and intended to mitigate future operational outages and disruptions.

Location: The project is located just off Route 113 at the intersection of Bay Street and Joyner Road - Worcester County, Snow Hill, Maryland. Worcester County Jail, 5022 Joyner Road, Snow Hill, MD 21863.

Impacts on General Fund Operating, Personnel or Maintenance: This project does not increase the number of employees required at the Worcester County Jail. Upon completion, this project will result in increased efficiency of the building systems replaced. This project will also result in the reduction of maintenance costs associated with the upkeep of the current 30 yr old system components. Additionally, the project will increase energy costs and will only require (1) computer to control the system. This project will incur a one-time cost of the labor and equipment replacement during each phase.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	500,000	150,000	100,000			325,000		1,075,000
Land Acquisition								0
Site Work								0
Construction		5,350,710	3,700,710			2,000,000		11,051,420
Equipment/Furnishings						950,000		950,000
Other						225,000		225,000
EXPENDITURES								

TOTAL	500,000	5,500,710	3,800,710	0	0	3,500,000	0	13,301,420
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds						3,500,000		3,500,000
Private Donation								0
Enterprise Bonds								0
General Bonds	500,000	5,500,710	3,800,710					9,801,420
								0
								0

TOTAL	500,000	5,500,710	3,800,710	0	0	3,500,000	0	13,301,420
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Jail Improvements (Split Phase)

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

The project scope was determined by the HVAC and supporting Electrical Engineering Study/Feasibility Analysis completed by Gipe Associates. Equipment failures during the winter 2016-2017 have escalated the need for replacement of equipment based on operational priority separated as phase 1 and included in the prior allocation funding estimate above. Therefore the project has been split to multiple years beginning FY 18.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

The County saves money by replacing a 30 year old system with a newer, more efficient system components. Original equipment is 35 years old, failing and inefficient by current standards. If this project is not funded, or if it is delayed, the County will continue to pay high maintenance costs and fund emergency repairs.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

The cost estimate was developed by Gipe Associates engineering study. The current funding request was developed by priority determination of systems which upon failure disrupt facility operations. An inflationary adjustment of 3% was applied to the 2014 study estimates.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The original request based on engineering assessment of the entire facility has not been funded. Recent equipment failures and emergency repairs have resulted in a smaller scope plan phase 1 to address facility systems based on functional loss of use impact prioritization. The current request is \$2,500,000 (FY 18 and FY 19) for limited scope. Future estimates include the escalated balance from the original 2014 engineering study.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded? If not completed antiquated equipment will continue to fail, cause the need for emergency repairs and operational disruptions which is more costly than addressing the issues on a planned basis.

Project: Asphalt Overlay/Pavement Preservation of County Roads

Dept Head, Title & Phone #: John H. Tustin, P.E., Public Works Director, 410-632-5623

Project Summary: Asphalt overlay and pavement preservation of County Roads.

Purpose: To preserve and maintain the condition of roads within Worcester County.

Location: Various roads throughout Worcester County.

Impacts on General Fund Operating, Personnel or Maintenance: In FY10 the Highway User Revenue was cut significantly; therefore, the General Fund has been funding the costs of our paving projects. The Highway User Revenue has not been restored to previous allocations which means the General Fund will have to continue to fund our paving projects. This does put a strain on the County's General Fund budget.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design								0
Land Acquisition								0
Site Work								0
Construction	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,000,000		8,500,000
Equipment/Furnishings								0
Other								0
EXPENDITURES								

TOTAL	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,000,000	0	8,500,000
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SOURCES OF FUNDS								
General Fund	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,000,000		8,500,000
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
								0
								0

TOTAL	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,000,000	0	8,500,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Asphalt Overlay/Pavement Preservation of County Roads

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this mandated by Federal Law?

To preserve and maintain the roads within Worcester County to allow for safe travel. It is not mandated by State or Federal Law. We do receive Highway User Revenue funds to cover transportation costs; however, this allocation has been significantly reduced since FY10.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

This would benefit the County in general since the project covers all roads maintained by the County. Delay and discontinued funding will enhance deterioration of roads leading to unsafe vehicular travel. This could ultimately result in major road repairs leading to a more costly alternative than simply preserving the road.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Estimate is based on paving projects prior to HUR funding cuts. Although our estimate is higher than previous funding, we feel that the roads in Worcester County are in need of more preservation and maintenance. The additional funding would result in a regular schedule of surface treatment and overlays which would provide safer transportation for vehicular traffic.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

N/A

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

It is vital to continue to preserve and maintain our County Roads. By addressing the road maintenance/resurfacing issues now it will avoid costly repair in the future. If not continued it can lead to a more significant impact not only financially, but as a safety issue for the traveling public.

Project: Bridge Replacement - Bayside Road Bridge - WO203

Dept Head, Title & Phone #: John H. Tustin, P.E., Public Works Director, 410-632-5623

Project Summary: Bridge Replacement

Purpose: To preserve and maintain bridges within Worcester County.

Location: Bayside Road Bridge over Paw Paw Creek

Impacts on General Fund Operating, Personnel or Maintenance: Bridge replacements are typically funded using State Aid and the County General Fund. State Aid covers 80% of the cost, while the County pays 20%. When budgeting for a bridge replacement project, the County budgets 100% of the total cost of the project then submits at the end of the project a reimbursement for 80% from State Aid. Due to several bridge replacements over the last couple of years, the balance available in State Aid has decreased significantly. We do not have sufficient funds in our State Aid to make the 80/20 split.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design						16,000		16,000
Land Acquisition								0
Site Work								0
Construction	3,000,000							3,000,000
Equipment/Furnishings								0
Other								0
EXPENDITURES								

TOTAL	3,000,000	0	0	0	0	16,000	0	3,016,000
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SOURCES OF FUNDS								
General Fund						16,000		16,000
User Fees								0
Grant Funds								0
State Match	824,000							824,000
State Loan								0
Assigned Funds	2,176,000							2,176,000
Private Donation								0
Enterprise Bonds								0
General Bonds								0
								0
								0

TOTAL	3,000,000	0	0	0	0	16,000	0	3,016,000
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PROJECTED OPERATING IMPACTS								
	0	0	0	0	0			0

Project: Bridge Replacement - Bayside Road Bridge - WO203

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

Worcester County bridges are inspected either on an annual or biennial cycle. The engineering consulting firm performs a structural evaluation for each bridge and creates the Bridge Sufficiency Rating (BSR). To be eligible for State funding the BSR must be rated at 50 or below. During the last inspection cycle Bayside Road Bridge (WO203) had a BSR rating of 27.9 making the bridge eligible for State Aid funding. Bridge inspections/replacements are mandated by the State Highway Administration Federal Bridge Program.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

The citizens and the County benefit from this project since it serves as a connecting point for property owners within the area. It also benefits the general public since various activities, such as the triathlons, are dependent upon its existence. Delaying this project could possibly cause this section of road to be closed to the public and would cause an inconvenience to property owners and citizens.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

The cost estimate was developed by means of a comparison to our latest bridge replacement costs in 2017 and an engineers recommendation. The estimated structure costs is on a per foot basis. This estimate could possibly increase due to the rising costs of material and/or labor.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

N/A

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

It is imperative that this project be completed in a timely manner due to the fact that the rating of this bridge could drop significantly which could cause this structure to be closed to the general public.

Project: Mystic Harbour Wastewater Treatment Plant Expansion, Solids Handling & Effluent Disposal

Dept Head, Title & Phone #: John H. Tustin, P.E. Director - 410-632-5623

Project Summary: Mystic Harbour Solids Dewatering and Wastewater Treatment Plant Expansion including effluent disposal at a new spray irrigation site.

Purpose: Resolving the solids dewatering problems at the Mystic Harbour Wastewater Treatment Plant and increasing the rated plant capacity.

Location: Mystic Harbour/West Ocean City

Impacts on General Fund Operating, Personnel or Maintenance: Project will be constructed and operated using Enterprise Funds.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	100,000	200,000	200,000	200,000	100,000			800,000
Land Acquisition		1,000,000						1,000,000
Site Work								0
Construction			2,200,000	1,000,000				3,200,000
Equipment/Furnishings								0
Other								0
EXPENDITURES								

TOTAL	100,000	1,200,000	2,400,000	1,200,000	100,000	0	0	5,000,000
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds	50,000	600,000	1,200,000	600,000	50,000			2,500,000
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds	50,000	600,000	1,200,000	600,000	50,000			2,500,000
General Bonds								0
								0
								0

TOTAL	100,000	1,200,000	2,400,000	1,200,000	100,000	0	0	5,000,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Mystic Harbour Wastewater Treatment Plant Expansion, Solids Handling & Effluent Disposal

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

This project includes expansion of the Mystic Harbour Wastewater Treatment Plan and construction of needed improvements to the sludge handling facilities. In addition, the scope of work includes providing the needed effluent disposal systems for the increased treatment plant capacity.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

The purpose of this project is to allow continued controlled growth in the West Ocean City area of the County. Without this project, growth in this area cannot continue and the only available wastewater disposal available would be on-site septic systems. Controlled growth is needed to ensure the economic viability of the area.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

The cost estimate for the treatment plant expansion and sludge handling systems was taken from recently completed studies. The cost estimate for effluent disposal was a historical "best guess" based on recent experience with disposal of effluent. The final cost will be greatly impacted by the disposal site which has not been identified at this time.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This project is being added based on the request of the County Commissioners and the expected timing for when all of the existing plant capacity will be distributed to potential users.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Continued development within the West Ocean City/Mystic Harbour Area will require adequate public utilities. The only County owned wastewater facility in this area is the Mystic Harbour Wastewater Treatment Plant. To continue well controlled economic growth in this area, this expansion is needed.

Project: Newark Spray Irrigation

Dept Head, Title & Phone #: John H. Tustin, P.E. 410-632-5623

Project Summary: Transitioning of the Newark Wastewater Treatment Plant to Spray Irrigation for effluent disposal

Purpose: Because of the poor quality effluent produced by the Newark Wastewater Treatment plant, it will be necessary to transition this plant from surface discharge to spray irrigation for effluent disposal. In 2008, the County Commissioners identified this need and purchased a property that is suitable for spray.

Location: Newark Sanitary Service Area

Impacts on General Fund Operating, Personnel or Maintenance: Transitioning to spray irrigation will require additional staff time from the Water Wastewater enterprise fund. Costs will be paid from Under fees.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	200,000	40,000				100,000		340,000
Land Acquisition		800,000						800,000
Site Work								0
Construction	800,000	100,000						900,000
Equipment/Furnishings								0
Other								0
EXPENDITURES								

TOTAL	1,000,000	940,000	0	0	0	100,000	0	2,040,000
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds	500,000	470,000				50,000		1,020,000
State Match								0
State Loan	500,000	470,000				50,000		1,020,000
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
								0
								0

TOTAL	1,000,000	940,000	0	0	0	100,000	0	2,040,000
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PROJECTED OPERATING IMPACTS								
	0	0	0	0	0	0		0

Project: Newark Spray Irrigation

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

The project involves constructing a pipeline between the Newark Treatment Plant and the spray site, providing storage for effluent at the spray site, installation if spray piping, sprinkler heads and other features needed at the spray site.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

The primary benefit of this project is the reduction in nutrient discharges to the Newport Bay Watershed. If this project is not completed, the Newark Service Area will need to complete significant improvements to the existing wastewater treatment plant to comply with water quality regulations.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

The cost estimate was generated in-house and has since been updated by the design engineer.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The project is currently being delayed by increased efforts in the permitting of the spray site.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project is mandated by orders from MDE.

Project: Lewis Road Sewer Extension

Dept Head, Title & Phone #: John H. Tustin, P.E., Director of Public Works 410-632-5623

Project Summary: Extension of sanitary sewer lines along Lewis Road to serve approximately 50 homes.

Purpose: The project is proposed to eliminate approximately 50 septic systems in an area of high groundwater

Location: Lewis Road behind the Landings Wastewater Treatment Plant

Impacts on General Fund Operating, Personnel or Maintenance: The project have no impact on the general fund, operating, personnel or maintenance expenses. Operating expenses will be paid from user fees.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	130,000	80,000	30,000					240,000
Land Acquisition								0
Site Work	500,000	900,000						1,400,000
Construction								0
Equipment/Furnishings								0
Other								0
EXPENDITURES								
TOTAL	630,000	980,000	30,000	0	0	0	0	1,640,000

SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds	315,000	490,000	15,000					820,000
State Match								0
State Loan	315,000	490,000	15,000					820,000
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
								0
								0
TOTAL	630,000	980,000	30,000	0	0	0	0	1,640,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0	0	0	0
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Project: Lewis Road Sewer Extension

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

The project involves constructing a pipeline along Lewis Road and connecting the homes and businesses in that area to the Landings Wastewater Treatment Plant. Although the project is not currently under a mandate to be constructed, it is consistent with the goal of reducing nutrients to the Coastal Bays.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

The primary benefit of this project is the reduction in nutrient discharges to the Coastal Bays Watershed. If this project is not completed, there is no potential for future growth along Lewis Road. It is expected that the project will be funded by outside sources. If no federal/state funding is awarded, the project will not be affordable.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Estimate was completed as a part of the currently ongoing preliminary Engineering Report. That report developed the scope of the project, cost estimates and potential funding sources.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This project was identified as the top priority project for 2017/2018 by the County Commissioners. Timing of the project will depend on available funding.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project was identified as the top priority project for 2017/2018 by the County Commissioners.

Project: Ocean Pines Service Area Upgrades

Dept Head, Title & Phone John H. Tustin, P.E., Director of Public Works 410-632-5623

Project Summary: Improvements in the Ocean Pines Service Area Includes:

- Replacing the Belt Press at the Ocean Pines WWTP
- Construction of a new operations center
- Paint the North Water Tower
- Rehabilitation of Treatment Unit 3
- Pump Station Upgrades
- Service Tubing Replacement

Purpose: The project is proposed to replacing an aging pieces of equipment, improve operator space and upgrade aging infrastructure.

Location: Ocean Pines Service Area

Impacts on General Fund Operating, Personnel or Maintenance: The project has no impact on the general fund, operating, personnel of maintenance expenses

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	200,000	300,000	200,000					700,000
Land Acquisition								0
Site Work	100,000							100,000
Construction	600,000	1,000,000	550,000					2,150,000
Equipment/Furnishings		50,000						50,000
Other								0
EXPENDITURES								

TOTAL	900,000	1,350,000	750,000	0	0	0	0	3,000,000
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds	900,000	1,350,000	750,000					3,000,000
General Bonds								0
								0
								0

TOTAL	900,000	1,350,000	750,000	0	0	0	0	3,000,000
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PROJECTED OPERATING IMPACTS								
	0	0	0	0				0

Project: Ocean Pines Service Area Upgrades

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

The existing belt filter press in Ocean Pines is over 20 years old. It is extremely important to the plant operations that this facility be kept in good working order. Over the past few years, operation and maintenance costs have been significant, indicating that it is nearing the end of its useful life.

The Ocean Pines Wastewater Treatment plant needs to improve the environment for its operating staff. They have no designated space for a meal break, the Chief Plant Operator has no area to keep sensitive salary information and employee reviews. A new operations center has been planned for some time and needs to be constructed.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

The primary benefit of this project is to keep the plant functioning properly and having adequate space for the operators to work efficiently.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Estimate was completed internally.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The project has been postponed several times and we hope to use the opportunity to obtain funding in concert with the upcoming Showell School Project.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project needs to be completed before the existing press becomes inoperable.

Project: Landfill Administration Scale House Renovation & Addition

Dept Head, Title & Phone #: John H. Tustin, P.E., Director of Public Works 410-632-5623

Project Summary: Administration Scale House Renovation and Addition

Purpose: Renovate and add on to the Landfill Administration Office to increase and modernize space to become ADA compliant

Location: Central Landfill

Impacts on General Fund Operating, Personnel or Maintenance: None

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	150,000							150,000
Land Acquisition								0
Site Work								0
Construction	715,000	715,000						1,430,000
Equipment/Furnishings		50,000						50,000
Other								0

EXPENDITURES

TOTAL	865,000	765,000	0	0	0	0	0	1,630,000
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SOURCES OF FUNDS

General Fund								0
User Fees	865,000	765,000						1,630,000
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds								0
								0
								0

TOTAL	865,000	765,000	0	0	0	0	0	1,630,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Landfill Administration Scale House Renovation & Addition

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

Renovate and construct an addition to the existing scale house/administration office at the landfill.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

This project will benefit the landfill administrative employees. The building has not been renovated in over 20 years. It needs updates, additions plus a separation between landfill employees and administrative employees as well as updating the facilities for ADA compliance.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

The cost estimate based on proposed scope of work and previous building costs.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

This is a new project that was added for for FY20 & FY21.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

This project is not critical , but it is something that would be good to do if resources are available.

Project: Showell Elementary Replacement School

Dept Head, Title & Phone #: Vince Tolbert, Chief Financial Officer, Board of Education, 410 632-5063

Project Summary: Showell Elementary Replacement School

Purpose: Demolish existing school and construct replacement school.

Location: 11318 Showell School Road, Berlin, Md. 21811

Impacts on General Fund Operating, Personnel or Maintenance: The Showell Elementary Replacement School will provide more square footage than the existing 52,610 s.f. school. However, with energy efficiency elements included in the design of the replacement school and new building systems requiring minimum maintenance costs, the impact on general funds is not expected to rise significantly.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
	(FY16-FY19)							
Engineering/Design	186,864	93,446				2,222,651		2,502,961
Land Acquisition								0
Site Work	2,389,062	912,969				912,969		4,215,000
Construction	21,193,978	8,222,153				8,785,328		38,201,459
Equipment/Furnishings	1,953,560	483,632				195,808		2,633,000
Other								0
EXPENDITURES								

TOTAL	25,723,464	9,712,200	0	0	0	12,116,756	0	47,552,420
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match	4,336,000					4,336,000		8,672,000
State Loan								0
Assigned Funds						2,358,188		2,358,188
Private Donation								0
Enterprise Bonds								0
General Bonds	21,387,464	9,712,200				5,422,568		36,522,232
								0
								0

TOTAL	25,723,464	9,712,200	0	0	0	12,116,756	0	47,552,420
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Showell Elementary Replacement School

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

The Showell Elementary School Feasibility Study was completed in April 2014, approved by the Worcester County Board of Education in May 2014 and by the Worcester County Commissioners in August 2014. The Study recommended construction of a replacement school in lieu of renovating the existing school. Current project scope was determined through Conceptual Plan phase of the project completed in August 2016. Schematic Design, Design Development and Construction Documents have been completed. The project bid on June 13, 2018. The bids were approved by the Board of Education in July 2018 and by the County Commissioners and the State of Maryland in August 2018. Construction is scheduled to begin in October 2018.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

Completion of the construction project will provide current and future students, faculty and Showell Elementary parents and community with a complete upgrade to the existing 41-year-old facility.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Costs are based upon the final construction and project costs approved by the County Commissioners in August 2018.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

N/A

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Project has been approved by the County Commissioners.

Project: Stephen Decatur High School - Turf Field

Dept Head, Title & Phone #: Vince Tolbert, Chief Financial Officer Board of Ed, 410 632-5063

Project Summary: Install Turf Field - Stephen Decatur High School

Purpose: Demolish existing grass athletic field and install new turf surface.

Location: 9913 Seahawk Road, Berlin, MD. 21811

Impacts on General Fund Operating, Personnel or Maintenance: Installation of the new turf field will eliminate maintenance of the existing grass field and the existing field sprinkler system.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
(FY 19)								
Engineering/Design	20,000					60,000		80,000
Land Acquisition								0
Site Work	765,000					555,000		1,320,000
Construction								0
Equipment/Furnishings								0
Other								0
EXPENDITURES								
TOTAL	785,000	0	0	0	0	615,000	0	1,400,000

SOURCES OF FUNDS		(FY 19)						
General Fund								0
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds	785,000					615,000		1,400,000
								0
								0
TOTAL	785,000	0	0	0	0	615,000	0	1,400,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Stephen Decatur High School - Turf Field

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

Installation of the new turf field at Stephen Decatur High School will provide the SDHS students the same athletic surface we have installed at Pocomoke High School (2008) and Snow Hill High School (2014) through renovation projects at those two schools.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

Completion of the athletic turf installation project will provide current and future SDHS students the opportunity to utilize their athletic field year round. With the current grass field, SDHS administration limits the use of the field in order to protect and maintain the natural grass. The athletic turf will allow use of the field for team practices, band and unit practice, etc.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

The cost estimate was developed through analysis of the athletic turf field costs experienced through the bids received for the Snow Hill High School renovation/addition project in 2013 and adding an inflation factor for the five year period between the SHHS bids and the SDHS construction timeline.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Stephen Decatur High School athletic turf field project was partially funded (\$615,000) by the County Commissioners in the Board of Education FY 2019 Operating Budget. The BOE will request the balance of the \$1,400,000 budget request in the FY 2020 Operating budget.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

The existing grass field at Stephen Decatur High School and the field's underground sprinkler system require a constant maintenance effort. Execution of the project also provides turf surfaces at all three of our high schools.

Project: Stephen Decatur Middle School Addition

Dept Head, Title & Phone #: Vince Tolbert, Chief Financial Officer Board of Ed, 410 632-5063

Project Summary: Addition to Stephen Decatur Middle School

Purpose: Provide additional classrooms to alleviate overcrowding and eliminate nine portable classrooms.

Location: 9815 Seahawk Road, Berlin, MD 21811

Impacts on General Fund Operating, Personnel or Maintenance:

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	131,055	285,941	74,736	49,821				541,553
Land Acquisition								0
Site Work			621,057					621,057
Construction		29,496	4,244,282	3,228,459				7,502,237
Equipment/Furnishings			64,987	475,090				540,077
Other								0
EXPENDITURES								

TOTAL	131,055	315,437	5,005,062	3,753,370	0	0	0	9,204,924
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match			2,418,000					2,418,000
State Loan								0
Assigned Funds	131,055	315,437						446,492
Private Donation								0
Enterprise Bonds								0
General Bonds			2,587,062	3,753,370				6,340,432
								0
								0

TOTAL	131,055	315,437	5,005,062	3,753,370	0	0	0	9,204,924
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Stephen Decatur Middle School Addition

Complete the following questions:

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this mandated by Federal Law?

Stephen Decatur Middle School was constructed in 1997. During design of the new school, building systems were provided to allow for a 12-15 classroom addition in anticipation of future population growth in the north end of the county. SDMS currently utilizes nine portable classrooms for instruction. Projected SDMS enrollment projections indicate continued growth from the current 644 students.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

Completion of the addition project will provide current and future students and faculty the facilities necessary for high-quality instruction for the SDMS student population and will allow removal of the aging portable classrooms at the SDMS site.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Preliminary, pre-design cost estimate was developed by the BOE Facilities Department through school construction cost estimating worksheet developed and updated through five major school construction projects over the past fifteen years, with special emphasis placed on actual construction and project costs realized on the Showell Elementary Replacement School project. There are no concerns with the estimate.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Stephen Decatur Middle School Addition project request timing has changed since the last County CIP. The roof replacement project at Pocomoke Middle School has been moved ahead of the proposed SDMS Addition project. The approval of the Pocomoke Middle roof project determines the start of the Stephen Decatur Middle School Addition project.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

Enrollment projections through 2026 indicate that the SDMS student population will maintain a total of enrolment from 650-690 students. These students will be enrolled in a school with a local-rated capacity of 584 students and a school at which nine portable classrooms are currently being utilized for additional instructional space.

Project: Pocomoke Middle School - Roof Replacement

Dept Head, Title & Phone #: Vince Tolbert, Chief Financial Officer Board of Ed, 410 632-5063

Project Summary: Replace Roof - Pocomoke Middle School

Purpose: Demolish existing and install 87,600 square feet of new roof.

Location: 800 Eighth Street, Pocomoke, MD. 21851

Impacts on General Fund Operating, Personnel or Maintenance: Ongoing maintenance has escalated over the past few years as the existing roof continues to deteriorate and the Maintenance Department must address alligatoring, blistering, exposed felt and expansion joint and counter flashing concerns.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design	117,000		6,000					123,000
Land Acquisition								0
Site Work								0
Construction			2,526,000					2,526,000
Equipment/Furnishings								0
Other								0
EXPENDITURES								

TOTAL	117,000	0	2,532,000	0	0	0	0	2,649,000
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SOURCES OF FUNDS								
General Fund								0
User Fees								0
Grant Funds								0
State Match			1,232,000					1,232,000
State Loan								0
Assigned Funds	117,000							117,000
Private Donation								0
Enterprise Bonds								0
General Bonds			1,300,000					1,300,000
								0
								0

TOTAL	117,000	0	2,532,000	0	0	0	0	2,649,000
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Pocomoke Middle School - Roof Replacement

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

Ongoing roof inspections by an independent roofing contractor have resulted in prioritization of the replacement of the Pocomoke Middle School roof. The deteriorating condition of the Pocomoke Middle roof has also been documented by the State of Maryland Public School Construction Program (PSCP) inspectors.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

Completion of the roof replacement project will provide current and future students and staff with a sound roof structure and will eliminate roof leaks encountered at the school.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Current working construction and project cost estimates were developed based upon bids received from roof contractors for the Snow Hill High and Pocomoke High renovation/addition projects and through discussion with roof manufacturer regarding current and projected roof replacement square foot costs. There are no concerns with the estimate.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Pocomoke Middle School roof replacement project request has been moved ahead of a request for an addition to Stephen Decatur Middle School (from previous Board of Education and County Capital Improvement Programs). Funding approval for the Pocomoke Middle School project will determine the start of the following major construction project, the addition to Stephen Decatur Middle School.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

As stated above, the Pocomoke Middle School roof continues to deteriorate over time. The project is the Board of Education's number one roof replacement priority as deficiencies with the roof system must be addressed in the near term.

Project: Snow Hill Middle/Cedar Chapel School - Roof Replacement

Dept Head, Title & Phone #: Vince Tolbert, Chief Financial Officer Board of Ed, 410 632-5063

Project Summary: Replace Roof - Snow Hill Middle School / Cedar Chapel Special School

Purpose: Demolish existing and install 107,175 square feet of new roof.

Location: 522/510 Coulbourne Lane, Snow Hill, MD. 21863

Impacts on General Fund Operating, Personnel or Maintenance: Ongoing maintenance has escalated over the past few years as the existing roof continues to deteriorate and the Maintenance Department must address alligating, blistering, exposed felt and expansion joint and counter flashing concerns.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design			153,000	10,000				163,000
Land Acquisition								0
Site Work								0
Construction				1,621,000	1,722,000			3,343,000
Equipment/Furnishings								0
Other								0
EXPENDITURES								

TOTAL	0	0	153,000	1,631,000	1,722,000	0	0	3,506,000
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SOURCES OF FUNDS								
	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
General Fund			153,000					153,000
User Fees								0
Grant Funds								0
State Match				1,631,000				1,631,000
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds					1,722,000			1,722,000
								0
								0

TOTAL	0	0	153,000	1,631,000	1,722,000	0	0	3,506,000
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PROJECTED OPERATING IMPACTS								
	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
	0	0	0	0	0			0

Project: Snow Hill Middle/Cedar Chapel School - Roof Replacement

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

Ongoing roof inspections by an independent roofing contractor have resulted in prioritization of the replacement of the Snow Hill Middle School and Cedar Chapel Special School roofs. The deteriorating condition of the roofs has also been documented by the State of Maryland Public School Construction Program (PSCP) inspectors.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

Completion of the roof replacement project will provide current and future students and staff with a sound roof structure and will eliminate roof leaks encountered at the school.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Current working construction and project cost estimates were developed based upon bids received from roof contractors for the Snow Hill High and Pocomoke High renovation/addition projects and through discussion with roof manufacturer regarding current and projected roof replacement square foot costs. There are no concerns with the estimate.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Snow Hill Middle/Cedar Chapel Special School roof replacement project request timing is consistent with previous Board of Education and County Capital Improvement Programs. Funding approval for this project will determine the start of the following major construction project, a roof replacement project at Pocomoke Elementary School.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

As stated above, the Snow Hill Middle School and Cedar Chapel Special School roofs continues to deteriorate over time. The project is the second in a series of three major roof replacement projects (PMS, SHMS/CCSS and PES).

Project: Pocomoke Elementary School - Roof Replacement

Dept Head, Title & Phone #: Vince Tolbert, Chief Financial Officer Board of Ed, 410 632-5063

Project Summary: Replace Roof - Pocomoke Elementary School

Purpose: Demolish existing and install 52,512 square feet of new roof.

Location: 2119 Pocomoke Beltway, Pocomoke, MD. 21863

Impacts on General Fund Operating, Personnel or Maintenance: Ongoing maintenance has escalated over the past few years as the existing roof continues to deteriorate and the Maintenance Department must address alligating, blistering, exposed felt and expansion joint and counter flashing concerns.

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
(FY 25)								
Engineering/Design				77,000	6,000			83,000
Land Acquisition								0
Site Work								0
Construction					825,000		879,000	1,704,000
Equipment/Furnishings								0
Other								0
EXPENDITURES								
TOTAL	0	0	0	77,000	831,000	0	879,000	1,787,000

SOURCES OF FUNDS								
(FY 25)								
General Fund				77,000				77,000
User Fees								0
Grant Funds								0
State Match					831,000			831,000
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds							879,000	879,000
								0
								0
TOTAL	0	0	0	77,000	831,000	0	879,000	1,787,000

PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Pocomoke Elementary School - Roof Replacement

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

Ongoing roof inspections by an independent roofing contractor have resulted in prioritization of the replacement of the Pocomoke Elementary School roof. The deteriorating condition of the roof has also been documented by the State of Maryland Public School Construction Program (PSCP) inspectors.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

Completion of the roof replacement project will provide current and future students and staff with a sound roof structure and will eliminate roof leaks encountered at the school.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

Current working construction and project cost estimates were developed based upon bids received from roof contractors for the Snow Hill High and Pocomoke High renovation/addition projects and through discussion with roof manufacturer regarding current and projected roof replacement square foot costs. There are no concerns with the estimate.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

The Pocomoke Elementary School roof replacement project request timing is consistent with previous Board of Education and County Capital Improvement Programs. Funding approval for this project will determine the start of the following major construction project, a renovation or replacement school at Buckingham Elementary.

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

As stated above, the Pocomoke Elementary School roof continues to deteriorate over time. The project is the third in a series of three major roof replacement projects (PMS, SHMS/CCSS and PES).

Project: Wor-Wic Applied Technology Building

Dept Head, Title & Phone #:

Jennifer Sandt, Wor-Wic Community College, Vice President for Administrative Services, 410-334-2911

Project Summary: New academic building

Purpose: To house academic programs, offices, classrooms, laboratories, study space, etc.

Location: Wor-Wic Community College, 32000 Campus Drive, Salisbury, MD 21804

Impacts on General Fund Operating, Personnel or Maintenance: NA

	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
Engineering/Design		197,492						197,492
Land Acquisition								0
Site Work								0
Construction			2,279,610					2,279,610
Equipment/Furnishings				89,975				89,975
Other								0
EXPENDITURES								

TOTAL	0	197,492	2,279,610	89,975	0	0	0	2,567,077
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SOURCES OF FUNDS								
	FY 20	FY 21	FY 22	FY 23	FY 24	Prior Allocation	Balance to Complete	Total Project Cost
General Fund		197,492						197,492
User Fees								0
Grant Funds								0
State Match								0
State Loan								0
Assigned Funds								0
Private Donation								0
Enterprise Bonds								0
General Bonds			2,279,610	89,975				2,369,585
								0
								0

TOTAL	0	197,492	2,279,610	89,975	0	0	0	2,567,077
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PROJECTED OPERATING IMPACTS	0	0	0	0	0			0
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Project: Wor-Wic Applied Technology Building

Complete the following questions.

Project scope.

Provide the detail available on the project scope. How was the scope determined? Is there any historical information critical to the understanding of scope development? Is this is mandated by Federal Law?

The Wor-Wic campus facilities team is currently in the preliminary planning stages of developing the scope of this project. A master plan consultant was hired in July 2018 and is assisting with the process.

County benefit.

How do the citizens and the County benefit from the project? Does it benefit the County in general or is the benefit targeted to a smaller area or population? Are there consequences for not doing this project? If the project is delayed or not funded, what would be the negative impact?

Citizens attend courses at Wor-Wic.

Cost estimate.

How was the cost estimate developed? Was there a scope study? Is it an engineers estimate? Is it a square foot estimate? Is it based on similar projects? Give us the back up information. Is the estimate your "best guess", please tell us. Are there any concerns with your estimate?

The estimate for the building was provided by a construction management company. The State pays for 75% of approved capital projects for Wor-Wic. Wicomico and Worcester Counties share the remaining 25% of the cost.

CIP Timing. If you are requesting a change, please tell us why. New projects should typically be added to the last year of the CIP. If you are requesting a new project earlier, tell us why. Requesting a change in timing - tell us why. Is the timing of the project related to any other CIP project? Does it need to be completed before or at the same time as another project? Does another project need to be completed before this project?

NA

Urgency.

Help us to understand the relative urgency of the project. Is it critical? Does it need to be done and done now? Is the project necessary, but not as time critical? Does it need to be done, but will a delay of some years have a significant impact? Is the project something that would be good to do if the resources are available, but has no significant consequences if it isn't funded?

The college has qualified for a new building for quite some time. The State space allocation guidelines base space needs on enrollment and projected future enrollment.

DRAFT

RESOLUTION NO. 18 - ____

**RESOLUTION APPROVING AND ADOPTING THE WORCESTER COUNTY
FIVE-YEAR CAPITAL IMPROVEMENT PLAN - FY 2020 TO FY 2024**

WHEREAS, the County Commissioners of Worcester County, Maryland have determined that certain Capital Projects are necessary to be constructed during the period of July 1, 2019 through June 30, 2024 in order to promote the health, safety, and welfare of the citizens of Worcester County and in order to provide adequate public facilities for the proper and efficient delivery of public services to the citizens of Worcester County; and

WHEREAS, the Worcester County Commissioners have conducted a public hearing on November 20, 2018 to receive public comment on the list of Capital Projects proposed for construction during the period of 2019-2024 as identified in the Worcester County Five-Year Capital Improvement Plan - FY 2020 to FY 2024.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the Worcester County Five-Year Capital Improvement Plan - FY 2020 to FY 2024 attached hereto, is hereby adopted.

AND BE IT FURTHER RESOLVED by the County Commissioners of Worcester County, Maryland that funding for the projects identified in the Worcester County Five-Year Capital Improvement Plan - FY 2020 to FY 2024 may be provided from annual tax levies, issuance of public debt, use of reserve funds, or from such other sources as the County Commissioners may from time to time determine.

AND BE IT FURTHER RESOLVED that the County Commissioners of Worcester County, Maryland may, from time to time as deemed to be in the best interest of the County and to meet the needs of its citizens, amend said Capital Improvement Plan by the addition or deletion of projects therefrom.

AND BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its passage.

PASSED AND ADOPTED this _____ day of _____, 2018.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Merrill W. Lockfaw, Jr.

Joseph M. Mitrecic



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

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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

October 24, 2018

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

FAXED
10/24/18 @ 4:45pm

Please print the attached notice in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on November 1, 2018 and November 8, 2018. Thank you.

NOTICE OF PUBLIC HEARING
AMENDMENT TO WORCESTER COUNTY WATER AND SEWERAGE PLAN
RECLASSIFICATION OF SEWER PLANNING AREA
MYSTIC HARBOUR SANITARY SERVICE AREA
WORCESTER COUNTY, MARYLAND

The Worcester County Commissioners will hold a public hearing to consider a requested amendment to the *Worcester County Comprehensive Water and Sewerage Plan* as submitted by Hugh Cropper, IV., on behalf of **Sea Oaks Villages, LLC.**, to reclassify the sewer planning area for a single property to accommodate a proposed Residential Planned Community (RPC). The proposed amendment seeks to change the designation for the property from S-3 (planned to be served within a six to ten year period) to S-1 (planned to be served within two years) and will include information in The Plan for the Mystic Harbour Sanitary Service Area (MHSSA) to include a revised table for Allocation of Equivalent Dwelling Units (EDUs) for sewer service that will accurately reflect the planning and connection activities in the MHSSA. The EDU Allocation Table for the available sewage treatment capacity in the MHSSA will be revised to allocate 63 sewer EDUs to the subject property from a combination of the "Infill and Intensification", "Vacant or Multi-Lot", and "Commercial" categories in Area 1 (north of the airport) to accommodate an RPC that includes 59 townhomes and 24,000 square feet of commercial development.

The public hearing on this application will be held on
TUESDAY, NOVEMBER 20, 2018
at 10:20 a.m. in the

COUNTY COMMISSIONERS MEETING ROOM
Room 1101 - County Government Center
One West Market Street, Snow Hill, Maryland 21863

The case file may be reviewed at the Department of Environmental Programs, Room 1306 - Worcester County Government Center, Snow Hill, Maryland 21863 between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday (except holidays). Interested parties may also call 410-632-1220, ext. 1601.

THE WORCESTER COUNTY COMMISSIONERS

Citizens and Government Working Together

la



Worcester County
Department of Environmental Programs

Public Hearing
Scheduled
November 20, 20

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS
Director 

Subject: **Public Hearing**
Worcester County Comprehensive Water and Sewerage Plan
Mystic Harbour Sanitary Service Area
Reclassification of Sewer Planning Area
Case No. (SW 2018-03)

Date: October 15, 2018

The Planning Commission met October 4, 2018 and reviewed this application. We are writing to forward the Planning Commission's finding of consistency with the *Comprehensive Development Plan* and their recommendation to amend the *Comprehensive Water and Sewerage Plan* for an amendment to revise the sewer planning area for the Mystic Harbour Service Area.

The applicant requests a reclassification of the sewer planning area designation for a single property in the Mystic Harbour Sewer Planning Area in *The Plan*. Mr. Hugh Cropper is the applicant on behalf of the owner, Sea Oaks Villages, LLC. This amendment seeks to reclassify the sewer planning area for a single property from S-3 (six to ten year period) to S-1 (within two years) and include in the Mystic sewer service area information in *The Plan* to include a revised Equivalent Dwelling Unit (EDU) table that will accurately reflect the planning and connection activities in the sanitary area. The applicant requested the change in sewer service classification in order to serve a proposed Residential Planned Community (RPC) on the property. The subject property, is located on Stephen Decatur Highway (MD Route 611), south of West Ocean City. The property is more specifically identified on Tax Map 26 as Parcel 274, Lot 3A. The proposed RPC development will consist of 59 townhomes and 24,000 square feet of commercial use.

The County Commissioners, after reviewing this request, may approve or disapprove the proposed amendment. Enclosed are the following attachments:

- 1. Environmental Program's transmittal letter to the Planning Commission with *Plan* insert changes; and

APPROVED
Worcester County Commissioners
Date HLM 10/23/18

Citizens and Government Working Together

2. Minutes for the Planning Commission meeting on October 4, 2018

At his time, we are requesting the public hearing be scheduled. A draft advertisement has been forwarded to County Administration under separate cover. As always, I am available at any time for the presentation and any to answer questions on this matter.

Attachment

cc: WS File – Mystic Harbour - Reclassification of Sewer Planning Area (SW 2018-3)

Attachment 1

Transmittal Letter to Planning Commission with Inserts to *The Plan*



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410-632-1220 / FAX: 410-632-2012

LAND PRESERVATION PROGRAMS
STORMWATER MANAGEMENT
SEDIMENT & EROSION CONTROL
SHORELINE CONSTRUCTION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

September 28, 2018

Worcester County Planning Commission
Worcester County Courthouse
1 West Market Street, Room 1201
Snow Hill, MD 21863

RE: Transmittal-Comprehensive Water and Sewerage
Plan Amendment –Mystic Harbour Sanitary Area --
Reclassification of Sewer Planning Area
Designation
Sea Oaks Village, LLC
TM 27 P 274 L 3A
(SW-2018-3)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise certain sanitary area data for the Mystic Harbour Sanitary Area in *The Plan*, for your review and comment to the County Commissioners. According to Chapter One, Section 1.4.2 of *The Plan* ("Application for Amendments"), the applicant submitted a complete application and we have attached it.

Mr. Hugh Cropper is the applicant on behalf of the owner, Sea Oaks Villages, LLC. This amendment seeks to reclassify the sewer planning area for a single property from S-3 (six to ten year period) to S-1 (within two years) and include in the Mystic sewer service area information in *The Plan* to include a revised Equivalent Dwelling Unit table that will accurately reflect the planning and connection activities in the sanitary area.

The applicant requested the change in sewer service classification in order to serve a proposed Residential Planned Community (RPC) on the property. The subject property, located on Stephen Decatur Highway (MD Route 611), south of West Ocean City. The property is more specifically identified on Tax Map 26 as Parcel 274, Lot 3A. The proposed RPC development will consist of 59 townhomes and 24,000 square feet of commercial use. Prior to the replacement and expansion of the Mystic Harbour WWTP, the subject property was allocated a total of 40 EDUs of sewer service in the Mystic Harbour Sanitary Service Area (SSA). At the County Commissioners meeting of March 15,

September 28, 2018

2016, the prior owner was allowed by the County Commissioners to transfer off that capacity to other properties in the Mystic Harbour SSA, thus leaving this property without sewer EDUs. On September 29, 2017 the County Commissioners received a request for the allocation of 139 equivalent dwelling units (EDU's) of sanitary sewer service for the Sea Oaks Village RPC, to serve 135 townhomes and 24,000 sf of commercial development. The County Commissioners subsequently denied that application at their meeting on October 17, 2017. At their meeting on September 18, 2018, the County Commissioners approved an allocation of sixty-three (63) sewer EDUs for this property subject to the following conditions:

1. Recommendation of the approval by the Planning Commission for an Amendment to the Water and Sewerage Plan (The Plan) amending the property from S-3 to S-1 and amending the EDU map to incorporate the subject property; and
2. Approval by the County Commissioners of the Plan Amendment; and
3. Approval by the Maryland Department of the Environment (MDE) of the Plan Amendment; and
4. Taking the RPC – Step 1 application back to the Technical Review Committee (TRC) for review and comment; and
5. Recommendation of approval by the Planning Commission for the revised RPC – Step 1 application; and
6. Approval by the County Commissioners of the Revised RPC – Step 1 application.

The above conditions, exclusive of MDE approval, are expected to be satisfied on or before November 20, 2018. At the September 18, 2018 meeting, the County Commissioners decided that the sixty-three (63) sewer EDUs should be taken from the following categories for the northern part of the service area or Area 1 on the EDU chart on page 4-31.6 of the Plan:

- 29 from “Infill”
- 30 from “Vacant”
- 4 from “Commercial”

These changes are reflected in the revised page 4-31.6 of the Plan found in Attachment #3 of this report.

Other than the subject property, this amendment does not seek to amend or intensify the wastewater planning areas approved in prior amendments with respect to the mapped planning areas.

The Planning Commission is tasked by Section 1.4 of *The Plan* (“Procedures for Plan Amendments”) to make a finding as to whether this amendment would be consistent with *The Comprehensive Plan*. The Planning Commission may also submit its project comments and recommendations. The findings and comments will be submitted to the County Commissioners. The County Commissioners will hold a public hearing and then take action on the proposal.

Comprehensive Plan Policies

The comprehensive plan assigns two land use designations for this property within the Mystic Harbour sewer planning area. These designations include:

1. Existing Developed Area

September 28, 2018

2. Green Infrastructure

Existing Developed Centers are defined (p. 13) as follows:

- Existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained.
- Not designated as growth areas, these areas should be limited to infill development.

Green Infrastructure is defined (p. 19) as follows:

- Designated to preserve environmentally significant areas and to maintain the environmental functionality of the county's landscape.

The comprehensive plan goes on to state:

Chapter One, "Introduction" states:

- Provide for adequate public services to facilitate the desired amount and pattern of growth (p.8).

Chapter Three, "Natural Resources" states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).
- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the "Impaired Water Bodies (303d) List" to the point of their removal from this list (p. 33).

Chapter Three, "TMDLs" states:

- "all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards." (p.36)

Chapter Six, "Public Infrastructure" states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Use land application of treated wastewater as the preferred wastewater disposal method where appropriate (p. 73).
- Sewer systems should be sized to serve their service areas' planned for land uses (p. 74).

Chapter Seven, "Transportation", under Transportation Policies, Projects, and Recommendations, MD 611 (p. 85), states:

- Growth along the mid and southern portion of the corridor should be limited due to sensitivity of nearby lands and the limited capacity of the area's road system.

Zoning

September 28, 2018

The *Planning Area* is has already been approved under various amendments and is appropriate zoned for the current and proposed uses planned for the existing sanitary area properties, including the subject property. The property, approximately 40 acres in area, has two zoning designations. The first, which covers the easterly 4.2 acres carries a C-1 (Neighborhood Commercial) designation, while the 35.8 acres in the rear portion carries an R-3 (Multifamily Residential) designation.

Staff's Comments

Staff comments are submitted below for your consideration.

1. This proposal seeks to meet existing needs and demand generated by infill development within the planning areas. The project would provide service to areas designated by the comprehensive plan and comprehensive water and sewerage plan for public sewer service. The property is upgrading an existing sewer planning area designation to reflect an expedited timeframe with respect to the proposed development schedule for the PUD.
2. The *Planning Area's* comprehensive plan designations and zoning permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program, critical area program, and other local and state requirements.
3. This proposal does not require the expansion of the treatment facilities capability and can be adequately handled in the recently upgraded Mystic Harbour WWTP.
4. This infill development will occur in the manner and character of the surrounding neighborhoods in existing developed areas.
5. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning. While the rear portion of the property has a land use designation of Green Infrastructure, this entire property is already in the Mystic sewer planning area and any development would have to meet the provisions of environmental regulatory requirements as noted in #2 above.

If you need further information, please contact us.

Sincerely,



Robert J. Mitchell, LEHS
Director

Attachments

cc: WS Amendment File (SW 2018-3)

Attachment 1

Maps



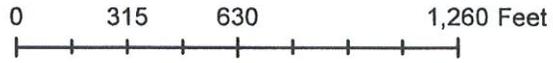
Legend

Property Boundary

Service Areas

S1

S3



Proposed Service Area Amendment

Sea Oaks
 S-1 Proposed
 Case 2018-3

Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.





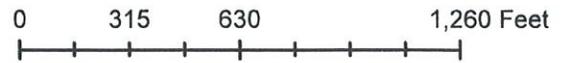
Legend

 Property Boundary

Service Areas

 S1

 S3



Current Service Areas

Sea Oaks
 S-1 Proposed
 Case 2018-3

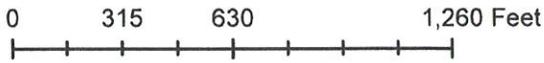
Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.





Legend

-  Property Boundary
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if irrigated



Soils: Prime Farmland

Sea Oaks
 S-1 Proposed
 Case 2018-3

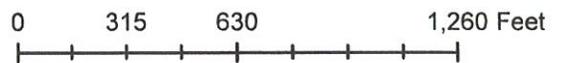
Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Soils data: MDA/NRCS





Legend

- IDA - Intensely Development Areas
- LDA - Limited Development Areas
- RCA - Resource Conservation Areas
- Property Boundary

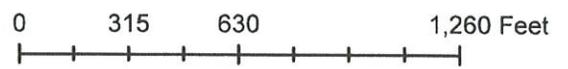


Critical Area

Sea Oaks
S-1 Proposed
Case 2018-3

Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
Parcel boundaries are approximate.
This map is for planning purposes only.
Aerial image made 2016.
Critical Area data: MD DNR/Worcester County





Legend

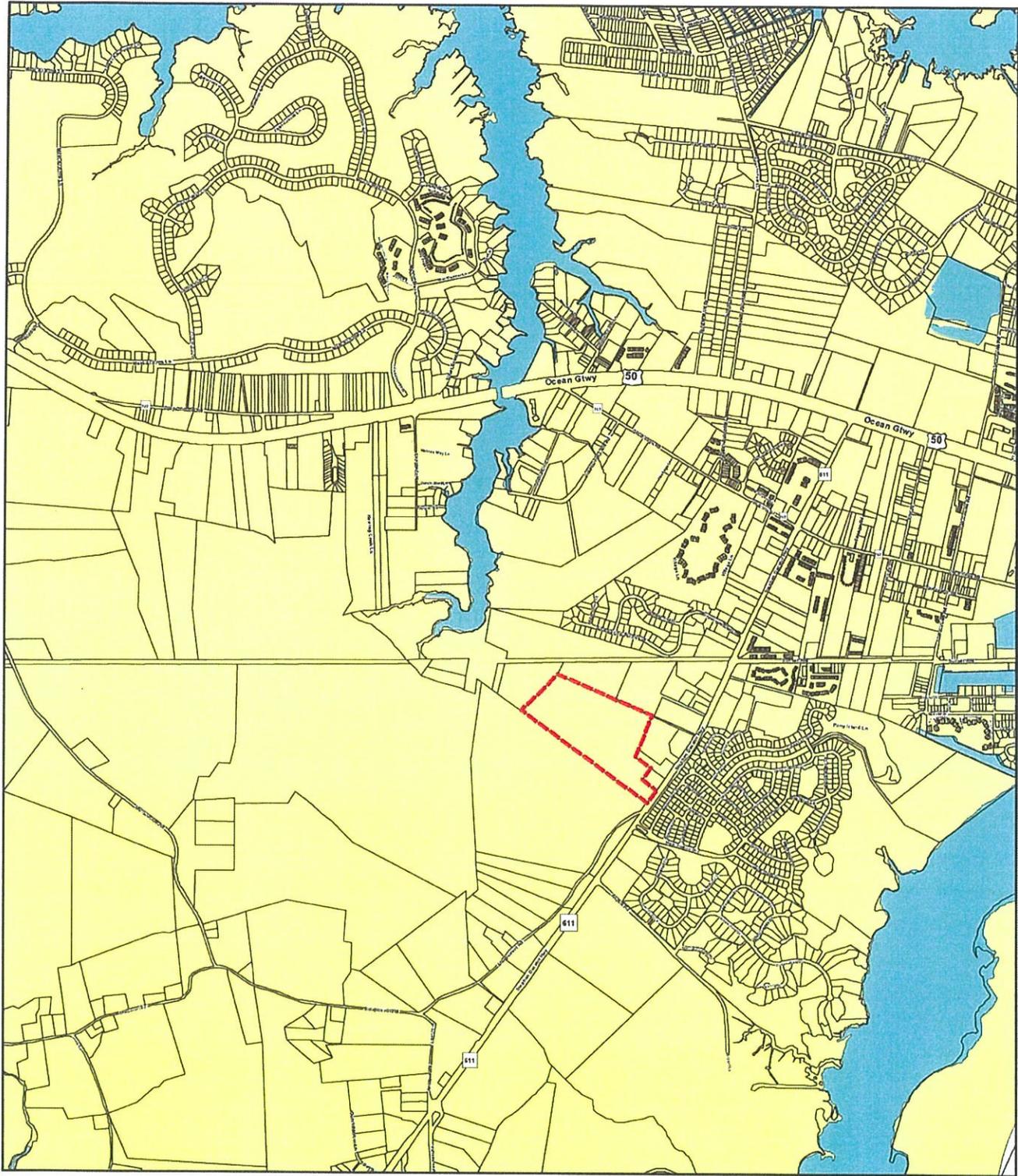
-  500 Year Floodplain
-  100 Year Floodplain
-  Property Boundary

Floodplain

Sea Oaks
 S-1 Proposed
 Case 2018-3

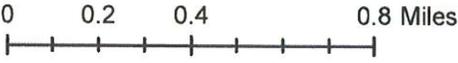
Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Data: FEMA





Legend

 Property Boundary



General Location

Sea Oaks
 S-1 Proposed
 Case 2018-3

Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.



H



Legend

 Property Boundary

Land Use Plan

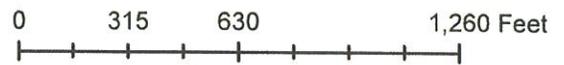
LEGEND

 Agriculture

 Existing Developed Centers

 Green Infrastructure

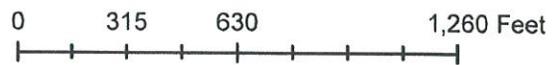
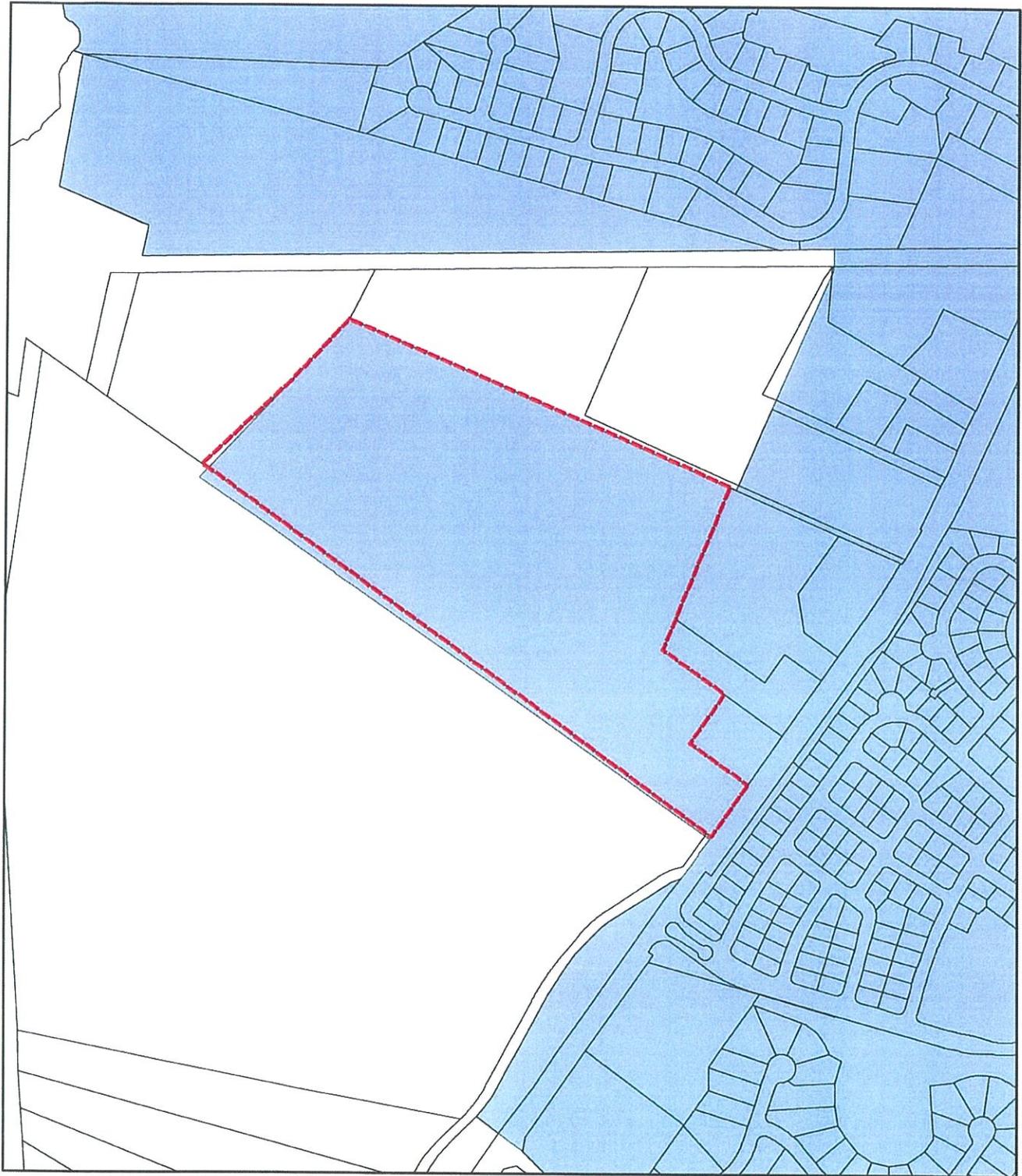
 Waterway (rivers, streams, creeks)



2006 Land Use Plan

Sea Oaks
S-1 Proposed
Case 2018-3





Legend

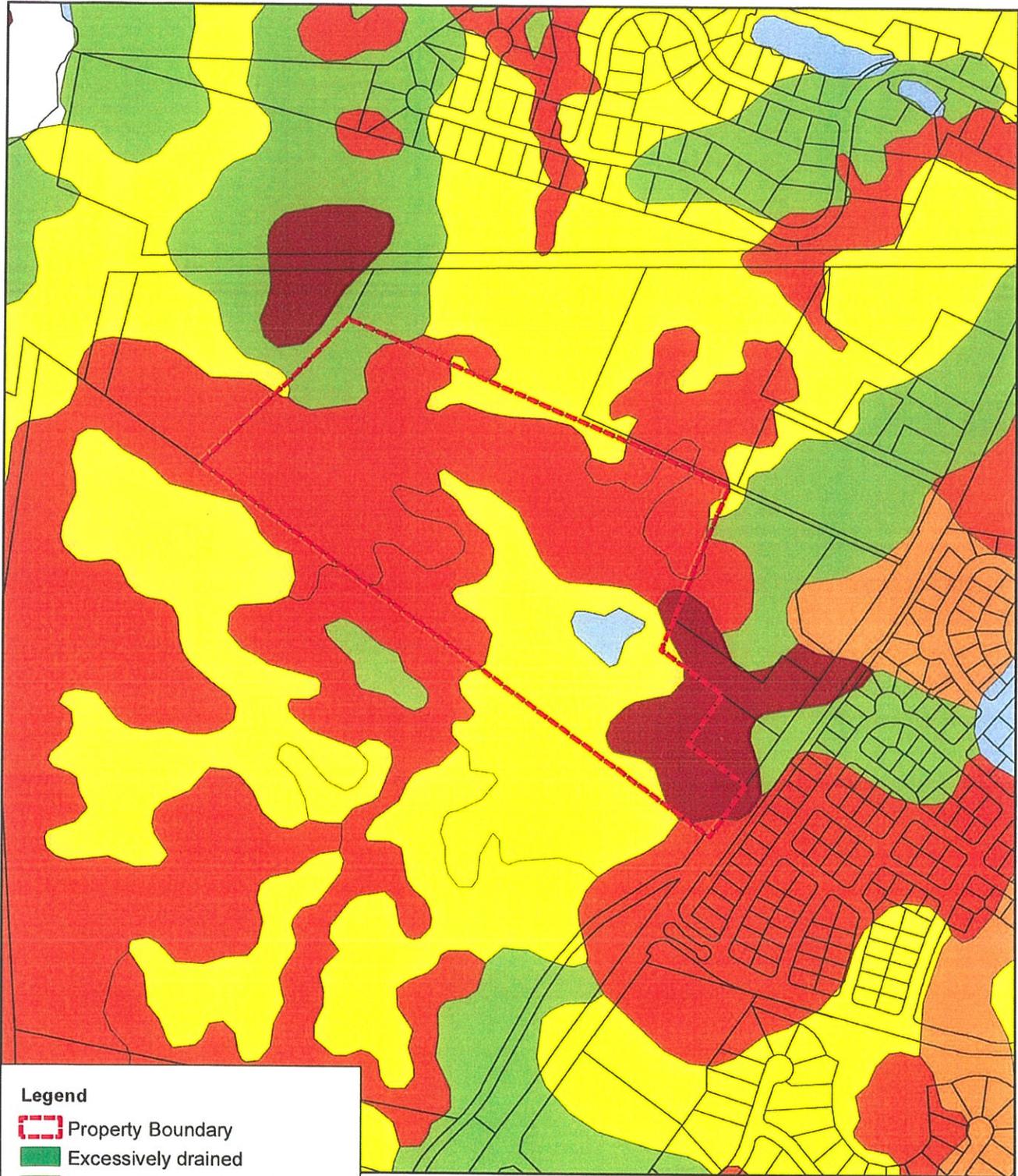
-  Property Boundary
-  Priority Funding Area

Priority Funding Area

Sea Oaks
 S-1 Proposed
 Case 2018-3

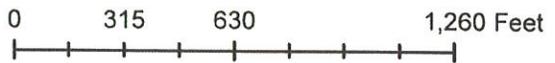
Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.





Legend

-  Property Boundary
-  Excessively drained
-  Moderately well drained
-  Poorly drained
-  Somewhat excessively drained
-  Very poorly drained
-  Well drained
-  Priority Funding Area

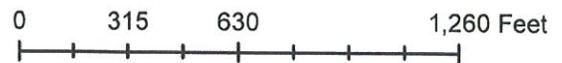


Soils: Drainage

Sea Oaks
 S-1 Proposed
 Case 2018-3

Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Data: MDA/NRCS





Legend

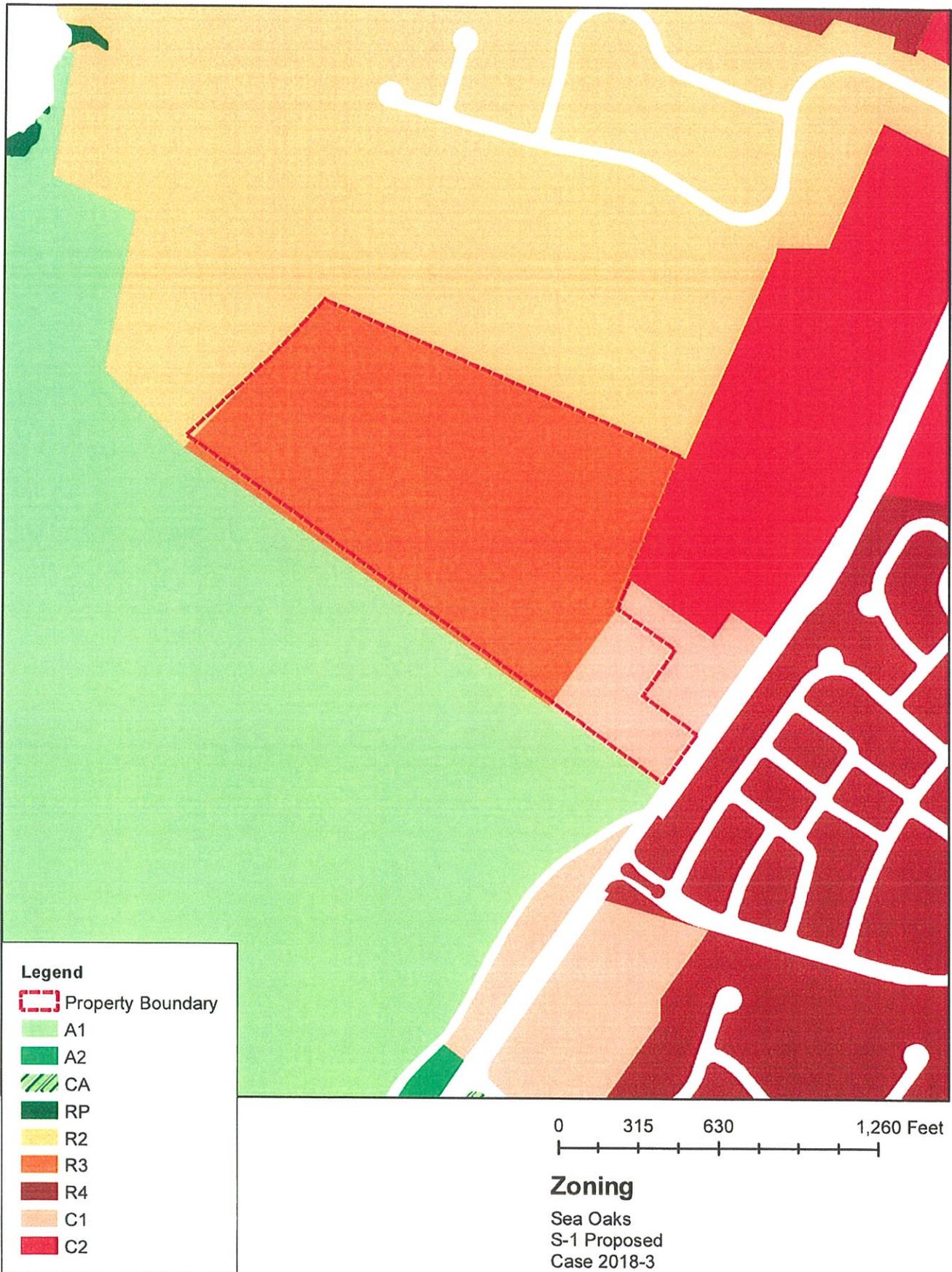
-  Property Boundary
-  Wetlands

Wetlands Guidance Map

Sea Oaks
 S-1 Proposed
 Case 2018-3

Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image made 2016.
 Wetlands data: MD DNR





Prepared by the Worcester County Department of Environmental Programs, September 27, 2018.
 Parcel boundaries are approximate.
 This map is for planning purposes only.



Attachment 2

Application

**Application for Amendment of the
Comprehensive Water and Sewerage Plan
Worcester County, Maryland**

Date: 9-27-18

Applicant (name, mailing address, phone and FAX number):

Name Hugh Cropper III
Address 9923 Stephen Decatur Highway Unit D-2
Ocean City, MD 21842
Contact Person: Robert Mitchell
Telephone: 410-632-1220
HCropper@bbcmllaw.com
410 213-2681
410 213-2685-fax

Amendment Type: Water Sewer Other
Amendment Character: Addition Deletion Change

Please complete all the applicable forms included in this package. If a system does not already exist, the "Existing System" sheet is not required. Include a map of the area to be served at a scale of at least 1" = 2,000'. Return the completed application to:

Department of Environmental Programs
1 West Market Street Room 1306
Snow Hill, Maryland 21863

The fee for major amendment [adding or deleting service capacity or area(s)] is \$500.
Minor amendments (not adding or deleting service) are \$100.
Note: Modification of this form will void the application.

Property Identification:

Tax Map 26 Parcel Number(s): 274
Town/Community Name: West Ocean City

Location Description:

Parcel 3A, 39.672 acres
South Point Subdivision
Sea Oaks Village, LLC

Property Owner Signature: [Signature], atty Date: 9-27-18

Applicant Signature: [Signature] Date: 9-27-18
(If other than property owner) Hugh Cropper III

**Water and Sewerage Plan Amendment Application
 Worcester County, Maryland
 Proposed Uses**

* Please provide as much detail as possible on the proposed uses and review Worcester County zoning provisions for permitted uses.

<u>Tax Map</u>	<u>Parcel</u>	<u>Zoning</u>	<u>Proposed Use*</u>	<u>EDU's Needed (Approx.)</u>
26	274	C-1	commercial/ retail	4
26	274	R-3	townhouses	59
				<hr/> 63

April 13, 2004

Water and Sewerage Plan Amendment Application Worcester County, Maryland Existing Sewer System

System Parameters

Date: 9-27-18

System Name: _____

System owner: _____

System operator: _____

Priority/Sewer and _____

Water Plan Category: _____

Service area: _____

[Tax Map and parcel(s)]

	2018	Year 2020	2025
<u>Population served:</u>			
EDU's served	<u>0</u>	_____	_____
EDU's unserved	_____	_____	_____
GPD per EDU	<u>300</u>	_____	_____

System capacity

Demand (MGD) _____

Planned (MGD) _____

Permitted (NPDES/groundwater) _____

Collection system description: _____

Treatment Plant

Location (N/E): _____

Type: _____

Site area (acres): _____ Occupied area: _____ Unused area: _____

Current Capacity (MGD): Secondary: _____ Advanced: _____

Potential Capacity (MGD): Secondary: _____ Advanced: _____

Existing flow (MGD): _____ Average: _____ Peak: _____

Sludge disposal: _____

Discharge:

Type: _____

Location: _____

NPDES/groundwater permit number: _____

Comments (planned expansion; alteration, abandonment if interim [indicate date], or other changes; problems; etc.)

**Water and Sewerage Plan Amendment Application
Worcester County, Maryland
Planned Sewer System**

Date: 9-27-18

System Name: Mystic Harbour Sanitary Service Area
Area Served: _____
Owner: _____
Operator: _____

Population and Capacity	2018	2020	2025	2030
Population Served (EDU):	<u>0</u>	<u>63</u>		
Population Unserved (EDU):				
GDP per EDU:	<u>300</u>	<u>300</u>		
System Capacity Demand (MGD)				
System Capacity Planned:				
Permitted Capacity (MGD):				

Collection System
Type (circle one): Combined Separate
Description: _____
Condition of Transmission facilities: _____

Treatment Facility
Location (MD coordinates): _____
Type: _____
Total Site Size (acres): _____ **Occupied by facility:** _____
Design Flow (MGD) _____
Existing Flow (MGD): Average: _____ **Peak:** _____
Sludge disposal method: _____

Discharge
Type: _____
Location: _____
NPDES permit # & expiration date: _____

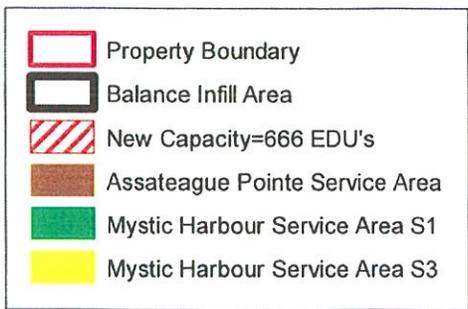
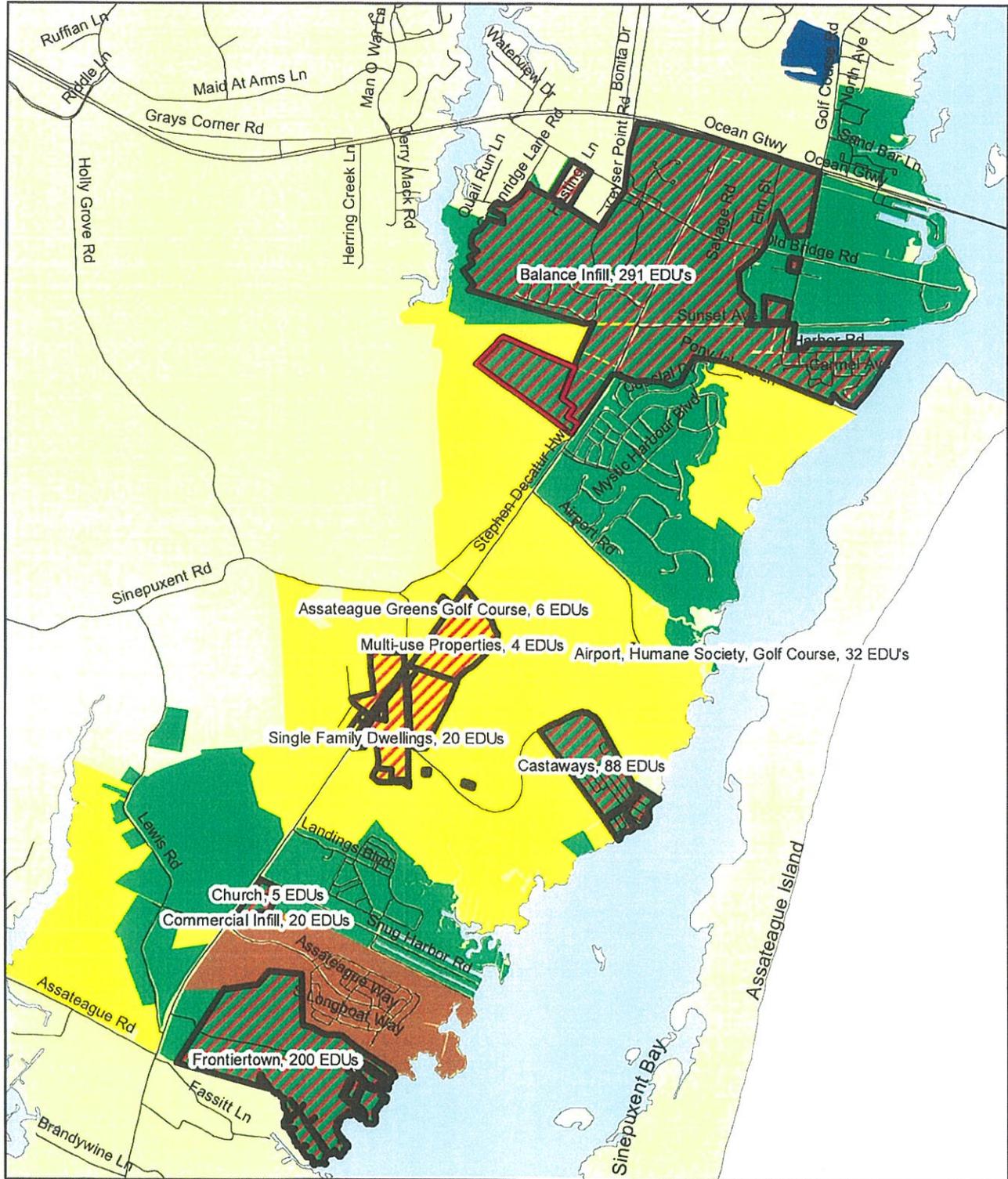
Op., Maint., and Replacement Costs: _____
Funding Source: _____

Comments: _____

Attachment 3

Revised Page 4-31.6
Revised Figure 4-14

Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity as of 9/18/18)						
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	56	58	3, 10, 12, 13
Vacant or Multi-lot Properties in "Area 1"	80	80	0	30	50	13
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	0	44	36	4, 5, 7, 8, 11, 13
Subtotal EDUs in "Area 1"	331	291	0	130	161	
Airport and South of Airport, East of Route 611 - "Area 2"						
Commercial Infill South of Airport	20	20	0	0	20	
Vacant or Multi-lot Properties	4	4	0	2	2	6
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	1	19	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	200	0	200	0	3, 10
Commercial Portion of Frontier Town Campground	30	0			0	
Subtotal EDUs in "Area 2"	335	375	120	203	52	
TOTAL EDUs	666	666	120	333	213	
Note: See attached map for location of EDU allocations						
Footnotes:						
1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.						
2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.						
3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.						
4 - Sold 14 EDUs to Park Place on May 16, 2017.						
5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.						
6 - Approved the sale of 2 EDU's to Victor H. Birch Property on March 20, 2018.						
7 - Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.						
8 - Approved the sale of 3 EDU's to L & B Ocean City, LLC Properties on April 3, 2018.						
9 - Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.						
10 - Water and Sewerage Plan Amendment - 34 EDUs from "infill and intensification of properties in Area 1" to Frontier Town Campground for Expansion - approved on June 19, 2018 by County Commissioners (Resolution No. 18-17).						
11 - Approved the sale of 9 EDUs to Stockyard Inc. Property on June 19, 2018.						
12 - Approved the sale of 27 EDUs to GCR Development, LLC Property on July 3, 2018.						
13 - Approved the sale of 63 EDUs - (29-infill, 30-vacant, 4-commercial) - to Sea Oaks, LLC property on Sept 18, 2018. Pending MDE approval.						



Mystic Harbour Sewer Planning Area
New Mystic Capacity--666 EDU's

Revised Figure 4-14

Revised Figure M
Mystic Harbour Environmental Report
Prepared by the Worcester County
Department of Environmental Programs

Attachment 2

Planning Commission Minutes

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: October 4, 2018

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Rick Wells

Brooks Clayville

Betty Smith

Jerry Barbierri

Staff

Ed Tudor, Director, DDRP

Phyllis Wimbrow, Deputy Director, DDRP

Cathy Zirkle, DRP Specialist II

Bob Mitchell, Director, Dept. of Env. Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, September 6, 2018 — As the first item of business, the Planning Commission reviewed the minutes of the September 6, 2018 meeting. Following the discussion it was moved by Ms. Ott, seconded by Mr. Barbierri and carried unanimously to approve the minutes as submitted.

B. Board of Zoning Appeals agenda, October 11, 2018 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for October 11, 2018. Mrs. Zirkle was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. Text Amendment

As the next item of business, the Planning Commission reviewed a proposed text amendment application to modify §ZS 1-330 surface mining. There were no objections or questions.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Clayville, and carried unanimously to forward a favorable recommendation to the County Commissioners.

IV. Sectional Map Amendment – McAllister Road/ MD Route 589 Corridor

As the next item of business, the Planning Commission discussed the sectional map amendment for the McAllister Road/ MD Route 589 Corridor. Mr. Diffendal asked each board member if they had any comments or questions. Ms. Ott commented that she was leaning toward leaving the zoning as it is for now. Mr. Wells stated that he intended to make a motion to recommend that the area under consideration for sectional rezoning, including all of the A-1 Agricultural

District and E-1 Estate District properties, be rezoned to C-1 Neighborhood Commercial District. Mr. Knerr acknowledged that while Mr. Wells and Mr. Cropper made compelling arguments, now is not the time to change the zoning in that area. He also noted that the current state of the roadways is not suitable for commercial traffic and that public water and sewer is neither presently available nor planned for the properties. Mr. Knerr stated that he felt the zoning should not be changed until after a new comprehensive plan is adopted. Mr. Barbierri agreed that McAllister Road being used for commercial purposes is not feasible. Mr. Wells doesn't believe current public water and sewer availability should be a determining factor.

Following the discussion, a motion was made by Mr. Wells, seconded by Mrs. Smith, and failed 5-2, with Mr. Barbierri, Mr. Clayville, Mr. Diffendal, Ms. Ott and Mr. Knerr opposed, to recommend the area encompassed by the sectional map amendment be rezoned from E-1 Estate District and A-1 Agricultural District to C-1 Neighborhood Commercial District based on the following reasons:

1. The Comprehensive plan has provisions for elimination of residential zoning;
2. The Commissioners recommended the sectional rezoning;
3. C-1 Neighborhood Commercial District is more compatible with the surrounding area; and
4. McAllister Road could be used as a service road and any new permits could require a widening strip dedication.

Following further discussion, a motion was made by Mr. Knerr, seconded by Mr. Clayville, and carried 6-1, with Mr. Wells opposed, to recommend that the area encompassed by the sectional map amendment remain zoned E-1 Estate District based on the following reasons:

1. The substantial existing residential areas;
2. McAllister Road is not adequate for commercial usage;
3. There is already an abundance of traffic on MD Route 589; and
4. Public water and sewer are not yet available.

V. §ZS 1-325 Site Plan Review

As the next item of business, the Planning Commission reviewed a site plan for the Fort Whaley campground expansion, consisting of the proposed redevelopment of the campground resulting in 210 campsites, Tax Map 18, Parcel 20, Tax District 3, A-2 Agricultural District, located on the southeasterly side of Dale Road and US Route 50 (Ocean Gateway). Hugh Cropper, IV, Esquire, Robert Hufnagel, Atwell Engineering, Chis McCabe, Coastal Compliance Solutions, Gary Timmons, Jackie McGuire and Brandon Darling of Sun Communities were present for the review. Mr. Hufnagel spoke first about the number of trees they will plant and the placement of those trees. He explained that there are already some trees towards the front and that every campsite will have a tree. They would like to plant most of the trees along what he referred to as "the ditch". Mr. Hufnagel emphasized that they are going to plant 10,000 trees. Mr. Cropper then discussed the request for a waiver of a loading space. Mr. Hufnagel explained that large trucks rarely make deliveries and that almost all deliveries are made at the store at the front of

the complex. He went on to say that should the need arise a large truck could turn around in the grassy area.

Following the discussion, a motion was made by Mr. Knerr, seconded by Mr. Barbierri, and carried unanimously to approve the site plan subject to the following:

1. The Planning Commission granted a waiver to Items No. 1 through 5;

VI. §ZS 1-325 Site Plan Review

As the next item of business, the Planning Commission reviewed an update from the staff with respect to the expansion of the Frontier Town Campground, Tax Map 33, Parcel 94, A-2 Agricultural and C-2 General Commercial Districts, located on the easterly side of Stephen Decatur Highway (MD Route 611), approximately 705 feet south of Assateague Way. Mr. Knerr inquired as to the plans for the land not ready for use. Mr. Hufnagel explained that it will remain vacant.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Mrs. Ott, and carried unanimously to amend the original approval granted on July 6, 2017 to reflect approval of only the southerly section consisting of 101 campsites and associated amenities.

VII. Water and Sewerage Plan Amendment

As the next item of business, the Planning Commission reviewed an application associated with a request to change the sewer planning area designation for a single property for the proposed Sea Oaks RPC development in the *Comprehensive Master Water and Sewerage Plan (The Plan)*. The proposed designation change is from an S-3 (6-10 year timeframe) classification to an S-1 (within two years) planning designation to accommodate an expedited development schedule. The property is more specifically identified on Tax Map 26, as Parcel 274, Lot 3A. This is amendment Case No. SW 2018-3. Bob Mitchell, Director of Environmental Programs, presented the request and was joined by Hugh Cropper, attorney, who represented the applicant, Sea Oaks Villages, LLC.

The request is to revise the sewer planning area designation in *The Plan*. Those changes would also include a revised EDU (Equivalent Dwelling Unit) table page and an updated Figure 4-14 showing the added area within *The Plan*.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development in the *Comprehensive Plan* and proposed improvements would be permitted in accordance with existing zoning. Mr. Mitchell, while acknowledging the land use designation of Green Infrastructure for the rear portion of the property, also emphasized that the entire property was already in the existing sewer planning area and any development would need to meet all local and state regulatory requirements as previously noted in the staff report.

Mr. Cropper noted the completeness of the staff report and had nothing to add other than he urged the Planning Commission to find the amendment consistent with the *Comprehensive Plan*.

Following the discussion, a motion was made by Mr. Clayville, seconded by Mr. Knerr and carried unanimously to find this application consistent with the *Comprehensive Plan* and recommended that they forward a favorable recommendation to the County Commissioners.

VIII. Adjourn – The Planning Commission adjourned at 1:32 P.M.

Betty Smith, Secretary

Cathy Zirkle

NOTICE OF PUBLIC HEARING
FOR
ESTABLISHMENT OF A
RESIDENTIAL PLANNED COMMUNITY (RPC) FLOATING ZONE

SEA OAKS VILLAGE RPC

WESTERLY SIDE OF STEPHEN DECATUR HIGHWAY (MD ROUTE 611)
NORTH OF SINEPUXENT ROAD
NEAR WEST OCEAN CITY

TENTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Sections ZS 1-114 and ZS 1-315 of the Worcester County Zoning Ordinance, application has been filed with the Worcester County Commissioners by Sea Oaks Village, LLC to establish a Residential Planned Community (RPC) on property located on the west side of Stephen Decatur Highway (MD Route 611), north of Sinepuxent Road near West Ocean City. Located in the Tenth Tax District of Worcester County, Maryland, the property is designated on Tax Map 26 as Parcel 274, Lot 3A. The Worcester County Planning Commission is scheduled to review the Sea Oaks Village Residential Planned Community application at its meeting of November 1, 2018 and will forward its recommendation to the Worcester County Commissioners regarding whether the Residential Planned Community floating zone should be established thereafter.

Pursuant to Sections ZS 1-114 and ZS 1-315 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING
ON
TUESDAY, NOVEMBER 20, 2018
AT 10:30 AM

IN THE COUNTY COMMISSIONERS' MEETING ROOM
WORCESTER COUNTY GOVERNMENT CENTER - ROOM 1101
ONE WEST MARKET STREET
SNOW HILL, MARYLAND 21863

At said public hearing the County Commissioners will consider the Residential Planned Community and the recommendation of the Planning Commission, any proposed restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve, or protect the general character and design of the lands and improvements being developed, and the advisability of reserving the power and authority to approve or disapprove the design of building, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

A map of the proposed area, the staff file on the Residential Planned Community application and the Planning Commission's file, which will be entered into the record at the public hearing, are on file and available for inspection at the Department of Development Review and Permitting, Worcester County Government Center - Room 1201, One West Market Street, Snow Hill, Maryland, 21863, between the hours of 8:00A.M. and 4:30 P.M., Monday through Friday (except holidays). Interested parties may also call (410) 632-1200.

Diana Purnell, President

la

WORCESTER COUNTY
PLANNING COMMISSION

FINDINGS OF FACT
AND
RECOMMENDATION

SEA OAKS VILLAGE
RESIDENTIAL PLANNED COMMUNITY

STEP I

November 1, 2018

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I. GENERAL INFORMATION:

Date of Planning Commission Review: November 1, 2018

Date of TRC Review: October 10, 2018

Approval requested: Step I Residential Planned Community – Establishment of the RPC Floating Zone

Project Description: Proposed 59 townhouse unit development and two commercial buildings consisting of 24,570 square feet of mixed use

Location: West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

Owner: Sea Oaks Village, LLC
841 East Fort Avenue, Unit 152
Baltimore, MD 21230

Land Planner: R.D. Hand & Associates, Inc.
12302 Collins Road
Bishopville, MD 21813

Existing Conditions: The 40 acre site area is comprised of approximately 21.82 acres of uplands and 18.18 acres of non-tidal wetlands. The property is located within the R-3 Multi-Family Residential District, with approximately 4.22 acres located in the C-1 Neighborhood Commercial District. The property has existing forested areas, with a minor amount of cleared lands closer to the roadway.

Proposed Project: The Sea Oaks Village RPC as shown on the Step I plan is proposed to be a fee-simple townhouse residential development comprised of a total of 59 residential units. Proposed open space totals approximately 31.65 acres, consisting of 13.6 acres of uplands and 18.05 acres of non-tidal wetlands. Within this total, 1.2 acres of active recreation and 6.0 acres of passive recreation are proposed. The Step I plan indicates that there will be one point of access to the project from Maryland Route 611 (Stephen Decatur Highway).

NOTE: The original submission to the Technical Review Committee was for 24,000 square feet of retail use. The submission to the Planning Commission was revised to include 24,570 square feet of retail, office and contractor shop uses. The revised plan was distributed to all members of the TRC for comment. Additional comments can be found in the Supplemental Comments section of this report, following the initial TRC packet. The findings within the TRC Report reflect these modifications.

II. COMMENTS RELATIVE TO COMPLIANCE WITH BASIC RPC REQUIREMENTS:

Zoning: A development is required to meet the major RPC standards when consisting of greater than 20 proposed units. RPC's are permitted in the R-3 Multi-Family Residential District, and are allowed in the C-1 Neighborhood Commercial District. However, the C-1 District acreage cannot be counted towards the total lot area associated with the calculation of density. In addition, the commercially zoned lands shall not exceed fifteen percent (15%) per Bill 17-8. This bill also requires that fifty percent (50%) of the commercial zoning acreage be developed for commercial purposes somewhere within the project. Therefore, of the 4.22 acres of C-1 zoned lands, 2.11 acres must be developed for commercial purposes somewhere within the project.

Permitted Uses: In that the proposed RPC is comprised of townhouses and mixed use commercial buildings, it complies with the RPC regulations relative to permitted uses.

Density: In the R-3 District, a maximum of six units per one acre of the total gross lot area are allowed, exclusive of lands in the C-1 District. A total of 35.78 acres of land are in the R-3 District, and 4.22 acres are in the C-1 District. The total permitted density is 214 units, and the applicant is proposing 59 units. Thus, the proposed density is approximately 1.65 units per acre.

Maximum limitation of 70% for residential uses: The project proposes to utilize 4.71 acres of its land area for residential uses including streets, or 11.8%.

Maximum limitation of 20% of retail and service uses: The project proposes to utilize 2.14 acres of its land area for commercial uses including the travelways, parking and stormwater management facility, or 5.4%. The project is meeting the requirement of utilizing at least 50% of the commercially zoned acreage for commercial purposes (50.7%).

Minimum requirement of 30% for common use open space and recreational areas: Given the project's acreage of 40 acres, a total of 12 acres is required to be provided for open space. A total of 31.95 acres of the site's acreage is proposed to be set aside in open space and reserved lands of the developer. According to the Step I plan, it will consist of 13.89 acres of uplands and 18.06 acres of non-tidal wetlands. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown is required as follows:

- **Minimum of 50% of required open space shall be retained in its natural state:** The project is proposing to provide 28.35 acres of the total open space/ reserved lands of the developer in a natural state. A minimum of 6 acres is required; therefore this requirement has been exceeded.
- **Minimum of 10% of required open space shall be for active recreation:** The project is proposing to provide 1.2 acres (10%) of the total required open space in active recreation. Active recreation is defined as uses, areas or activities that are oriented towards potential competition and involving special equipment. The project includes features such as a community swimming pool and a playground as active recreation.

- **Minimum of 20% of required open space shall be for passive recreation:** The project is proposing to provide 6.0 acres (50%) of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. The written narrative states that walking and bird watching trails will be provided as passive recreation.

III. THE FINDINGS OF THE PLANNING COMMISSION WITH REGARD TO THE ITEMS CITED IN §ZS 1-315(k)(2)A1(ix):

1. The relationship of the RPC with the Comprehensive Plan, zoning regulations, and other established policy guidelines:

The subject property is currently in the “Existing Developed Areas” and “Green Infrastructure” land use categories of the Comprehensive Plan. The zoning boundary line between the residential and commercial districts is a fairly accurate representation of the boundary of these land use categories. The Existing Developed Areas (EDA) category is located at the front of the parcel where the property is commercially zoned, and the residentially zoned, forested wetlands are within the Green Infrastructure category.

The EDA category recognizes the importance of maintaining the neighborhood character, and strongly encourages mixed used developments. The Residential Planned Community regulations allow for the flexibility of mixing residential and commercial land uses to encourage imaginative and environmentally sensitive development. When a RPC includes commercially zoned lands within its boundaries as is proposed for the Sea Oaks Village development, the developer is required to utilize a portion of that gross acreage for commercial services within the project (in this instance, 2.11 acres). This will provide services to the residents of the development, as well as those within the general neighborhood. This project includes the necessary components, but maintains the traditional zoning distinction between residential and commercial uses.

The residentially zoned portion of the property is within the Green Infrastructure land use category, with significant amounts of forested non-tidal wetlands. The Comprehensive Plan encourages the use of low impact development and cluster techniques in order to reduce overall impervious surface and maintain wildlife habitat. The project is shown to retain large tracts of the sensitive forested wetland areas that are an important aspect of the Green Infrastructure land use category. There will continue to be connectivity of the open space areas to larger tracts of naturally forested areas on surrounding properties. While exempt from the Forest Conservation Law, protection of these areas by easement is strongly encouraged. Since portions of this open space are labeled as “reserved lands of the developer”, any future development of this property will require review and approval with the open space requirements of the RPC regulations. Overall, this project recognizes the surrounding existing development, and provides for protection of the green infrastructure inherent in this property, in conformance with the Comprehensive Plan.

This property is located near the Ocean City Airport, and as such, is within one of the extended runway approaches. This project is therefore subject to review by the Maryland Aviation Administration (MAA) and Federal Aviation Administration (FAA). The Town of Ocean City reviewed the initial plans, shared them with the MAA and FAA, and determined that they had no objection to the original development as presented, which provided a higher residential density than shown on the current plans. The revised plans were sent to the Town of Ocean City staff, and they reaffirmed that there were no further comments based on the reduced scale of the project. However, they are still requiring the execution of an "Avigation" easement by the property owner, which is to be recorded in the Land Records of Worcester County. The recording reference should be placed on the future plans as this project moves through the review process.

Relative to consistency with the zoning regulations, the Planning Commission finds that the project site is zoned R-3 Multi-Family Residential and C-1 Neighborhood Commercial District, the R-3 District being a zoning classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS 1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open space and recreational areas, and types of permitted uses. Furthermore, the Planning Commission finds that the submittals relative to the proposed project comply with the requirements cited in §ZS 1-315(k)(2)A1.

2. The general location of the site and its relationship to existing land uses in the immediate vicinity:

The subject property is located on the westerly side of MD Route 611 (Stephen Decatur Highway), just north of Sinepuxent Road. The Planning Commission finds that this area can best be characterized as a mix of residential and commercial land uses. The neighboring developments of Whispering Woods, Mystic Harbor, Deer Point, and Ocean Reef all consist of primarily single-family dwellings. While this development will consist of clusters of townhouse multi-family buildings, the development is more densely placed so as to protect the natural green infrastructure of the property. The R-3 Multi-Family Residential District encourages infill development and higher densities to encourage traditional neighborhood development while still utilizing conservation features in its design.

Relative to the commercial uses, there are many commercial developments along MD Route 611 (Stephen Decatur Highway) to serve the needs of this development. As part of the 2017 text amendment which permitted an increase in the percentage of commercially zoned lands within a RPC, at least 50% of the acreage zoned commercially has to be utilized for such purpose within the development. Generally, those commercial uses are assumed to first serve the needs of the development in which they are located, though not exclusively. Allowing the developer the flexibility to rearrange the uses within the development will achieve the holistic goal of the RPC regulations. However as previously stated, this project includes the necessary components, but maintains the traditional zoning distinction between residential and commercial uses. In summary, the

Planning Commission finds that the proposed use as a townhouse and mixed use commercial development is consistent with existing land uses in the vicinity.

3. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services:

The Planning Commission finds that the properties proposed to be developed into the Sea Oaks Village RPC are presently zoned R-3 Multi-Family Residential District and C-1 Neighborhood Commercial Districts. The surrounding undeveloped lands to the north are similarly zoned for residential and commercial uses. Due to the R-3 Multi-Family Residential District zoning classification, townhouse residential development at a density of six dwelling units per one acre is permitted by zoning. Furthermore, residential planned communities of the same density are permitted by that zoning district. Thus, the proposed density of 1.65 dwelling units per acre was anticipated for this immediate vicinity. The townhouse dwelling units and mixed use commercial developments are consistent with the surrounding residential and commercial developments located within this area. In addition, the development proposes to cluster the residential dwelling units in an effort to preserve the existing forested areas and wetlands, resulting in approximately 79.8% of the lands being shown as open space which is encouraged by the Comprehensive Plan. However, the concept plan indicates that there are also reserved lands of the developer, of an undisclosed amount that has also been included in the open space calculation. For those areas that are required to be set aside to meet the active and passive recreation requirements, they shall be dedicated, developed and perpetually protected as outlined in §ZS 1-315(d)(2)B.5(iv). Therefore, the Planning Commission concludes that the proposed Sea Oaks Village RPC will not have an adverse long-term implication on development patterns in the area.

The applicants have indicated that fee simple lots will be proposed for the townhouse development. All roads within the development shall be constructed to one of the RPC road standards and will be reviewed and approved by the County Roads Division of the Department of Public Works. Should the applicant propose approved private roads, they should include the RPC Approved Private Road Standard WO 200-06 on future plans. Approved private roads will require review and approval by the County Commissioners under the provisions of §ZS 1-123 Approved private roads. The applicant should ensure that the preliminary layout of the travelways as shown on the plan will be able to accommodate one of the road standards.

Relative to certain public facilities, according to the applicants' written narrative, the developer is requesting that the townhouse units and commercial development be served by public water and sewer via connection to the Mystic Harbour service area. The Department of Environmental Programs failed to provide comments to the Technical Review Committee relative to water and sewer service and its consistency with their regulations for the initial and revised plan. Therefore copies of portions of the Worcester County Sewer Committee staff report, as well as the Water and Sewerage Plan

Amendment request have been included in the Supplemental Comments section of this Report following the TRC packet to justify the Technical Review Committees' findings relative to this standard. Comments were provided after the Technical Review Committee Report was prepared, and are attached in the Supplemental Comments section.

At their meeting of Tuesday, September 18, 2018, the County Commissioners reviewed a request for allocation of EDUs for the Sea Oaks Village RPC. The developer requested a total of 63 EDUs, with 59 EDUs being requested for the townhouse (residential) development, and 4 EDUs being requested for the commercial component (originally consisting of 24,000 square feet of retail/ office uses). According to the staff report prepared by Kelly Shannahan, AICP on behalf of the Worcester County Sewer Committee dated September 11, 2018 this property currently has a designation of Sewer Service Category S-3 (service within 6 to 10 years) in the Mystic Sewer Planning Area. At that meeting, the County Commissioners approved the request for the 63 EDUs, subject to six conditions of approval. Three of the conditions reflect the required amendment from a designation of S-3 to S-1 via a Water and Sewerage Plan Amendment. The remaining three conditions involve the review of the revised Step I concept plan by the Technical Review Committee, Planning Commission and County Commissioners by November 20, 2018.

At their meeting of Thursday, October 4, 2018, the Planning Commission reviewed a request for recommendation of the Water and Sewerage Plan Amendment from a designation of S-3 to S-1, and forwarded a favorable recommendation to the County Commissioners. The County Commissioners will in turn review the request at an upcoming public hearing. If they approve the Plan Amendment, it will then be sent to the state (Maryland Department of the Environment) for review and approval.

In consideration of their review, the Planning Commission finds that there will be no negative impacts to public facilities and services resulting from the proposed RPC, provided that the property owner is able to acquire sufficient sewer EDUs from the Mystic Harbor Sanitary District to serve any proposed use(s) on the petitioned area.

4. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5):

Relative to the protection of key environmental features, the Planning Commission finds that the development has taken steps to protect the sensitive areas on the subject property, such as the large tracts of existing forested areas and non-tidal wetlands. The open space provided well exceeds the minimum required under the RPC regulations. There will be minimal impact to the existing forested area, wetlands and associated buffer. Given the significant amount of forested non-tidal wetlands being protected, the project may be exempt from the Forest Conservation Law. A Forest Stand Delineation as well as a copy of the approved wetland delineation and wetland permit is required before the Department of Environmental Programs, Natural Resources Division can confirm that the exemption is valid. While the initial comments provided by the Department of Environmental Programs, Natural Resources Division indicated that this property was

located within the limits of the Atlantic Coastal Bays Critical Area, a delineation of the Critical Area line has shown that the regulatory line intersects this property at the property boundary. Therefore, this project is not subject to the Atlantic Coastal Bays Critical Area regulations (see supplemental memo dated October 10, 2018 provided in this packet).

Relative to the general layout and clustering of the development, the Planning Commission finds that the proposed RPC consists of clustered townhouse buildings, minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces. The traffic circulation patterns promote connectivity within the proposed development, and limit access to the public road system to one commercial entrance that will be designed to meet the State Highway Administration (SHA) standards. Subsection (j)(4) of the design standards encourage limiting the number of culs-de-sac and dead-end streets. This development will have one cul-de-sac, however there are dead end streets located at the recreational open space area (pool and playground). Resolution of this issue will be required from County Roads Division as well as the Fire Marshal's Office as this project moves forward.

Access to the available commercial development without accessing the public road system will be a convenience for the residential unit owners. Consideration has been given to sidewalks for pedestrian access to and from the commercial areas which will promote walkability. A note has been added to the concept plan indicating interconnecting sidewalks will be shown in more detail on the Step II plans.

Overall, the Planning Commission finds that the RPC has demonstrated consistency with the general design standards contained in §ZS 1-315(j)(1) through (j)(5).

5. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project:

Within the narrative, the applicant states that all water, sewer and road infrastructure for both the commercial and residential portions of the development will be constructed within the first phase. Construction of the residential portion of the development will occur based on market demand, with a temporary sales office to be placed within the commercial area. The recreational open space will be prorated based on the number of units constructed within the phases. Since there are very minimal active recreational facilities (a pool and several playgrounds), the Zoning Division strongly encouraged the Planning Commission to consider how the passive and active recreation will be phased in during their Step II review, to ensure that adequate facilities are being provided as the project is developed, and are not an afterthought as the last improvements to be made. The Planning Commission agreed that this should be further addressed in the Step II process.

6. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the

transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses:

Connectivity to main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via a single commercial entrance onto MD Route 611 (Stephen Decatur Highway) for both the commercial uses as well as the residential uses, therefore limiting multiple points of access. A Traffic Impact Analysis was conducted by The Traffic Group during the first Step I review (2017) to evaluate the existing and proposed levels of service based on the previous development plans which had a higher number of residential units. The traffic study also assumed that the entire 24,000 square feet of commercial development would be retail in nature according to many of the exhibits. This has been scaled back to 10,000 square feet of retail, 2,570 square feet of office and a 12,000 square foot contractor shop building. Based on that original study, all intersections were operating or projected to operate at a Level of Service A or B during peak travel times. The traffic study also determined that a left turn lane from the northbound travel lanes of MD Route 611 (Stephen Decatur Highway) is warranted. During the TRC meeting of October 10, 2018, the SHA representative provided the applicant with a copy of the proposed striping plan for MD Route 611 (Stephen Decatur Highway) which shall be incorporated into future submissions.

Relative to the adequacy of pedestrian and bicycle circulation, as stated in Item No. 4 above, consideration has been given to sidewalks for pedestrian access to and from the commercial areas which will promote walkability. A note has been added to the concept plan indicating interconnecting sidewalks will be shown in more detail on the Step II plans.

Based on the traffic analysis provided, the Planning Commission concludes that the access point to MD Route 611 (Stephen Decatur Highway) will not have a significantly adverse impact on traffic patterns in the area. The Planning Commission also concludes that the State Highway Administration is ensuring that all public road improvements and entrance design requirements are being met.

7. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines:

The Comprehensive Plan notes that “[s]ewer service...is one of the county’s most powerful growth management tools” (Chapter 6). As stated within the Water and Sewerage Plan Amendment transmittal, dated September 28, 2018, the requested sewer service for this project “does not require the expansion of the treatment facilities capability and can be adequately handled in the recently upgraded Mystic Harbour WWTP.” The Water and Wastewater Division of the Department of Public Works has noted in their TRC comments that an evaluation of Pump Station D will have to be

conducted to determine whether any upgrades to the pump station will be needed to accommodate the flow from this project.

The Planning Commission finds that, based on the recommendation and limited approvals granted to the developer thus far for public water and sewer (outlined in Item No. 3 above), provisions for public facilities have been made to serve this development in the Mystic Harbour service area, provided that the property owner is able to acquire sufficient sewer EDUs from the Mystic Harbor Sanitary District to serve any proposed use(s) on the petitioned area.

IV. THE RECOMMENDATION OF THE PLANNING COMMISSION

Based upon its findings, the Planning Commission finds that the area in which the subject property is located is currently in the “Existing Developed Areas” and “Green Infrastructure” land use categories of the Comprehensive Plan. The EDA category recognizes the importance of maintaining the neighborhood character, and strongly encourages mixed used developments. The residentially zoned portion of the property is within the Green Infrastructure land use category, with significant amounts of forested non-tidal wetlands. The Comprehensive Plan encourages the use of low impact development and cluster techniques in order to reduce overall impervious surface and maintain wildlife habitat. The project is shown to retain large tracts of the sensitive forested wetland areas that are an important aspect of the Green Infrastructure land use category. The Residential Planned Community regulations allow for the flexibility of mixing residential and commercial land uses to encourage imaginative and environmentally sensitive development. The R-3 Multi-Family District has a recommended density of six units per one acre and therefore the Planning Commission concludes that the proposed Sea Oaks Village RPC, which has a density of 1.65 units per acre, is thus in accordance with the Comprehensive Plan. Additionally, the proposed project as submitted complies with the regulations as set forth in §ZS 1-315 relative to residential planned communities. The Planning Commission perceives that while this development will consist of clusters of townhouse buildings as opposed to the more traditional single-family dwellings in the area immediate surrounding it, the development is more densely placed so as to protect the natural green infrastructure of the property. Furthermore, the Planning Commission notes that the proposed project maintains sensitive non-tidal wetlands and wooded areas, and incorporates measures to improve water quality. The Planning Commission also concludes that the project will not have an adverse impact on local traffic and transportation patterns. The Planning Commission finds that based on the recommendation and limited approvals granted to the developer thus far for public water and sewer, provisions for public facilities have been made to serve this development in the Mystic Harbour service area.

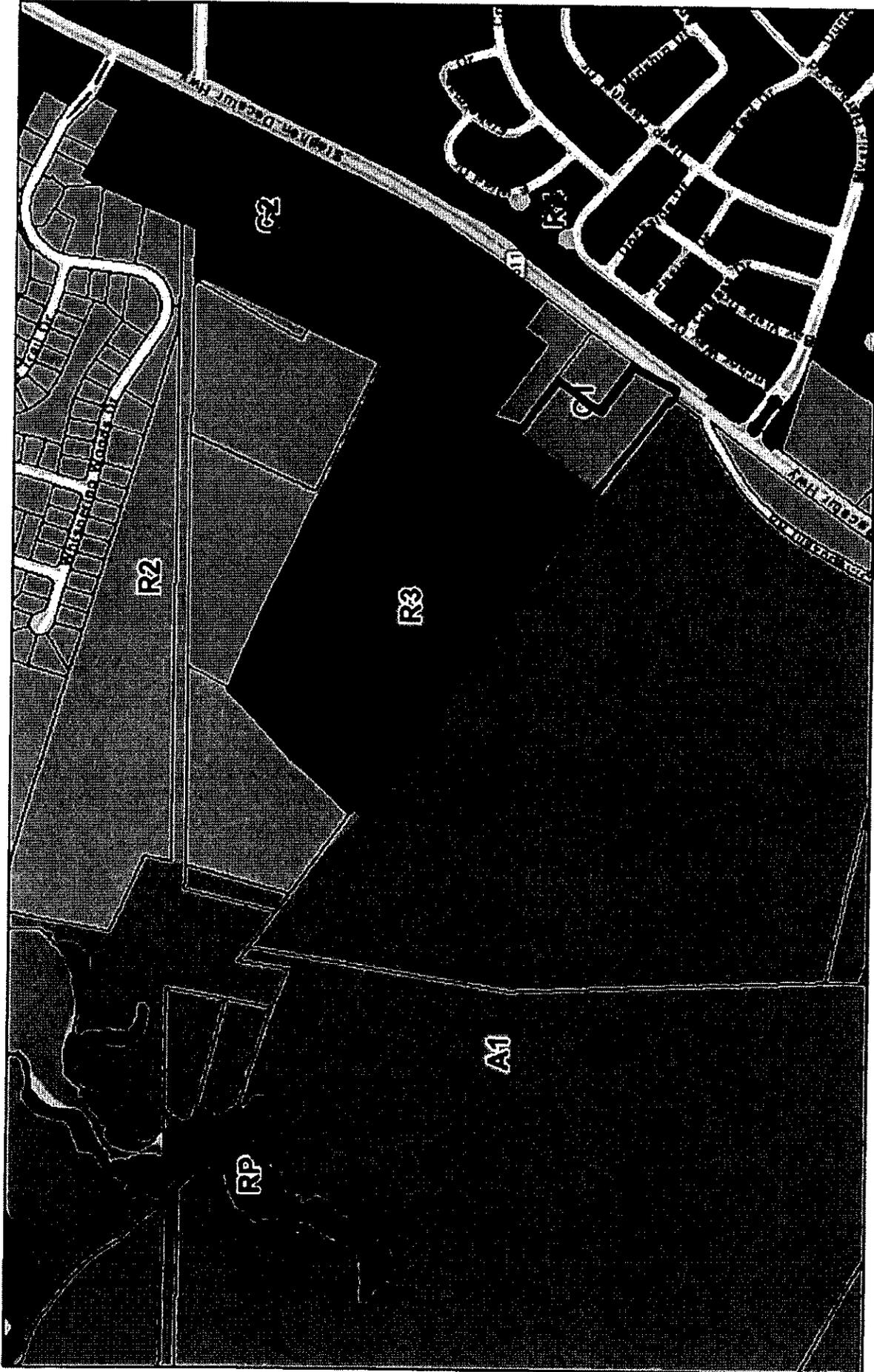
Therefore, based upon its review, the Planning Commission favorably recommends that the request for establishment of the residential planned community floating zone for Sea Oaks Village RPC be approved.

V. ATTACHMENTS

1. Zoning Map.
2. The Technical Review Committee Report, including the comments of individual Committee members, Supplemental comments, the applicant's written narrative, and §ZS 1-315 of the Zoning and Subdivision Control Article are attached.

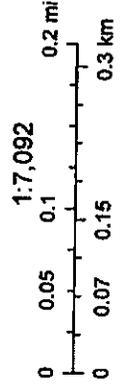
It should be noted that many comments submitted by various TRC members pertain more to later review stages such as the Step II and Step III implementation step, at which time subdivision plats would be submitted, or to the building/zoning permit stage.

Sea Oaks Village RPC



October 17, 2018

- Property Lines
- A1 - Agricultural
- A2 - Agricultural
- CA - Commercial/Airport
- RP - Resource Protection
- E1 - Estate
- R1 - Rural Residential
- R2 - Suburban Residential
- R3 - Multi-family Residential
- R4 - General Residential
- I1 - Light Industrial



The most current PFA data, received from the MD Dept. of Planning via email, 6/2013, U.S. Department of Agriculture, Natural Resources, Sources:
 Web AppBuilder for ArcGIS
 This map is intended for planning purposes only and not for regulatory application.

TECHNICAL REVIEW COMMITTEE

REPORT

SEA OAKS VILLAGE

RESIDENTIAL PLANNED COMMUNITY

STEP I

October 10, 2018

GENERAL INFORMATION:

Date of TRC Review: October 10, 2018

Approval requested: Step I Residential Planned Community – Establishment of the RPC Floating Zone – Sea Oaks Village

Project Description: Proposed 59 townhouse unit development and two commercial buildings consisting of 24,570 square feet of mixed use

Location: West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

Owner: Sea Oaks Village, LLC
841 East Fort Avenue, Unit 152
Baltimore, MD 21230

Land Planner: R.D. Hand & Associates, Inc.
12302 Collins Road
Bishopville, MD 21813

Existing Conditions: The 40 acre site area is comprised of approximately 21.82 acres of uplands and 18.18 acres of non-tidal wetlands. The property is located within the R-3 Multi-Family Residential District, with approximately 4.22 acres located in the C-1 Neighborhood Commercial District. The property has existing forested areas, with a minor amount of cleared lands closer to the roadway.

Proposed Project: The Sea Oaks Village RPC as shown on the Step I plan is proposed to be a fee-simple townhouse residential development comprised of a total of 59 residential units. Proposed open space totals approximately 31.65 acres, consisting of 13.6 acres of uplands and 18.05 acres of non-tidal wetlands. Within this total, 1.2 acres of active recreation and 6.0 acres of passive recreation are proposed. The Step I plan indicates that there will be one point of access to the project from Maryland Route 611 (Stephen Decatur Highway).

NOTE: The original submission to the Technical Review Committee was for 24,000 square feet of retail use. The submission to the Planning Commission has been revised to include 24,570 square feet of retail, office and contractor shop uses. The revised plan was distributed to all members of the TRC for comment. Additional comments can be found in the Supplemental Comments section of this report, following the initial TRC packet.

COMMENTS RELATIVE TO COMPLIANCE WITH BASIC RPC REQUIREMENTS:

Zoning: A development is required to meet the major RPC standards when consisting of greater than 20 proposed units. RPC's are permitted in the R-3 Multi-Family Residential District, and are allowed in the C-1 Neighborhood Commercial District. However, the C-1 District acreage cannot be counted towards the total lot area associated with the calculation of density. In addition, the commercially zoned lands shall not exceed fifteen percent (15%) per Bill 17-8. This bill also requires that fifty percent (50%) of the commercial zoning acreage be developed for commercial purposes somewhere within the project. Therefore, of the 4.22 acres of C-1 zoned lands, 2.11 acres must be developed for commercial purposes somewhere within the project.

Permitted Uses: In that the proposed RPC is comprised of townhouses and mixed use commercial buildings, it complies with the RPC regulations relative to permitted uses.

Density: In the R-3 District, a maximum of six units per one acre of the total gross lot area are allowed, exclusive of lands in the C-1 District. A total of 35.78 acres of land are in the R-3 District, and 4.22 acres are in the C-1 District. The total permitted density is 214 units, and the applicant is proposing 59 units. Thus, the proposed density is approximately 1.65 units per acre.

Maximum limitation of 70% for residential uses: The project proposes to utilize 4.71 acres of its land area for residential uses including streets, or 11.8%.

Maximum limitation of 20% of retail and service uses: The project proposes to utilize 2.14 acres of its land area for commercial uses including the travelways, parking and stormwater management facility, or 5.4%. The project is meeting the requirement of utilizing at least 50% of the commercially zoned acreage for commercial purposes (50.7%).

Minimum requirement of 30% for common use open space and recreational areas: Given the project's acreage of 40 acres, a total of 12 acres is required to be provided for open space. A total of 31.95 acres of the site's acreage is proposed to be set aside in open space and reserved lands of the developer. According to the Step I plan, it will consist of 13.89 acres of uplands and 18.06 acres of non-tidal wetlands. Open space is required to have a certain amount of active and passive recreational features, as well as lands preserved in their natural state. The breakdown is required as follows:

- **Minimum of 50% of required open space shall be retained in its natural state:** The project is proposing to provide 28.35 acres of the total open space/reserved lands of the developer in a natural state. A minimum of 6 acres is required; therefore this requirement has been exceeded.
- **Minimum of 10% of required open space shall be for active recreation:** The project is proposing to provide 1.2 acres (10%) of the total required open space in active recreation. Active recreation is defined as uses, areas or activities that are

oriented towards potential competition and involving special equipment. The project includes features such as a community swimming pool and a playground as active recreation.

- **Minimum of 20% of required open space shall be for passive recreation:** The project is proposing to provide 6.0 acres (50%) of the total open space in passive recreation. Passive recreation is defined as uses, areas or activities oriented to noncompetitive activities which typically require no special equipment. The written narrative states that walking and bird watching trails will be provided as passive recreation.

FINDINGS AND RECOMMENDATIONS OF THE TECHNICAL REVIEW COMMITTEE:

1. The relationship of the RPC with the Comprehensive Plan, zoning regulations, and other established policy guidelines:

The subject property is currently in the “Existing Developed Areas” and “Green Infrastructure” land use categories of the Comprehensive Plan. The zoning boundary line between the residential and commercial districts is a fairly accurate representation of the boundary of these land use categories. The Existing Developed Areas (EDA) category is located at the front of the parcel where the property is commercially zoned, and the residentially zoned, forested wetlands are within the Green Infrastructure category.

The EDA category recognizes the importance of maintaining the neighborhood character, and strongly encourages mixed used developments. The Residential Planned Community regulations allow for the flexibility of mixing residential and commercial land uses to encourage imaginative and environmentally sensitive development. When a RPC includes commercially zoned lands within its boundaries as is proposed for the Sea Oaks Village development, the developer is required to utilize a portion of that gross acreage for commercial services within the project (in this instance, 2.11 acres). This will provide services to the residents of the development, as well as those within the general neighborhood. This project includes the necessary components, but maintains the traditional zoning distinction between residential and commercial uses.

The residentially zoned portion of the property is within the Green Infrastructure land use category, with significant amounts of forested non-tidal wetlands. The Comprehensive Plan encourages the use of low impact development and cluster techniques in order to reduce overall impervious surface and maintain wildlife habitat. The project is shown to retain large tracts of the sensitive forested wetland areas that are an important aspect of the Green Infrastructure land use category. There will continue to be connectivity of the open space areas to larger tracts of naturally forested areas on surrounding properties. While exempt from the Forest Conservation Law, protection of these areas by easement is strongly

encouraged. Since portions of this open space are labeled as “reserved lands of the developer”, any future development of this property will require review and approval with the open space requirements of the RPC regulations. Overall, this project recognizes the surrounding existing development, and provides for protection of the green infrastructure inherent in this property, in conformance with the Comprehensive Plan.

This property is located near the Ocean City Airport, and as such, is within one of the extended runway approaches. This project is therefore subject to review by the Maryland Aviation Administration (MAA) and Federal Aviation Administration (FAA). The Town of Ocean City reviewed the initial plans, and shared them with the MAA and FAA and determined that they have no objection to the original development as presented. The revised plans were sent to the Town of Ocean City staff, and they reaffirmed that there were no further comments based on the reduced scale of the project. However, they are still requiring the execution of an “Avigation” easement by the property owner, which is to be recorded in the Land Records of Worcester County. The recording reference should be placed on the future plans as this project moves through the review process.

Relative to consistency with the zoning regulations, the Technical Review Committee finds that the project site is zoned R-3 Multi-Family Residential and C-1 Neighborhood Commercial District, the R-3 District being a zoning classification in which residential planned communities are permitted. It also finds that the project as proposed complies with those requirements cited in §ZS 1-315 relative to maximum density, maximum limitation for residential uses, minimum requirement for common use open space and recreational areas, and types of permitted uses. Furthermore, the Technical Review Committee finds that the submittals relative to the proposed project comply with the requirements cited in §ZS 1-315(k)(2)A1. The Technical Review Committee reminds the Planning Commission that for individual structures, there shall be no minimum lot area, setback, bulk, lot width, or road frontage requirements. Such standards shall be approved by the Planning Commission during the Step II review.

2. The general location of the site and its relationship to existing land uses in the immediate vicinity:

The subject property is located on the westerly side of MD Route 611 (Stephen Decatur Highway), just north of Sinepuxent Road. The Technical Review Committee finds that this area can best be characterized as a mix of residential and commercial land uses. The neighboring developments of Whispering Woods, Mystic Harbor, Deer Point, and Ocean Reef all consist of primarily single-family dwellings. While this development will consist of clusters of townhouse multi-family buildings, the development is more densely placed so as to protect the natural green infrastructure of the property. The R-3 Multi-Family Residential

District encourages infill development and higher densities to encourage traditional neighborhood development while still utilizing conservation features in its design.

Relative to the commercial uses, there are many commercial developments along MD Route 611 (Stephen Decatur Highway) to serve the needs of this development. As part of the 2017 text amendment which permitted an increase in the percentage of commercially zoned lands within a RPC, at least 50% of the acreage zoned commercially has to be utilized for such purpose within the development. Generally, those commercial uses are assumed to first serve the needs of the development in which they are located, though not exclusively. Allowing the developer the flexibility to rearrange the uses within the development will achieve the holistic goal of the RPC regulations. However as previously stated, this project includes the necessary components, but maintains the traditional zoning distinction between residential and commercial uses. In summary, the Technical Review Committee finds that the proposed use as a townhouse and mixed use commercial development is consistent with existing land uses in the vicinity.

3. The availability and adequacy of public facilities, services and utilities to meet the needs of the RPC and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services:

The Technical Review Committee finds that the properties proposed to be developed into the Sea Oaks RPC are presently zoned R-3 Multi-Family Residential District and C-1 Neighborhood Commercial Districts. The surrounding undeveloped lands to the north are similarly zoned for residential and commercial uses. Due to the R-3 Multi-Family Residential District zoning classification, townhouse residential development at a density of six dwelling units per one acre is permitted by zoning. Furthermore, residential planned communities of the same density are permitted by that zoning district. Thus, the proposed density of 1.65 dwelling units per acre was anticipated for this immediate vicinity. The townhouse dwelling units and mixed use commercial developments are consistent with the surrounding residential and commercial developments located within this area. In addition, the development proposes to cluster the residential dwelling units in an effort to preserve the existing forested areas and wetlands, resulting in approximately 79.8% of the lands being shown as open space which is encouraged by the Comprehensive Plan. However, the concept plan indicates that there are also reserved lands of the developer, of an undisclosed amount that has also been included in the open space calculation. For those areas that are required to be set aside to meet the active and passive recreation requirements, they shall be dedicated, developed and perpetually protected as outlined in §ZS 1-315(d)(2)B.5(iv). Therefore, the Technical Review

Committee concludes that the proposed Sea Oaks RPC will not have an adverse long-term implication on development patterns in the area.

The applicants have indicated that fee simple lots will be proposed for the townhouse development. All public roads within the development shall be constructed to one of the RPC road standards and will be reviewed and approved by the County Roads Division of the Department of Public Works. Should the applicant propose approved private roads, they should include the RPC Approved Private Road Standard WO 200-06 on future plans. Approved private roads will require review and approval by the County Commissioners under the provisions of §ZS 1-123 Approved private roads. The applicant should ensure that the preliminary layout of the travelways as shown on the plan will be able to accommodate one of the road standards.

Relative to certain public facilities, according to the applicants' written narrative, the developer is requesting that the townhouse units and commercial development be served by public water and sewer via connection to the Mystic Harbour service area. The Department of Environmental Programs failed to provide comments to the Technical Review Committee relative to water and sewer service and its consistency with their regulations for the initial and revised plan. Therefore copies of portions of the Worcester County Sewer Committee staff report, as well as the Water and Sewerage Plan Amendment request have been included in the Supplemental Comments section of this Report following the TRC packet to justify the Technical Review Committees' findings relative to this standard.

At their meeting of Tuesday, September 18, 2018, the County Commissioners reviewed a request for allocation of EDUs for the Sea Oaks Village project. The developer requested a total of 63 EDUs, with 59 EDUs being requested for the townhouse (residential) development, and 4 EDUs being requested for the commercial component (originally consisting of 24,000 square feet of retail/office uses). According to the staff report prepared by Kelly Shannahan on behalf of the Worcester County Sewer Committee dated September 11, 2018 this property currently has a designation of Sewer Service Category S-3 (service within 6 to 10 years) in the Mystic Sewer Planning Area. At that meeting, the County Commissioners approved the request for the 63 EDUs, subject to six conditions of approval. Three of the conditions reflect the required amendment from a designation of S-3 to S-1 via a Water and Sewerage Plan Amendment. The remaining three conditions involve the review of the revised Step I concept plan by the Technical Review Committee, Planning Commission and County Commissioners by November 20, 2018.

At their meeting of Thursday, October 4, 2018, the Planning Commission reviewed a request for recommendation of the Water and Sewerage Plan Amendment from a designation of S-3 to S-1, and forwarded a favorable recommendation to the County Commissioners. The County Commissioners will in turn review the request at an upcoming public hearing. If they approve the Plan

Amendment, it will then be sent to the state (Maryland Department of the Environment) for review and approval.

In consideration of their review, the Technical Review Committee finds that there will be no negative impacts to public facilities and services resulting from the proposed RPC, provided that the property owner is able to acquire sufficient sewer EDUs from the Mystic Harbor Sanitary District to serve any proposed use(s) on the petitioned area.

4. The consistency of the RPC with the general design standards as contained in Subsections (j)(1) through (j)(5):

Relative to the protection of key environmental features, the Technical Review Committee finds that the development has taken steps to protect the sensitive areas on the subject property, such as the large tracts of existing forested areas and non-tidal wetlands. The open space provided well exceeds the minimum required under the RPC regulations. There will be minimal impact to the existing forested area, wetlands and associated buffer. Given the significant amount of forested non-tidal wetlands being protected, the project may be exempt from the Forest Conservation Law. A Forest Stand Delineation as well as a copy of the approved wetland delineation and wetland permit is required before the Department of Environmental Programs, Natural Resources Division can confirm that the exemption is valid. While the initial comments provided by the Department of Environmental Programs, Natural Resources Division indicated that this property was located within the limits of the Atlantic Coastal Bays Critical Area, a delineation of the Critical Area line has shown that the line intersects this property at the property boundary. Therefore, it is not subject to the Atlantic Coastal Bays Critical Area regulations (see supplemental memo dated October 10, 2018 provided in this packet).

Relative to the general layout and clustering of the development, the Technical Review Committee finds that the proposed RPC consists of clustered townhouse buildings, minimizing land impacts, especially to environmentally sensitive lands, while maximizing contiguous open spaces. The traffic circulation patterns promote connectivity within the proposed development, and limit access to the public road system to one commercial entrance that will be designed to meet the State Highway Administration (SHA) standards. Subsection (j)(4) of the design standards encourage limiting the number of culs-de-sac and dead-end streets. This development will have one cul-de-sac, however there are dead end streets located at the recreational open space area (pool and playground). Resolution of this issue will be required from County Roads Division as well as the Fire Marshal's Office as this project moves forward.

Access to the available commercial development without accessing the public road system will be a convenience for the residential unit owners. Consideration has been given to sidewalks for pedestrian access to and from the commercial

areas which will promote walkability. A note has been added to the concept plan indicating interconnecting sidewalks will be shown in more detail on the Step II plans.

Overall, the Technical Review Committee finds that the RPC has demonstrated consistency with the general design standards contained in §ZS 1-315(j)(1) through (j)(5).

5. The relationship of the RPC's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project:

Within the narrative, the applicant states that all water, sewer and road infrastructure for both the commercial and residential portions of the development will be constructed within the first phase. Construction of the residential portion of the development will occur based on market demand, with a temporary sales office to be constructed within the commercial area. The recreational open space will be prorated based on the number of units constructed within the phases. Since there are very minimal active recreational facilities (a pool and several playgrounds), the Zoning Division strongly encourages the Planning Commission to consider how the passive and active recreation will be phased in during their Step II review, to ensure that adequate facilities are being provided as the project is developed, and are not an afterthought as the last improvements to be made.

6. The capacity of the existing road network to provide suitable vehicular access for the RPC, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses:

Connectivity to main transportation networks are another feature of the proposed development that are consistent with the Comprehensive Plan. Access will be via a single commercial entrance onto MD Route 611 (Stephen Decatur Highway) for both the commercial uses as well as the residential uses, therefore limiting multiple points of access. A Traffic Impact Analysis was conducted by The Traffic Group during the first Step I review (2017) to evaluate the existing and proposed levels of service based on the previous development plans which had a higher number of residential units. The traffic study also assumed that the entire 24,000 square feet of commercial development would be retail in nature according to many of the exhibits. This has been scaled back to 10,000 square feet of retail, 12,570 square feet of office and a 12,000 square foot contractor shop building. Based on that original study, all intersections were operating or projected to operate at a Level of Service A or B during peak travel times. The traffic study also determined that a left turn lane from the northbound travel lanes

of MD Route 611 (Stephen Decatur Highway) is warranted. During the TRC meeting of October 10, 2018, the SHA representative provided the applicant with a copy of the proposed striping plan for MD Route 611 (Stephen Decatur Highway) which shall be incorporated into future submissions.

Relative to the adequacy of pedestrian and bicycle circulation, as stated in Item No. 4 above, consideration has been given to sidewalks for pedestrian access to and from the commercial areas which will promote walkability. A note has been added to the concept plan indicating interconnecting sidewalks will be shown in more detail on the Step II plans.

Based on the traffic analysis provided, the Technical Review Committee concludes that the access point to MD Route 611 (Stephen Decatur Highway) will not have a significantly adverse impact on traffic patterns in the area. The committee also concludes that the State Highway Administration is ensuring that all public road improvements and entrance design requirements are being met.

7. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines:

The Comprehensive Plan notes that “[s]ewer service...is one of the county’s most powerful growth management tools” (Chapter 6). As stated within the Water and Sewerage Plan Amendment transmittal, dated September 28, 2018, the requested sewer service for this project “does not require the expansion of the treatment facilities capability and can be adequately handled in the recently upgraded Mystic Harbour WWTP.” The Water and Wastewater Division of the Department of Public Works has noted in their TRC comments that evaluation of Pump Station D will have to be conducted to determine whether any upgrades to the pump station will be needed to accommodate the flow from this project.

The Technical Review Committee finds that, based on the recommendation and limited approvals granted to the developer thus far for public water and sewer (outlined in Item No. 3 above), provisions for public facilities have been made to serve this development in the Mystic Harbour service area.

NOTE: Comments from the individual members of the Technical Review Committee are attached.

It should be noted that many of the comments submitted by various TRC members pertain to Step II and III of the review process at which time site plans and subdivision plats would be submitted, or to the permit submittals.

Procedure: The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the *Zoning and Subdivision Control Article*, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the Worcester County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate. Based upon the conditions of approval established by the County Commissioners as part of their review of the request for allocation of EDUs, the Planning Commission must make a recommendation at their meeting of November 1, 2018 in order to meet the deadline. Therefore, if there is any additional information or documentation that a member of the Planning Commission wishes to review in order to formulate a recommendation, please notify staff immediately so that it can be provided for the meeting.

TECHNICAL REVIEW COMMITTEE

COMMENTS

OCTOBER 10, 2018 REVIEW

TECHNICAL REVIEW COMMITTEE

STAFF PERSON: Jennifer K. Keener DATE OF MEETING: October 10, 2018

PROJECT: Sea Oaks Village Step I Residential Planned Community –Request for Establishment of the RPC Floating Zone - Proposed 59 unit townhouse development with 24,000 square feet of mixed commercial use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

APPLICANT(S) IN ATTENDANCE: Hugh Cropper

TRC MEMBERS IN ATTENDANCE:

- Keener, Zoning Administrator
- Zirkle, DRP Specialist II
- Miller, Building Plans Reviewer III
- Mitchell, Environmental Programs
- Klump, Environmental Programs
- Bradford, Environmental Programs
- Birch, Environmental Programs
- Gerthoffer, Environmental Programs
- Mathers, Environmental Programs
- Owens, Fire Marshal
- Adkins, County Roads
- Berdan, County Roads
- Wilson, State Highway Admin.
- Ross, W & WW, DPW
- Clayville, Planning Commission Rep.

X This application is considered to be a Step I RPC plan. Ten copies of the revised concept plan and narrative which address the comments noted within will need to be resubmitted for Planning Commission review. The Technical Review Committee shall prepare a report within 90 days of the receipt of the revised plans and narrative. The applicant and specified representatives will be notified of the tentative date and time at which this application will be considered by the Planning Commission. Should you have any questions regarding the attached comments, please feel free to contact the respective Technical Review Committee member.

*TRC did not receive
comments from EP
re: water/sewer
considerations.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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

WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

October 10, 2018

Jennifer K. Keener, Zoning Administrator

Department of Development, Review and Permitting

Worcester County Government Office Building

One West Market Street, Room 1201, Snow Hill, MD 21863

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

Project: Sea Oaks Village Step I Residential Planned Community – Request for Establishment of the RPC Floating Zone - Proposed 59 unit townhouse development with 24,000 square feet of retail use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts

GENERAL PROCEDURE:

The Technical Review Committee shall review the application and meet with the applicants to provide comments for correction or discussion. The applicants are responsible for submitting 10 copies of a revised Step I plan and updated narrative that addresses the Technical Review Committee's concerns. Following the meeting, the Technical Review Committee shall prepare a report to be forwarded to the Planning Commission for review within 90 days after the receipt of the revised plan.

The Planning Commission shall make findings of fact relative to the application and its consistency with the Comprehensive Plan, the terms of the *Zoning and Subdivision Control Article*, and all other applicable laws and regulations. The seven findings of the Technical Review Committee above must also be addressed by the Planning Commission in their report to the County Commissioners. The Planning Commission shall make a recommendation (favorable or unfavorable) relative to the application which may address the items outlined in the Technical Review Committee Report or other items as appropriate within 90 days.

The County Commissioners shall review the application and the Technical Review Committee Report, the Planning Commission's findings, and hold a public hearing within 90 days of the receipt of the Planning Commission's recommendation. Notice of the public hearing shall have the same procedural formalities as a map amendment. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial. Any approval by the County Commissioners must be unconditionally accepted as approved in writing within 90 days.

Step I approval shall be valid for one year and shall automatically terminate if the Step II approval has not been obtained. The County Commissioners may grant a maximum of one additional year provided the request is made a minimum of 60 days in advance of the expiration of the Step I approval and granted prior to the expiration.

Any questions relative to the review process should be directed to Jennifer K. Keener at (410) 632-1200,

extension 1123.

SPECIFIC COMMENTS:

1. As part of the original review of this project, an application for a map amendment was submitted in conjunction with the application for a text amendment. Since the text amendment was adopted, please confirm with Phyllis Wimbrow, Deputy Director, that you have formally withdrawn the proposed map amendment for this project prior to proceeding to the Planning Commission;
2. The project area is within the Ocean City Airport's navigation area. Please make sure you have been in contact with not only the staff at the airport, but also Maryland Aviation Administration (MAA) to determine any restrictions relative to the height of the structures, landscaping, etc. within the subject development. I have attached the Avigation and Clearance Easement that was previously provided by Town of Ocean City Airport Manager, Jaime Giandomenico;
3. Please update the Tax Map and Owner name and contact address on both the site plan and the narrative cover sheet;
4. Please identify the current flood zone on the site plan per §ZS 1-315(k)(2)A.1(ii);
5. Have the wetlands and associated buffer been formally delineated for this project? If so, please add a note to the site data referencing the company and generally when this work was done, and provide the Department with a copy of the impact approvals when obtained (required during Step III review);
6. The active recreational amenities (pool and playgrounds) are more remote from the residential development, and result in a dead-end street scenario. There are also no sidewalks proposed anywhere internal to the development. Consideration of the general design standards will need to be given in accordance with §ZS 1-315(j)(1) through (5);
7. For Step II review, you will need to identify the walking/ bird watching trails that are part of the passive recreational use;
8. More detailed phasing plans will need to be identified with the Step II plans. Please keep in mind that all open space as well as areas for active and passive recreation are to be dedicated, developed and perpetually protected per §ZS 1-315(d)(2)B.5(iv);
9. As an FYI, the Planning Commission shall determine the lot requirements as part of the Step II review;
10. All roads within the development shall be constructed to one of the RPC road standards. If you choose to develop the subdivision with fee simple lots on approved private roads, approval will have to be given under the provisions of §ZS 1-123 Approved private roads during the Step III process;

The Technical Review Committee shall make findings relative to the items listed below. If any member has additional comments based upon this discussion that are relative to regulations under their purview that they feel need to be further expounded upon, please notify me no later than Wednesday, October 17, 2018 so that the Technical Review Committee Report may be prepared for the November 1, 2018 Planning Commission meeting.

- a. The residential planned community's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines, and with the Comprehensive Plan, zoning regulations, development policy guidelines and annexation policies of any municipality within one mile of the proposed project's boundaries.
- b. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the residential planned community's compatibility with those land uses.
- c. The availability and adequacy of public facilities, services and utilities to meet the needs of the residential planned community and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services.
- d. The consistency of the residential planned community with the general design standards as contained in Subsections (j)(1) through (j)(5) hereof.
- e. The relationship of the residential planned community's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project.
- f. The capacity of the existing road network to provide suitable vehicular access for the residential planned community, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
- g. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.



DEPARTMENT OF ENVIRONMENTAL PROGRAMS

Worcester County

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PLUMBING & GAS
CRITICAL AREAS/FORESTRY
COMMUNITY HYGIENE

MEMORANDUM

DATE: September 25, 2018
TO: Worcester County Technical Review Committee
FROM: Joy S. Birch, Natural Resources Specialist III 
RE: October 10, 2018 Technical Review Committee Meeting

Sea Oaks – Step I Residential Planned Community – Request for Establishment of the RPC Floating Zone – Proposed 59 unit townhouse development with 24,000 square feet of retail use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 27, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts, Sea Oaks Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner.

Critical Area: This project is partially located in the Atlantic Coastal Bays Critical Area (ACBCA) program boundary, designated Intensely Developed Area (IDA) and is non-waterfront. Please see following comments:

1. Please note the Critical Area Designation as an Intensely Developed Area (IDA);
2. Please show the Critical Area boundary line on the site plan;
3. Include a square footage amount for land within the Critical Area boundaries;
4. Please add the standard Atlantic Coastal Bays Critical Area note: ***Worcester County Atlantic Coastal Bays Critical Area Law:** This property lies within the Worcester County Atlantic Coastal Bays Critical Area. Any and all proposed development activities must meet the requirements of Title 3 (Land and Water Resources), Subtitle 1 (Atlantic Coastal Bays Critical Area) of the Worcester County Code of Public Local Laws, as from time to time amended, in effect at the time of the proposed development activities.*

5. For the land within the Critical Area boundaries:
 - a. Ensure all items required within a Critical Area site plan NR 3-109 (d)(1) have been provided;
 - b. Provide lot coverage calculations;
 - c. Provide a Critical Area Report as defined within NR 3-109 (d)(2);
 - d. Provide documents that the site will meet the 10 percent pollution reduction requirements. The Department can provide you with a copy of the worksheet if needed;
 - e. Illustrate and/or provide documentation that the 15 percent afforestation requirement will be accomplished;
6. Depending on the size of the project that is located within the Critical Area, this project may meet the requirement for the Maryland Critical Area Commission Project Notification parameters. This will be determined when item number three is provided;
7. Please submit the Critical Area review fee of \$100.00 for Step I RPC Plan.

Storm Water Management & Erosion and Sediment Control:

Storm Water Management & Erosion and Sediment Control:

Concept Plan Approval will be required prior to this project being reviewed for the Step II RPC TRC review.

General Provisions:

- All Erosion and Sediment controls should comply with the 2011 Maryland Standards and Specifications for Erosion and Sediment Control.
- All Stormwater Management practices shall be designed to meet the requirements of the 2007 Maryland Stormwater Management Act.
- All projects over one (1) acre shall be required to file for a General Permit / Notice of Intent (NOI) for construction activity through Maryland Department of Environment. This is mandated through the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). Any permits to be issued by Worcester County for disturbance that exceeds one acre will not be issued without NOI authorization being obtained prior to.

cc: File;
R. D. Hand & Associates, Inc.;
Jenelle Gerthoffer, NR Administrator;



DEPARTMENT OF ENVIRONMENTAL PROGRAMS

Worcester County

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TECHNICAL REVIEW COMMITTEE
FOREST CONSERVATION REVIEW

LAND PRESERVATION PROGRAMS
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PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

STAFF PERSON: Jenelle Gerthoffer 

DATE OF MEETING: October 10, 2018

PROJECT: Sea Oaks RPC

LOCATION: Tax Map 26, Parcel 274, Lot: 3A

OWNER/DEVELOPER: Sea Oaks Village, LLC

SURVEYOR/ENGINEER: R.D. Hand and Associates, Inc.

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This project may be exempt from the Worcester County Forest Conservation Law per NR 1-403(b)(15). In order to obtain this exemption, a Forest Stand Delineation (FSD), with the Forestry calculation sheets (one for each zoning designation), will need to be provided. Furthermore, a boundary survey with a copy of the approved wetland delineation and wetland permit will be required to confirm that the amount of forested non-tidal wetlands, including any regulated buffers, is greater than or equal to the amount of afforestation/reforestation required under the law. The FSD must be approved prior to this project being reviewed by the Technical Review Committee as a Step II RPC.

This project is subject to the Worcester County Stormwater Ordinance. In order to ensure design changes are not needed, this project needs Stormwater Concept plan prior to this project being reviewed as a Step II RPC.



WORCESTER COUNTY TECHNICAL REVIEW COMMITTEE

Department of Development Review & Permitting
Worcester County Government Center
1 W. Market St., Room 1201
Snow Hill, Maryland 21863
410-632-1200, Ext. 1151
pmiller@co.worcester.md.us

Project: Sea Oaks
Date: 10/10/2018
Tax Map: 26 Parcel: 274 Section: Lot: 3A

STANDARD COMMENTS

1. Items listed in this review are not required for Technical Review Committee approval.
2. Provide complete code review. List type of construction, use groups, height and area, occupant loads, live, dead and other structural loads.
3. Soils report required at time of building permit application.
4. Compaction reports due at all footings and slab inspections as well as any site work and structural fill.
5. Complete sealed architectural, structural, mechanical, plumbing and electrical plans are required.
6. Provide information for wind, snow, floor, roof and seismic loads.
7. Special inspections (Third party) required per IBC Chapter 17 for steel, concrete, masonry, wood, prepared fill, foundations and structural observations.
8. Provide plan for owner's special inspection program, list inspections and inspection agencies.
9. A Maryland Registered Architect must seal plans. This architect or architectural firm will be considered the architect of record.
10. A pre-construction meeting will be required before any work starts.
11. Provide complete accessibility code requirements and details.
12. List on construction documents all deferred submittals.
13. Truss and other shop drawings will be required prior to installation. Design professional in responsible charge shall review and approve all shop drawings.
14. Please provide your design professional with a copy of these comments.

Site specific comments: Commercial

1. Current Codes: 2015 International Building Code
2015 International Residential Code
2015 International Energy Conservation Code
2015 International Mechanical Code
2017 NEC
Maryland Accessibility Code
2010 ADA Standards for Accessible Designs
(Maryland Codes Administration plans to complete required code adoption of the 2018 edition of the International Codes by the end of 2018).
2. Wind Design: 128 MPH (assumed); Risk category II; Exposure "C"
3. Complete sealed architectural, structural, mechanical, plumbing and electrical plans are required.
4. ADA: Provide all details and specifications per 2010 ADA design standards.
5. Provide an accessible route from parking to building entrance.
6. Provide all information per section C103.2 and R103.2: "Information on construction documents of 2015 IECC".
7. Provide an Energy Compliance Report and lighting plan (wattage report).

Site specific comments: Townhomes

1. Comply with Worcester County Floodplain Regulations.
2. The overall building height is to be clearly indicated on the construction documents. Maximum 45 feet building height permitted for townhomes, an as-built height certification may be required prior to framing inspection.
3. Townhomes to be signed and sealed by Maryland registered Architect.
4. Soils report and compaction testing required for all building pads, townhome sites and parking areas.

There is not enough information provided at this time to provide additional comments.



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TECHNICAL REVIEW COMMITTEE COMMENTS

PROJECT: **Sea Oaks RPC**
LOCATION: **Tax Map 26; Parcel 274, Lot 3A**
CONTACT: **Sea Oaks Village, LLC**
MEETING DATE: **October 10, 2018**

TRC #: **2018484**

COMMENTS BY: **Matthew Owens**
Chief Deputy Fire Marshal

As you requested, this office has reviewed plans for the above project. Construction shall be in accordance with applicable Worcester County and State of Maryland fire codes. This review is based upon information contained in the submitted TRC plans only, and does not cover unsatisfactory conditions resulting from errors, omissions or failure to clearly indicate conditions. A full plan review by this office is required prior to the issuance of a building permit. The following comments are noted from a fire protection and life safety standpoint.

Scope of Project

The request for establishment of the RPC floating zone for proposed 59 unit townhouse development with 24,000 square feet of retail use.

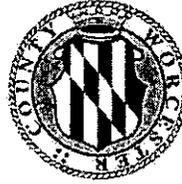
General Comments

1. A water supply for fire protection shall be identified indicating the following:
 - a. Water Source
 - b. Engineering study for reliability of water source
 - c. Size (in gallons) of water source
 - d. Replenishment of water supply
 - e. Diameter of in ground pipe
 - f. Number of hydrants
 - g. Location of hydrants
 - h. Roadway width and surface types
 - i. Distance from hydrant to roadway
2. If public water source, approved plans by the public works department.
3. Water source plans must be approved prior to recording of plat.

4. Fire hydrants shall be located within 3 ft. of curb line. Placement of fire hydrants shall be coordinated with this office prior to installation.
5. Obstructions shall not be placed or kept near fire hydrants, fire department inlet connections, or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately visible and accessible.
6. All underground water mains and hydrants **shall be installed, completed, and in service** prior to construction work or as soon as combustible material accumulates, which ever comes first. A stop work order will be issued if fire hydrants are not in service prior to construction work start.
7. Fire Lanes shall be provided at the start of a project and shall be maintained throughout construction. Fire lanes shall be not less than 20 ft. in unobstructed width, able to withstand live loads of fire apparatus, and have a minimum of 13 ft. 6 in. of vertical clearance. Fire lane access roadways must be established prior to construction start of any structure in the project. Failure to maintain roadways throughout the project will be grounds to issue stop work orders until the roadway access is corrected.
8. Coordinate 9-1-1 addressing with Worcester County Department of Emergency Services (410) 632-1311.

Specific Comments

1. Multifamily units shall be protected by an automatic sprinkler system. Plans shall be submitted and approved by this office prior to the installation of such system.
2. A fire hydrant shall be located within 100 feet of fire department connection for sprinkler system.
3. Provide the appropriate code compliant fire rated separation between units.
4. Depending on the commercial use, the proposed commercial units may be required to be protected by an automatic sprinkler system in accordance with NFPA 13.
5. Complete set of building plans shall be submitted and approved prior to start of construction.
6. No further comments at this time.



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

MEMORANDUM

JOHN H. TUSTIN, P.E.
 DIRECTOR

JOHN S. ROSS, P.E.
 DEPUTY DIRECTOR

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

TO: Jennifer Kenner, Zoning Administrator
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: October 1, 2018
SUBJECT: TRC Meeting – October 10, 2018

DIVISIONS

MAINTENANCE
 TEL: 410-632-3766
 FAX: 410-632-1753

ROADS
 TEL: 410-632-2344
 FAX: 410-632-0620

SOLID WASTE
 TEL: 410-632-3177
 FAX: 410-632-3000

FLEET
 MANAGEMENT
 TEL: 410-632-5675
 FAX: 410-632-1753

WATER AND
 WASTEWATER
 TEL: 410-641-5251
 FAX: 410-641-5185

Section 1-325 Site Plan Review

A. Sea Oaks – Step 1 RPC

1. Since this project is listed as a Residential Planned Community, any roads are to be built to an RPC road standard which may include an RPC Approved Private Road Standard WO 200-06.
2. A road bond will be required and must be in place prior to any construction activity.
3. A geo-tech must be on-site during any/all road related construction activities. All geo-tech reports must be submitted to the Department of Public Works – Roads Division.
4. Reserve further comments pending review of construction drawings.

B. Island Oasis

1. Please provide a detailed drawing of the commercial entrance on Lewis Road.
2. Will require a commercial entrance permit and posting of a \$5,000.00 performance bond.
3. Will require a 10' widening strip for future widening and dedicated to the County.
4. Post a stop sign at exit. This must be of diamond grade reflective material and conform to MUTCD standards.

cc: John H. Tustin, P.E.

FJA:ll
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MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

October 3, 2018

Ms. Jennifer Keener, Zoning Administrator
Department of Developing, Review and Planning
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill MD 21863

Dear Ms. Keener:

Thank you for the opportunity to review the submittal for the proposed Sea Oaks RPC, located on the west side of MD 611, north of Sinepuxent Road, in Worcester County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the plans and we are pleased to respond.

This site plan proposes the construction of a 59-unit townhouse development, with 24,000 square feet of retail use. As the plan proposes the new construction of a commercial development with a commercial access onto MD 611, a Commercial Access Permit will be required from this office.

Subject to our aforementioned comments, the applicant must submit four sets of plans, two sets of the Stormwater Report, and a CD containing the plans and supporting documentation in PDF format directly to James W. Meredith at 660 West Road, Salisbury, MD 21801, attention of Mr. Daniel Wilson. You can also choose to make an electronic project submittal by logging into <https://mdotsha.force.com/accesspermit/login?ec=302&inst=1B&startURL=%2Faccesspermit>.

If you have any questions or require additional information please contact Mr. Daniel Wilson, Access Management Consultant, at 410-677-4048, by using our toll-free number (in Maryland only) at 1-800-825-4742 (x4048), or via email at dwilson12@sha.state.md.us. He will be happy to assist you.

Sincerely,

James W. Meredith

James W. Meredith
District Engineer

cc: Mr. Hicham Baassiri, Assistant District Engineer-Project Development, MDOT SHA
Mr. Mike Marvel, Resident Maintenance Engineer, MDOT SHA
Mr. Daniel Wilson, Access Management Consultant, MDOT SHA

- Provided 611
Striping plan
to the
applicant

**WORCESTER COUNTY
DEPARTMENT OF PUBLIC WORKS
WATER & WASTEWATER DIVISION
INTEROFFICE MEMORANDUM**

TO: Jennifer K. Keener, Zoning Administrator
Development Review and Permitting

FROM: John S. Ross, P.E., Deputy Director

DATE: October 4, 2018

SUBJECT: TRC Meeting October 10, 2018

I. Site Plan Review

 A. Sea Oaks - Step I Residential Planned Community – Request for Establishment of the RPC Floating Zone - Proposed 59 unit townhouse development with 24,000 square feet of retail use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts, Sea Oaks Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner

1. Confirm adequate EDU's are assigned to the project
2. Pump Station D in Mystic Harbour may require upgrades to accommodate flow from this project
3. Reserve future comments pending receipt of construction drawings

B. Island Oasis - Proposed construction of a 4,938 square foot restaurant building, Tax Map 33, Parcel 101, Tax District 10, C-2 General Commercial District, located on the northwesterly intersection of MD Route 611 (Stephen Decatur Highway) and Lewis Road, E.S. Adkins and Company, property owner/ R.D. Hand & Associates, Inc., land planner;

1. Confirm adequate EDU's are assigned to the project
2. Property is currently served by public water from the Landings SSA
3. There is no public sewer line currently available for this proposal.

Cc: John Tustin

Jennifer Keener

From: Jaime Giandomenico [JGiandomenico@oceancitymd.gov]
Sent: Thursday, September 20, 2018 12:04 PM
To: Jennifer Keener
Cc: Hal Adkins; Lutz, Jennifer
Subject: RE: Sea Oaks RPC

Hi Jennifer,

I have reviewed our easement document and letter from last year, and the revised site you plan you have included. It appears that the changes to the layout are all west of the easement area, so I see no need to revise or change our comments. Please include our existing exhibits in the review packet, and let me know if my attendance at the TRC meeting would be helpful to answer any Airport questions.

Thanks for the opportunity to comment on the changes!

Thanks, Jaime

From: Jennifer Keener [mailto:jkkeener@co.worcester.md.us]
Sent: Thursday, September 20, 2018 9:55 AM
To: Jaime Giandomenico
Cc: Hal Adkins
Subject: Sea Oaks RPC

Good morning Jaime!

We have received a revised Step I concept plan for the development known as Sea Oaks, located on MD Route 611 near the airport. Overall, the project size has decreased from 135 townhouse units and 24,000 square feet of commercial space to 59 townhouse units and 24,000 square feet of commercial space. Please find a copy of the sketch plan attached for your review.

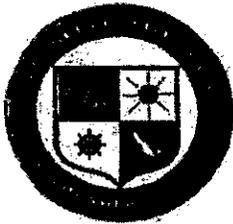
This project will be scheduled for the October 10, 2018 Technical Review Committee meeting, and should be on track for the November 1, 2018 Planning Commission meeting. I have a copy of your letter dated August 21, 2017 along with the sample Deed of Avigation and Clearance Easement that you provided to me with last years' review. I would like to include the original letter and deed to the packet, unless you see any changes that need to be made at this time based on the revised plan.

Thanks for your feedback!

Sincerely,

Jen

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



TOWN OF OCEAN CITY

The White Marlin Capital of the World

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

DOUGLAS S. CYMEK
DENNIS W. DARE
ANTHONY J. DELUCA
WAYNE A. HARTMAN
MATTHEW M. JAMES

CITY MANAGER
DOUGLAS R. MILLER

CITY CLERK
DIANA L. CHAVIS

August 21, 2017

Jennifer Keener, Zoning Administer
Worcester County
Room 116 Court House
One West Market Street
Snow Hill, Maryland 21863

Re: Sea Oaks Developments

Dear Ms. Keener,

After consultation with the Maryland Aviation Administration (MAA), Federal Aviation Administration, (FAA) and Airport Management, The Town of Ocean City has no objection to the proposed development of "Sea Oaks" tax map 26, parcel 274 with a single proviso.

The Towns' support for this amendment is contingent upon execution of an "Avigation" Easement for "Sea Oaks" by the property developer/owner.

The limitations placed on this parcel by the easement are clearly delineated in the language of the attached instrument, and it should be noted that the easement does become recorded in the land records.

Please feel free to contact me at (443) 235-4434 if you require any additional information.

Sincerely,

Jaime Giandomenico
Airport Manager

cc: Douglas R. Miller, City Manager
Hal O. Adkins, Public Works Director

www.oceancitymd.gov

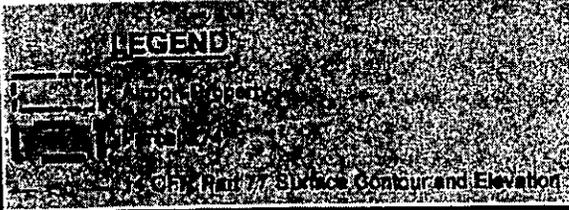
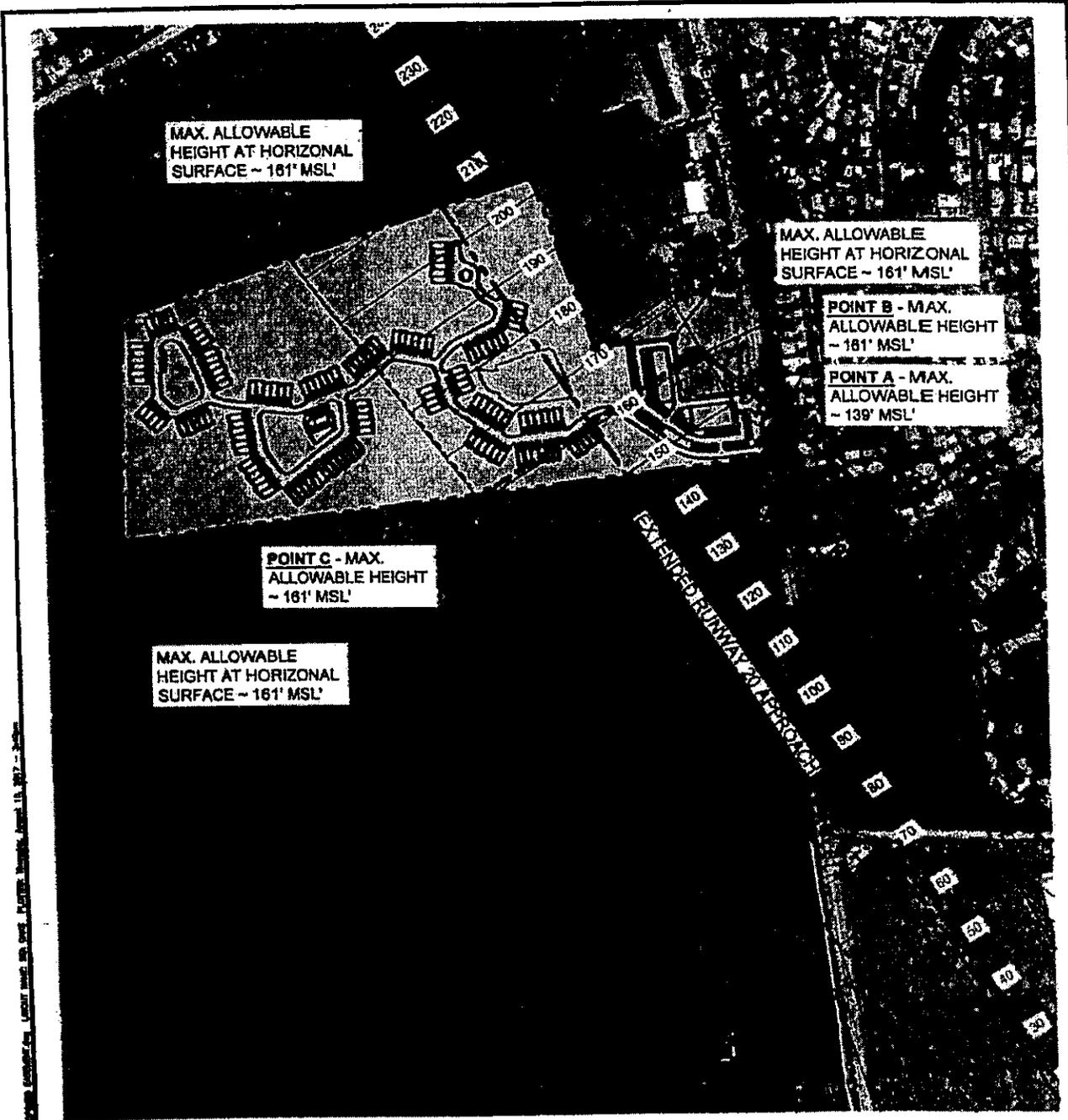
P.O. BOX 158 • OCEAN CITY, MARYLAND • 21843-0158
(410) 289-8703



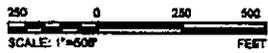
2001

City Hall - (410) 289-8221 • FAX -

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28



NOTE:
GROUND ELEVATION AT SITE IS APPROXIMATELY 12 FEET MSL.



	OCEAN CITY MUNICIPAL AIRPORT BERLIN, MARYLAND
	

PROPOSED SEA OAKS DEVELOPMENT
 TAX MAP 26 PARCEL 274

EXHIBIT
 1

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DEED OF AVIGATION AND CLEARANCE EASEMENT

This DEED OF AVIGATION AND CLEARANCE EASEMENT ("Deed") is executed and delivered this _____ day of _____ 20__, by and between _____ ("Grantor") and The Mayor and City Council of Ocean City ("Grantee"), witnesseth:

RECITALS

A. Grantor is the owner in fee simple of that certain real property (the "Property") located in or adjacent to the Worcester County, Maryland, legally described in Exhibit "A" attached hereto and incorporated by reference herein.

B. Grantee is the owner and operator of the Ocean City Municipal Airport (hereinafter, together with any future expansion thereof or modification thereof being referred to as the "Airport") situated in Worcester County, State of Maryland, which is more particularly described in Exhibit "B" attached hereto and incorporated by reference herein.

C. This Deed is made, executed and delivered pursuant to and in accordance with the laws of the State of Maryland, and the United States of America, including without limitation the applicable provisions of Federal Aviation Administration regulations set forth in 14 C.F.R. §§77.21-77.29, as the same may be amended or re-codified from time to time.

1. GRANT OF AVIGATION AND CLEARANCE EASEMENT

FOR VALUABLE CONSIDERATION, in the amount of _____, receipt of which is hereby acknowledged, Grantor, for itself and its successors and assigns, does hereby grant and convey to Grantee, its successors and assigns, for the use and benefit of Grantee, the tenants and licensees of Grantee, and all users of the Airport, the following easements, rights and servitudes, which shall be appurtenant to the Airport, as to Grantee, and in gross, as to the tenants and licensees of Grantee and as to all users of the Airport (collectively the "Avigation Easement"):

1.1. Passage of Aircraft. A perpetual nonexclusive easement and right of way for the "Passage of Aircraft" (as hereinafter defined) by whomsoever owned and operated in, to, over and through all air space of the Property located above the height of the lowest of the "imaginary surfaces" established in relation to the Airport and to each runway at the Airport in accordance with the applicable provisions of Federal Aviation Administration regulations set forth in 14 C.F.R. §§77.21-77.29 (as the same may be amended or re-codified from time to time), to an indefinite height above said imaginary surfaces. As used herein, the term "Aircraft" shall mean any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, and the term "Passage of Aircraft" shall include, but not be limited to, Aircraft operation, navigation and flight; however, except to the extent constituting "Incidental Effects" as provided in Section 1.2 below, the term "Passage of Aircraft" shall not include Aircraft landing, explosion, crash, falling objects, dumping or spillage of liquid fuel or other occurrence causing direct physical injury to persons or direct physical damage to property.

1.2. **Incidental Effects.** A perpetual nonexclusive easement and right to cause within, and to enter or penetrate into or transmit through, any improved or unimproved portion of the Property, or any air space above the ground surface of the Property, such noise, sounds, vibrations, electronic interference, fumes, dust, fuel vapor particles, and all other similar effects that may result from or be related to the ownership, operation or maintenance of the Airport, the use of the Airport by Aircraft, the flight of Aircraft to, from or over the Airport, or the flight of Aircraft over the Property (at heights above the "imaginary surfaces" described in Section 1.1 above), or the taking-off or landing of Aircraft from or at the Airport (collectively, "Incidental Effects"), including, without limitation, any Incidental Effects that may be objectionable or would otherwise constitute a trespass, a permanent or continuing nuisance, personal injury or taking or damage to the Property due to invasiveness, intermittence, frequency, loudness, intensity, toxicity of Aircraft emissions or fuel, interference, emission, odor, annoyance or otherwise.

1.3 Grantor shall not construct any fence, building, structure, or obstruction of any kind, or plant or permit any vegetation, bush, tree or natural growth of any kind (hereinafter an "Obstruction") to extend into the air space of the Property located above the height of the lowest of the "imaginary surfaces" as defined in Paragraph 1.1 above. Grantee shall have the right, from time to time, to prevent the construction or growth of any Obstruction, and shall have the absolute right to remove any Obstruction, or (at Grantee's sole option) to mark and light any Obstruction which may exist at any time upon the Property. Grantee's removal of any such Obstruction shall be at Grantee's expense, and subject to Grantee providing Grantor with written notice at least five (5) calendar days in advance of the removal. Grantee may use all means reasonably necessary to remove any such Obstruction and shall have the right to enter upon, over, and through the Property to do so.

2. COVENANTS

2.1. **Interference With Air Navigation.** In furtherance of the easements and rights herein granted, Grantor hereby covenants, for itself and its successors and assigns, at all times hereafter, that it will not take any action, cause or allow any electronic, electromagnetic or light emissions, allow any obstruction to exist, or construct any structure on the Property which would conflict or interfere with or infringe Grantee's rights hereunder, including the full use and enjoyment of the Avigation Easement.

2.2. **Changes.** The rights, easements, benefits, waivers, covenants and agreements granted hereunder, including the Avigation Easement, shall continue notwithstanding any increase or other change in the boundaries, volume of operations, noise, or pattern of air traffic at the Airport. The Avigation Easement and this Deed may not be modified, amended, terminated or abandoned except by execution and delivery of an instrument executed and acknowledged by Grantee, and Grantor agrees that, in the absence of such an instrument, no conduct by Grantee or increase, diminution or change in use of the Avigation Easement shall constitute either an overburdening of the Avigation Easement or a termination or abandonment of the Avigation Easement.

2.3. Covenants Binding On and Benefitting Successive Owners and Assigns. The parties intend that all waivers, restrictions, covenants and agreements set forth herein relate to the use, maintenance, or improvement of the Property or the Airport, or some part thereof, and shall run with and bind the land of Grantor and benefit the land of Grantee, and any successor or assign of Grantor who acquires any estate or interest in or right to use the Property shall be bound hereby for the benefit of the Airport and for the benefit of Grantee, its successors or assigns including, without, limitation, the tenants and licensees of Grantee, and all users of the Airport.

3. GENERAL PROVISIONS

3.1. Attorneys' Fees. Should Grantor or Grantee or any of their respective successors or assigns retain counsel to enforce any of the provisions herein or protect their interests in any matter arising under this Deed, or to recover damages by reason of any alleged breach of any provision of this Deed, the losing party in any action pursued in a court of competent jurisdiction shall pay to the prevailing party all costs, damages, and expenses incurred by the prevailing party, including, but not limited to, attorneys' fees and costs incurred in connection therewith.

3.2. Interpretation. No provision of this Deed is to be interpreted for or against any party because that party or that party's legal representative drafted such provision.

3.3. Waiver. No violation or breach of any provision of this Deed may be waived unless in writing. Waiver of any one breach of any provision of this Deed shall not be deemed to be a waiver of any other breach of the same or any other provision of this Deed.

3.4. Severability. In the event that any one or more covenant, condition, right or other provision contained in this Deed is held to be invalid, void or illegal by any court of competent jurisdiction, the same shall be deemed severable from the remainder of this Deed and shall in no way affect, impair or invalidate any other covenant, condition, right or other provision contained in this Deed.

3.5. Additional Documents. In addition to the documents and instruments to be delivered as provided in this Deed, Grantor or its successors and assigns, as the case may be, shall, from time to time at the request of Grantee, execute and deliver to Grantee such other documents and shall take such other action as may be reasonably required to carry out more effectively the terms of this Deed.

3.6. Governing Law. This Deed has been negotiated and entered into in the State of Maryland, and shall be governed by, construed and enforced in accordance with the statutory, administrative and judicial laws of the State of Maryland .

3.7. Integration. This Deed, including the exhibits, constitutes the final, complete and exclusive statement of the parties relative to the subject matter hereof and there are no oral or parol agreements existing between Grantor and Grantee relative to the subject matter hereof which are not expressly set forth herein and covered hereby. This is an integrated agreement.

3.8. Prior Rights. The rights, easements, benefits, waivers, covenants and agreements granted herein in favor of Grantee, its successors and assigns, the tenants and licensees of Grantee, and all users of the Airport under this Deed do not terminate, modify, restrict, or impair in any manner the pre-existing or subsequently acquired rights, easements, benefits, waivers, covenants and agreements in favor of Town of Ocean City, Maryland, its successors and assigns. Nothing in this Deed is intended to, nor shall be interpreted in any manner to terminate, modify, restrict, or impair in any manner the rights of the Town of Ocean City, Maryland to adopt, amend, or repeal or reenact local land use laws, including, but not limited to, the Worcester County's Zoning or Subdivision Ordinance and the Worcester County Comprehensive Plan.

IN WITNESS WHEREOF, the parties have executed and delivered this Deed as of the date first set forth above.

"GRANTOR"

By: _____

Title: _____

"GRANTEE"

MAYOR AND CITY COUNCIL

By: _____
Douglas R. Miller, City Manager

STATE OF MARYLAND, COUNTY OF QUEEN ANNE'S, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____ 20__, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared _____, who acknowledged himself to be an _____ of _____, a Maryland _____, and that he as such _____, being authorized so to do, executed the foregoing Deed for the purposes therein contained.

AS WITNESS my hand and Notarial seal.

Notary Public

My commission expires: _____

STATE OF MARYLAND, COUNTY OF WORCESTER, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____ 20__, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared **Douglas R. Miller**, who acknowledged himself to be the **City Manager of the Town of Ocean City**, a political subdivision of the State of Maryland, and that he as such, executed the foregoing Deed for the purposes therein contained by signing an behalf of said Mayor and City County Council by himself as **City Manager**.

AS WITNESS my hand and Notarial seal.

Notary Public

My commission expires: _____

CERTIFICATION

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Guy, Ayres, City Solicitor
Town of Ocean City

SUPPLEMENTAL COMMENTS



DEPARTMENT OF ENVIRONMENTAL PROGRAMS

Worcester County

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

LAND PRESERVATION PROGRAM
STORMWATER MANAGEMENT
SEDIMENT AND EROSION CONTROL
SHORELINE COMMISSION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS/FORESTRY
COMMUNITY HYGIENE

MEMORANDUM

DATE: October 17, 2018
TO: Worcester County Technical Review Committee
FROM: Joy S. Birch, Natural Resources Specialist III JSB
RE: October 10, 2018 Technical Review Committee Meeting

Sea Oaks - Step I Residential Planned Community - Request for Establishment of the RPC Floating Zone - Proposed 59 unit townhouse development with 24,000 square feet of retail use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 27, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts, Sea Oaks Village, LLC, owner/ R.D. Hand & Associates, Inc., land planner.

Critical Area: According to the plan provided dated October 16, 2018 the property and project boundaries are not located within the Atlantic Coastal Bays Critical Area (ACBCA) program; therefore, we have no comments.

Storm Water Management & Erosion and Sediment Control:

Storm Water Management & Erosion and Sediment Control:

Concept Plan Approval will be required prior to this project being reviewed for the Step II RPC TRC review.

General Provisions:

- All Erosion and Sediment controls should comply with the 2011 Maryland Standards and Specifications for Erosion and Sediment Control.
- All Stormwater Management practices shall be designed to meet the requirements of the 2007 Maryland Stormwater Management Act.

- All projects over one (1) acre shall be required to file for a General Permit / Notice of Intent (NOI) for construction activity through Maryland Department of Environment. This is mandated through the Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES). Any permits to be issued by Worcester County for disturbance that exceeds one acre will not be issued without NOI authorization being obtained prior to.

cc: File;
R. D. Hand & Associates, Inc.;
Jenelle Gerthoffer, NR Administrator;
David Bradford, NR Deputy Director.



11

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

OFFICE OF THE
COUNTY COMMISSIONERS

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1100

SNOW HILL, MARYLAND

21863-1195

September 11, 2018

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
On Behalf Of Worcester County Sewer Committee
SUBJECT: Request for Allocation of EDUs for Sea Oaks Village, LLC Property

Please be advised that on August 6, 2018 we received the attached request from Attorney Hugh Cropper, IV on behalf of Sea Oaks Village, LLC (the Applicant) for the allocation of sixty-three (63) equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve a proposed Residential Planned Community (RPC) to be located on Stephen Decatur Highway (MD Route 611) south of West Ocean City. The subject property is identified on Tax Map 26 as Parcel 274, Lot 3A. The request was subsequently reviewed by the Worcester County Sewer Committee at our meeting on September 6, 2018. On behalf of the committee, I offer the following staff report for your consideration with regard to this request:

Summary of Request: Sea Oaks Village, LLC requests an allocation of 63 equivalent dwelling units (EDUs) of sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve a proposed Residential Planned Community (RPC) development consisting of 59 townhomes and 24,000 square feet (sf) of commercial use. Requested EDUs are computed as follows:

- 59 EDUs for Townhomes - at 1 EDU per unit x 59 units = 59 EDUs
- 4 EDUs for Commercial - at .05 gallons/sf x 24,000 sf = 1,200 gallons per day (gpd)
÷ 300 gpd/edu = 4 EDUs

63 EDUs - Total Request

Background on the Subject Property: The subject property is approximately 40 acres in area, is located on the west side of Stephen Decatur Highway, approximately 0.3 mile south of Sunset Avenue. The property is currently zoned C-1 Neighborhood Commercial (4.2 acres) along Stephen Decatur Highway and R-3 Multifamily Residential (35.8 acres) for the balance of the property. The property is designated S-3 in the County Water and Sewerage Plan which indicates an area to be served by sewer service within 6-10 years, but does not guarantee any service or obligate the provision of services in that time frame. The property lies just outside of the area designated for allocation of new sewer EDUs in the northern receiving area of the Mystic Harbour SSA.

History of this Property: Prior to the replacement and expansion of the Mystic Harbour Wastewater Treatment Plant (WWTP), the subject property was allocated a total of 40 EDUs of sewer service in the Mystic Harbour SSA. At the Commissioners meeting of March 15, 2016, the property owner's attorney, Hugh Cropper, argued that the subject property is an "environmentally sensitive, wooded area" and that "developing the property does not constitute smart growth; whereas transferring those (40) EDUs to the

Citizens and Government Working Together

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existing commercial center in West Ocean City does make good sense." As a result, the Commissioners granted approval for the transfer of the 40 EDUs to other properties in the Mystic Harbour/West OC overlay area which were subsequently transferred, thus leaving this property with 0 EDUs.

On September 29, 2017 the County received a request for the allocation of 139 equivalent dwelling units (EDUs) of sanitary sewer service for the Sea Oaks Village RPC, to serve 135 townhomes and 24,000 sf of commercial development. The County Commissioners subsequently denied the application at their meeting on October 17, 2017.

Current Available Capacity - North: There are currently 224 EDUs allocated in Area 1 (north of the airport), in which the subject property is located, which have not yet been purchased. These remaining EDUs have been allocated for the following uses: Infill and Intensification (87 EDUs), Vacant or Multi-Lot properties (80 EDUs), Single Family Dwellings (17 EDUs), and Commercial (40 EDUs). Given the nature of this request and the current zoning of the property, we suggest that the "Vacant or Multi-Lot Properties" category (59 EDUs) and the "Commercial" category (4 EDUs) would be the most appropriate from which to consider assigning these EDUs.

Background on Original Allocation of New Sewer Capacity in Mystic Harbour: The expansion of the Mystic Harbour WWTP and funding from USDA in 2008 was predicated upon the need for infill and intensification of properties along the Route 50 commercial corridor and vicinity, service to vacant or multi-lot properties, single family dwellings converting from septic systems to public sewer, and commercial properties. The Worcester County Planning Commission recommended a rating system to rank priority allocations of the additional EDUs with highest priority to (1) infill lots, (2) expansion of existing facilities, (3) replacement of septic tanks, and (4) new developments.

Conditions of Approval: We recommend that any approval of this request be contingent upon the following conditions:

- 10/4/18 ✓ 1. Recommendation of approval by the Planning Commission for an Amendment to the Water and Sewer Plan (the Plan) amending the property from S-3 to S-1 and amending the EDU map to incorporate the subject property; and
2. Approval by the County Commissioners of the Plan Amendment referenced in Condition 1; and
3. Approval by the Maryland Department of the Environment (MDE) of the Plan Amendment referenced in Condition 1; and
- 10/10/18 4. Taking the revised Residential Planned Community (RPC) - Step 1 application back to the Technical Review Committee (TRC) for review and comment; and
- 11/1/18 5. Recommendation of approval by the Planning Commission for the revised RPC - Step 1 application; and
- 11/20/18 6. Approval by the County Commissioners of the revised RPC - Step 1 application.

The above conditions, exclusive of MDE approval, shall be met on or before November 20, 2018.

Options for Commissioners' Action on the Request:

Option 1 - Approve the request for allocation of 63 EDUs of sewer service from Area 1 (North) of the Mystic Harbour SSA to serve the Sea Oaks, LLC property, with EDUs allocated from the "Vacant or Multi-Lot Properties" category (59 EDUs) and the "Commercial" category (4 EDUs), and subject to the above Conditions of Approval.

Option 2 - Approve all or a portion of the request for 63 EDUs of sewer service from Area 1 (North) of the Mystic Harbour SSA to serve the Sea Oaks, LLC property, with EDUs allocated from either the "Vacant or Multi-Lot Properties" category (80 EDUs available), the "Commercial" category (40 EDUs available) or "Infill and Intensification" category (87 EDUs available), and subject to the above Conditions of Approval. 4 30 29

Option 3 - Deny the request for 63 EDUs of sewer service from the Mystic Harbour SSA to serve the Sea Oaks, LLC property.

Allocation of Sewer EDUs in Mystic Harbour Sanitary Service Area (New Capacity as of 7/3/18)						
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	27	87	3, 10, 12
Vacant or Multi-lot Properties in "Area 1"	80	80	0	0	80	
Single Family Dwellings	17	17	0	0	17	
Commercial Properties in "Area 1"	80	80	0	40	40	4, 5, 7, 8, 11
Subtotal EDUs in "Area 1"	331	291	0	67	224	
Airport and South of Airport, East of Route 611 - "Area 2"						
Commercial Infill South of Airport	20	20	0	0	20	
Vacant or Multi-lot Properties	4	4	0	2	2	6
Assateague Greens Executive Golf Course/Range-9-holes	6	6	0	0	6	
Ocean City Airport, Clubhouse and Humane Society	32	32	32		0	1
Church	5	5	0	0	5	
Single Family Dwellings	20	20	0	1	19	9
Castaways Campground	88	88	88		0	2
Frontier Town Campground	130	200	0	200	0	3, 10
Commercial Portion of Frontier Town Campground	30	0			0	
Subtotal EDUs in "Area 2"	335	375	120	203	52	
TOTAL EDUs	666	666	120	270	276	
Note: See attached map for location of EDU allocations						
Footnotes:						
1 - Transferred 32 EDUs to Town of Ocean City on June 3, 2014 as part of the Eagles Landing Spray Irrigation MOU.						
2 - Sold 88 EDUs to Castaways Campground on July 3, 2014.						
3 - Sold 166 EDUs to Frontier Town Campground on March 30, 2017 by transferring 30 EDUs from Frontier Town Commercial allocation and 6 EDUs from "infill and intensification of properties in Area 1" allocation as agreed by Commissioners on September 19, 2017.						
4 - Sold 14 EDUs to Park Place on May 16, 2017.						
5 - Hampton Inn bought 40 EDUs from Mitch Parker and bought an additional 13 EDUs from the County on August 28, 2017.						
6 - Approved the sale of 2 EDU's to Victor H. Birch Property on March 20, 2018.						
7 - Approved the sale of 1 EDU to Eugene Parker Trust Property on April 3, 2018.						
8 - Approved the sale of 3 EDU's to L & B Ocean City, LLC Properties on April 3, 2018.						
9 - Approved the sale of 1 EDU to Michael Jay Deem Property on April 17, 2018.						
10 - Water and Sewerage Plan Amendment - 34 EDUs from "infill and intensification of properties in Area 1" to Frontier Town Campground for Expansion - approved on June 19, 2018 by County Commissioners (Resolution No. 18-17). Pending MDE approval.						
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.						

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DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21883
TEL: 410-832-1220 / FAX: 410-832-2012

LAND PRESERVATION PROGRAMS
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PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

September 28, 2018

Worcester County Planning Commission
Worcester County Courthouse
1 West Market Street, Room 1201
Snow Hill, MD 21863

RE: Transmittal-Comprehensive Water and Sewerage
Plan Amendment –Mystic Harbour Sanitary Area –
Reclassification of Sewer Planning Area
Designation
Sea Oaks Village, LLC
TM 27 P 274 L
(SW-2018-3)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise certain sanitary area data for the Mystic Harbour Sanitary Area in *The Plan*, for your review and comment to the County Commissioners. According to Chapter One, Section 1.4.2 of *The Plan* ("Application for Amendments"), the applicant submitted a complete application and we have attached it.

Mr. Hugh Cropper is the applicant on behalf of the owner, Sea Oaks Villages, LLC. This amendment seeks to reclassify the sewer planning area for a single property from S-3 (six to ten year period) to S-1 (within two years) and include in the Mystic sewer service area information in *The Plan* to include a revised Equivalent Dwelling Unit table that will accurately reflect the planning and connection activities in the sanitary area.

The applicant requested the change in sewer service classification in order to serve a proposed Residential Planned Community (RPC) on the property. The subject property, located on Stephen Decatur Highway (MD Rout 611), south of West Ocean City. The property is more specifically identified on Tax Map 26 as Parcel 274, Lot 3A. The proposed RPC development will consist of 59 townhomes and 24,000 square feet of commercial use. Prior to the replacement and expansion of the Mystic Harbour WWTP, the subject property was allocated a total of 40 EDUs of sewer service in the Mystic Harbour Sanitary Service Area (SSA). At the County Commissioners meeting of March 15,

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Mystic Harbour WS Amendment Case No. 2018-3
September 28, 2018

2016, the prior owner was allowed by the County Commissioners to transfer off that capacity to other properties in the Mystic Harbour SSA, thus leaving this property without sewer EDUs. On September 29, 2017 the County Commissioners received a request for the allocation of 139 equivalent dwelling units (EDU's) of sanitary sewer service for the Sea Oaks Village RPC, to serve 135 townhomes and 24,000 sf of commercial development. The County Commissioners subsequently denied that application at their meeting on October 17, 2017. At their meeting on September 18, 2018, the County Commissioners approved an allocation of sixty-three (63) sewer EDUs for this property subject to the following conditions:

1. Recommendation of the approval by the Planning Commission for an Amendment to the Water and Sewerage Plan (The Plan) amending the property from S-3 to S-1 and amending the EDU map to incorporate the subject property; and
2. Approval by the County Commissioners of the Plan Amendment; and
3. Approval by the Maryland Department of the Environment (MDE) of the Plan Amendment; and
4. Taking the RPC – Step 1 application back to the Technical Review Committee (TRC) for review and comment; and
5. Recommendation of approval by the Planning Commission for the revised RPC – Step 1 application; and
6. Approval by the County Commissioners of the Revised RPC – Step 1 application.

The above conditions, exclusive of MDE approval, are expected to be satisfied on or before November 20, 2018. At the September 18, 2018 meeting, the County Commissioners decided that the sixty-three (63) sewer EDUs should be taken from the following categories for the northern part of the service area or Area 1 on the EDU chart on page 4-31.6 of the Plan:

- 29 from "Infill"
- 30 from "Vacant"
- 4 from "Commercial"

These changes are reflected in the revised page 4-31.6 of the Plan found in Attachment #3 of this report.

Other than the subject property, this amendment does not seek to amend or intensify the wastewater planning areas approved in prior amendments with respect to the mapped planning areas.

The Planning Commission is tasked by Section 1.4 of *The Plan* ("Procedures for Plan Amendments") to make a finding as to whether this amendment would be consistent with *The Comprehensive Plan*. The Planning Commission may also submit its project comments and recommendations. The findings and comments will be submitted to the County Commissioners. The County Commissioners will hold a public hearing and then take action on the proposal.

Comprehensive Plan Policies

The comprehensive plan assigns two land use designations for this property within the Mystic Harbour sewer planning area. These designations include:

1. Existing Developed Area

2. Green Infrastructure

Existing Developed Centers are defined (p. 13) as follows:

- Existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained.
- Not designated as growth areas, these areas should be limited to infill development.

Green Infrastructure is defined (p. 19) as follows:

- Designated to preserve environmentally significant areas and to maintain the environmental functionality of the county's landscape.

The comprehensive plan goes on to state:

Chapter One, "Introduction" states:

- Provide for adequate public services to facilitate the desired amount and pattern of growth (p.8).

Chapter Three, "Natural Resources" states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).
- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the "Impaired Water Bodies (303d) List" to the point of their removal from this list (p. 33).

Chapter Three, "TMDLs" states:

- "all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards." (p.36)

Chapter Six, "Public Infrastructure" states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Use land application of treated wastewater as the preferred wastewater disposal method where appropriate (p. 73).
- Sewer systems should be sized to serve their service areas' planned for land uses (p. 74).

Chapter Seven, "Transportation", under Transportation Policies, Projects, and Recommendations, MD 611 (p. 85), states:

- Growth along the mid and southern portion of the corridor should be limited due to sensitivity of nearby lands and the limited capacity of the area's road system.

Zoning

Mystic Harbour WS Amendment Case No. 2018-3
September 28, 2018

The *Planning Area* is has already been approved under various amendments and is appropriate zoned for the current and proposed uses planned for the existing sanitary area properties, including the subject property. The property, approximately 40 acres in area, has two zoning designations. The first, which covers the easterly 4.2 acres carries a C-1 (Neighborhood Commercial) designation, while the 35.8 acres in the rear portion carries an R-3 (Multifamily Residential) designation.

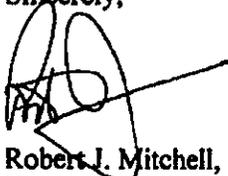
Staff's Comments

Staff comments are submitted below for your consideration.

1. This proposal seeks to meet existing needs and demand generated by infill development within the planning areas. The project would provide service to areas designated by the comprehensive plan and comprehensive water and sewerage plan for public sewer service. The property is upgrading an existing sewer planning area designation to reflect an expedited timeframe with respect to the proposed development schedule for the PUD.
2. The *Planning Area's* comprehensive plan designations and zoning permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program, critical area program, and other local and state requirements.
3. This proposal does not require the expansion of the treatment facilities capability and can be adequately handled in the recently upgraded Mystic Harbour WWTP.
4. This infill development will occur in the manner and character of the surrounding neighborhoods in existing developed areas.
5. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning. While the rear portion of the property has a land use designation of Green Infrastructure, this entire property is already in the Mystic sewer planning area and any development would have to meet the provisions of environmental regulatory requirements as noted in #2 above.

If you need further information, please contact us.

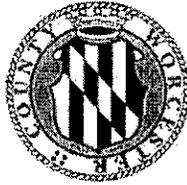
Sincerely,



Robert J. Mitchell, LEHS
Director

Attachments

cc: WS Amendment File (SW 2018-3)



RECEIVED
10-25-18
JKK

Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Technical Review Committee (TRC) for October 10, 2018 Meeting

From: Environmental Programs Staff

Subject: Sea Oaks RPC
Step 1 RPC, TM 26 P 274 L 3A

Date: October 5, 2018

Environmental Programs comments are based on the plans submitted. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

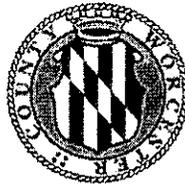
1. There are 3 old wells on the property. One served the trailer which was there, and two served the chicken houses that are no longer there. An attempt should be made to find these wells and seal them. They were all steel and should be locatable with a metal detector. (attached)
2. It is assumed that the old metal septic tank that served the trailer was collapsed and filled years ago. (attached)
3. At their meeting on September 18, 2018, the County Commissioners approved an allocation of sixty-three (63) sewer EDUs for this property subject to the following conditions:
 - a. Recommendation of the approval by the Planning Commission for an Amendment to the Water and Sewerage Plan (The Plan) amending the property from S-3 to S-1 and amending the EDU map to incorporate the subject property; and
 - b. Approval by the County Commissioners of the Plan Amendment; and
 - c. Approval by the Maryland Department of the Environment (MDE) of the Plan Amendment; and

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WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 FAX: 410-632-2012

- d. Taking the RPC – Step 1 application back to the Technical Review Committee (TRC) for review and comment; and
 - e. Recommendation of approval by the Planning Commission for the revised RPC – Step 1 application; and
 - f. Approval by the County Commissioners of the Revised RPC – Step 1 application.
 - g. The above conditions, exclusive of MDE approval, are expected to be satisfied on or before November 20, 2018. At the September 18, 2018 meeting, the County Commissioners decided that the sixty-three (63) sewer EDUs should be taken from the following categories for the northern part of the service area or Area 1 on the EDU chart on page 4-31.6 of the Plan:
 - i. 29 from “Infill”
 - ii. 30 from “Vacant”
 - iii. 4 from “Commercial”
4. Please include an EDU chart for sewer allocations to serve the RPC on the cover page. The commercial buildings on the site were specified to occupancy and the ultimate EDU needs for the commercial portion are understood to total four (4) EDUs. The residential portion will require one EDU each of water and sewer for every proposed unit.
 5. It should be noted that natural gas main extensions and service conversions are currently completed in the WOC area and gas is available to this community.
 6. Plumbing Code is the 2015 National Standard Plumbing Code (NSPC) Illustrated (National Association of Plumbing-Heating-Cooling Contractors). The Gas Code is National Fuel Gas Code, ANSI Z223.1, NFPA 54, 2015 Edition, for natural gas.
 7. Plumbing permits and potentially, gas permits, will be required. As part of the site utility work, a plumbing permit will need to be obtained.
 8. A Commercial Plumbing Plan Review will be required prior to EP’s signoff on the building permit for the commercial structures
 9. Site plans need to note the source of the public water and sewer. Water and sewer will be by the Mystic Harbour Sanitary Area.

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10-25-18
JKK

Worcester County

Department of Environmental Programs
Environmental Programs Division

Memorandum

To: Maureen Howarth
County Attorney

From: Environmental Programs Staff

Subject: Sea Oaks RPC
Step 1 RPC, TM 26 P 274 L 3A
Supplemental Comments on Revised Plans

Date: October 24, 2018

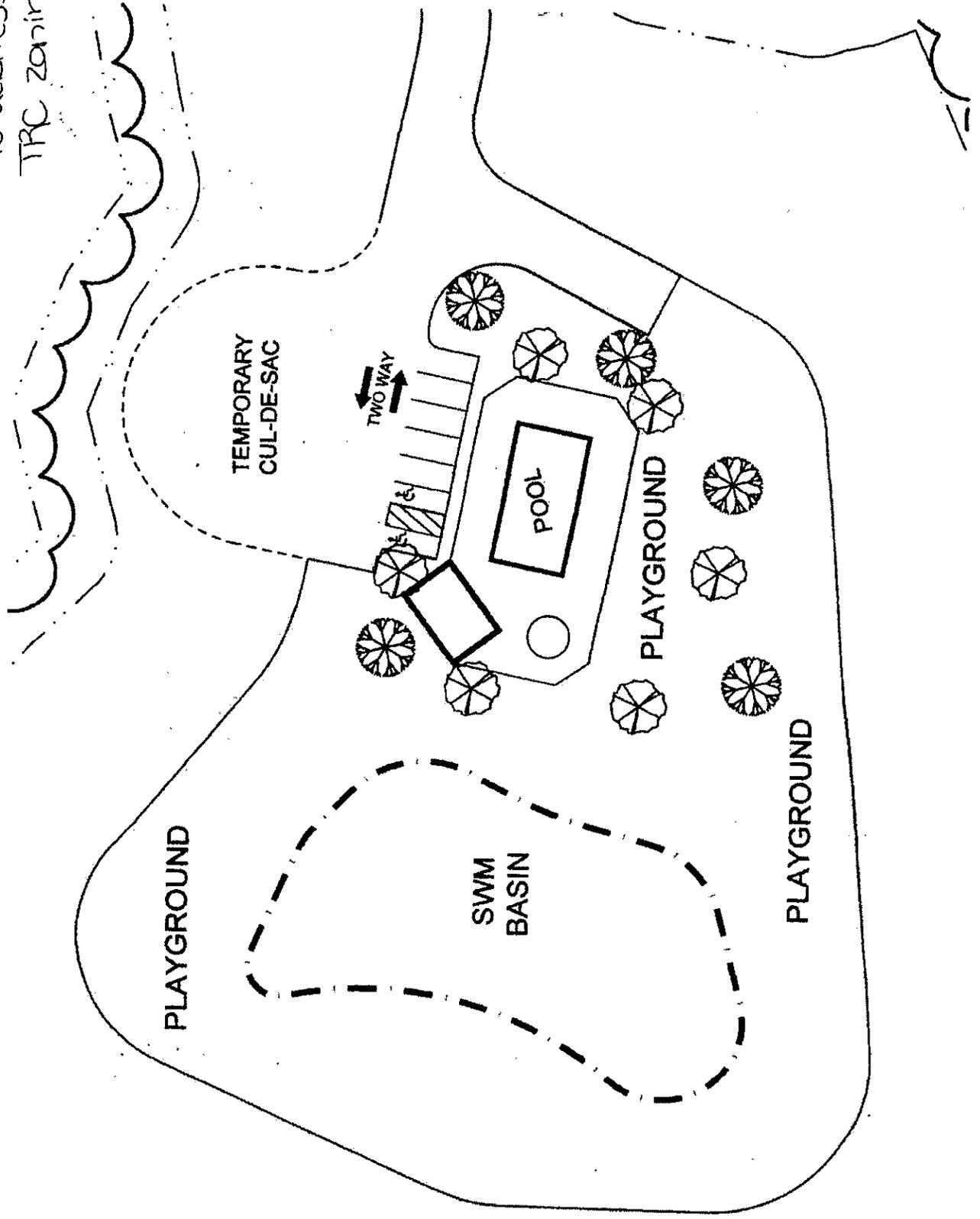
These Environmental Programs supplemental comments are based on the revised plans, dated 10/16/18, by RD Hand & Associates. These comments are subject to change every time a change is made to the plans that affect water and/or sewage for this site.

1. Our previous comments, dated 10-5-18, included the following statement on comment #4 *"Please include an EDU chart for sewer allocations to serve the RPC on the cover page. The commercial buildings on the site were specified to occupancy and the ultimate EDU needs for the commercial portion are understood to total four (4) EDUs. The residential portion will require one EDU each of water and sewer for every proposed unit."* The revised plans reflect an EDU chart with a different arrangement (office/retail) than was presented at the original TRC meeting on October 10th. This revised plan does fit within the four (4) EDU total that was originally expected from the commercial portion of the RPC. Therefore, the revised site plan has the correct quantity of EDUs to construct the proposed development that matches the sanitary allocation the County Commissioners approved at their meeting on September 18, 2018.

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TEL: 410-632-1200 FAX: 410-632-2012

Submitted @
11.1.18 PC Mtg
to address
TPC zoning comm



SEA OAKS VILLAGE
RESIDENTIAL PLANNED COMMUNITY

TAX MAP 26, P/O PARCEL 274
TENTH ELECTION DISTRICT
WORCESTER COUNTY, MARYLAND

PREPARED FOR
SEA OAKS VILLAGE, LLC
841 E. FORT AVENUE, SUITE 152
BALTIMORE, MD 21230

PREPARED BY
R.D. HAND AND ASSOCIATES, INC.
12302 Collins Road
Bishopville, MD 21813
410-352-5623

June 21st, 2017
REV. October 9¹⁶, 2018

Sea Oaks Village is a proposed Residential Planned Community (RPC) consisting of 59 townhouse units, associated parking and recreational amenities consisting of a swimming pool, playground and walking/bird watching trails. The commercial component of the project consists of +/- 10,000 sf of retail and +/-2,570 sf of retail in a 2 story building and 12,000 sf of contractors shops in a single story building.

Sea Oaks Village is consistent with the goals and objectives of the Worcester County Comprehensive plan in that it is close to population centers (West Ocean City and Mystic Harbour) and has direct access to MD Route 611 a major collector highway. In addition, Sea Oaks is within the Mystic Harbour water and sewer service areas.

Sea Oaks Village is zoned R-3, Multi-Family Residential and C-1, Neighborhood Commercial. The R-3 zoning allows single family, multifamily and townhouse uses by right. Single family, multi-family and townhouses developments consisting of 20 units or more are required to conform to the RPC process. Sea Oaks Village's design is consistent with RPC and zoning code criteria and requirements.

Sea Oaks Village is directly across Route 611 from the Mystic Harbour subdivision. There are numerous residential subdivisions in the neighborhood including Whispering Woods, Deer Point, Ocean Reef to name a few. In addition, there are numerous commercial establishments in the neighborhood including restaurants, ministorage, supply houses etc. Sea Oaks Village is compatible with all the uses in the neighborhood.

Sea Oaks Village will be serviced by MD Route 611 which is a major collector highway. Sewer and water will be provided via the Mystic Harbour service area facilities which have enough capacity for the project. Sea Oaks Village will be an infill development and compliment the neighborhood.

Sea Oaks Village design has identified key environmental features and avoided disturbances to non-tidal wetlands, floodplains, critical, and/or special habitat and aquifer recharge areas. The project clusters residential and commercial uses in a pedestrian friendly scale. The commercial component will allow for convenient access and diminished vehicle trips to surrounding areas.

The clustered design of Sea Oaks Village minimizes the consumption of land, optimizes open space and maximizes open space while reducing impervious surfaces.

In order to reduce impacts to sensitive areas and non-tidal wetlands, Sea Oaks Village's design proposes a minimum of cul-de-sacs to service the residential component of the project.

Sea Oaks Village was granted an exemption to the Worcester County Forest

Conservation Act in 2008(letter attached). Although the area of the overall project has increased the exemption is still valid. Non-tidal wetland and non-tidal wetland buffer impacts have been reviewed and are pending approval by MDE.

Sea Oaks Village construction is anticipated to begin in the spring of 2019. Phasing will consist of construction of all sewer, water and cart ways for the residential and commercial components of the project. It is anticipated that a temporary sales office will be constructed in the commercial area for sales of the residential units. Construction of the residential units will be based on market demand. Recreational areas will be provided in accordance with code requirements and prorated based on the number of units constructed in the individual phases. A more detailed phasing plan will be provided during Step 2 review.

The project is currently performing a traffic study to determine required upgrades and improvements to the transportation system. Attached is an email assessment of the transportation system prepared by the Traffic Group that indicates that there should be no adverse effect to pedestrian or vehicular circulation in the area.

The project will be provided sewer and water service via the Mystic Harbour service area which has recently been upgraded to meet all State and Federal requirements. These upgrades meet all the recommendations of the Worcester County Comprehensive Plan. A proposed amendment to the and Comprehensive Water and Sewerage plans is pending

Worcester County, MD
Wednesday, October 17, 2018

Subtitle ZS1:III. Supplementary Districts and District Regulations

§ ZS 1-315. RPC residential planned communities.

- (a) Purpose and intent. Residential planned communities are intended to encourage the best possible design of building forms and site planning for tracts of land under a unified plan of development. Holistic control over an entire development, rather than lot-by-lot regulation, and flexibility in requirements is intended to produce a well-designed development that will provide a variety of housing types, preserve open space and natural vegetation for scenic and recreational uses, reduce impervious surfaces, and have a beneficial effect upon the health, safety and general welfare of the people of the County. The regulations established in this section allow flexibility and thus permit and encourage more imaginative and environmentally sensitive development. To ensure that a residential planned community shall conform to the character and nature of the district in which it is located, achieve a maximum of coordination between the residential planned community and neighboring land uses, promote the intent and purposes of this Title and encourage the most appropriate use of land within the area of the residential planned community, specific and additional standards are established as set forth in this section.
- (b) Classification, location and area requirements. Residential planned communities shall be reviewed and approved by the pertinent body and shall be designated as either minor or major. Major residential planned communities shall be established as floating zones by the County Commissioners. Minor residential planned communities shall be defined as those having twenty or fewer residential units while major residential planned communities shall be those having more than twenty residential units. A series of separate minor residential planned communities created from the same parcel as it existed on the effective date hereof shall be considered a major residential planned community when the cumulative effect of such separate residential planned communities meets the criteria of a major residential planned community. Residential planned communities may be permitted in accordance with the provisions hereof in the E-1, V-1, R-1, R-2, R-3 and R-4 Districts. Land zoned RP which is within the boundaries of the property subjected to a residential planned community may be included within the residential planned community boundaries. Land within the boundaries of the residential planned community which is located in any C or CM District may be included in the residential planned community if the area of the C or CM District does not exceed five percent of the gross area of a minor residential planned community or fifteen percent of the gross area of a major residential planned community. Furthermore, each major residential planned community containing land in the C or CM District shall utilize a minimum of fifty percent of the gross acreage of the C or CM zoned land for retail or service uses as permitted in the C-2 General Commercial District somewhere in the project.
[Amended 8-15-2017 by Bill No. 17-8]
- (c) Permitted uses and structures. The following uses and structures may be permitted in a residential planned community:
- (1) Minor residential planned communities: Permitted principal uses and structures shall be limited to the permitted principal uses and accessory uses allowed by the district regulations of the underlying zoning district. Any use allowed by special exception is permitted in a minor residential planned community, provided the approval of the Board of Zoning Appeals is obtained. Commercial use up to the maximum percentage cited herein shall be limited to the permitted principal uses cited in the C-1 Neighborhood Commercial District regulations.

- (2) Major residential planned communities: Permitted principal uses and structures shall be the permitted principal uses, special exception uses and accessory uses allowed by the R-4 General Residential District, regardless of the underlying zoning district. Residential units may be located in, over or as a part of buildings or structures also used for commercial purposes. Commercial use up to the maximum percentage cited herein shall be limited to the permitted principal and special exception uses cited in the C-2 General Commercial District regulations. Uses cited as special exceptions uses shall not require approval by the Board of Zoning Appeals.
- (3) Any use or structure which is determined by the County Commissioners to be of the same general character as the above-permitted uses or accessory uses not specifically mentioned in another district but is deemed by the County Commissioners to be compatible with the character and intent of the residential planned community.
- (d) Area limitations for uses. Within a residential planned community, the following percentages of the total gross lot area [as defined in § ZS 1-305(a) hereof] but excluding state wetlands [as defined in § ZS 1-103(b) hereof] shall be devoted to the following uses:
- (1) For minor residential planned communities:
- A. Retail and service uses: a maximum of five percent and limited to the permitted principal uses cited in the C-1 District regulations. No retail or service uses are permitted in a residential planned community in the E-1 District.
 - B. Common use open space and recreational areas: While a minimum percentage is not required, common use open space and recreational areas are encouraged. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space or recreational areas.
 - C. Residential uses: There is no maximum percentage. Residential use shall be limited to single-family and two-family dwellings, multi-family dwellings, townhouses, manufactured homes and planned senior developments. Land devoted to residential use shall be deemed to include those streets, alleys and parking and service areas which abut and service primarily the residences or groups of residences.
- (2) For major residential planned communities:
- A. Retail and service uses: a maximum of twenty percent and limited to the permitted principal and special exception uses cited in the C-2 District regulations. No retail or service uses are permitted in a residential planned community in the E-1 District.
 - B. Common use open space: a minimum of thirty percent and in accordance with the following provisions and requirements:
 1. Open space shall be limited to areas for recreation or the growing of trees, vegetable, field or nursery crops or for purposes of conservation of natural resources. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space.
 2. Recreational areas shall be limited to public and private noncommercial social and recreational areas, public and private (commercial and noncommercial) golf courses, private (noncommercial) marinas and playgrounds.
 3. The terms "open space" and "recreational areas" shall not include space devoted to roads and parking. Except as provided in Subsection (d)(2)B2 hereof, open space shall be free of residential, service, business or industrial structures and uses.
 4. Reasonable restrictions and fees may be placed upon the use of active recreation areas.
 5. Requirements for open space shall be as follows:

- (i) A minimum of fifty percent of the required open space must be retained in its natural state and not used to satisfy the requirements for passive or active recreation. No more than fifty percent of this area may be private wetlands.
 - (ii) A minimum of ten percent of the required open space must be for active recreation.
 - (iii) A minimum of twenty percent of the required open space must be for passive recreation.
 - (iv) All open space and areas for active and passive recreation required by Subsection (d) (2)B5 hereof shall be dedicated, developed and perpetually protected to satisfy the requirements as contained herein.
6. The Planning Commission may grant waivers to this subsection where it determines that conditions exist such that the full provisions for open space as required by this subsection are otherwise satisfied. The Planning Commission shall consider proximity to public open spaces, lot size and other appropriate factors.
- C. Residential uses: a maximum of seventy percent. Residential use shall be limited to single-family and two-family dwellings, multi-family dwellings, townhouses, manufactured homes and planned senior developments. Land devoted to residential use shall be deemed to include those streets, alleys and parking and service areas which abut and service primarily the residences or groups of residences but may not include usable open space or recreational areas.
- (e) Residential density. The maximum number of residential units which may be permitted in a residential planned community in areas other than those designated as Growth Areas by the Land Use chapter of the Comprehensive Plan shall be as follows. Major fractions of units may be counted as a full unit.
- (1) In the E-1 District, one unit per two acres of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (2) In the V-1 District, five units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (3) In the R-1 District, one unit per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (4) In the R-2 District, four units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (5) In the R-3 District, six units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (6) In the R-4 District, eight units per one acre of the total gross lot area exclusive of any land in the RP, C or CM Districts.
 - (7) Land in the RP, C or CM Districts may be included within the residential planned community in accordance with Subsection (b) hereof but the acreage of such land may not be included within the total lot area used for the calculation of permitted density.
- (f) Residential planned communities in areas designated as Growth Areas by the Land Use chapter of the Comprehensive Plan. Such projects shall promote mixed-use community centers with declining density toward the perimeter of the growth area, thus creating a center, an edge and a variety of housing types in between. The average residential density shall be no less than three and one-half dwelling units per acre of the total lot area used for residential, open space and recreation purposes. The core of the growth area should provide a maximum density of up to ten dwelling units per acre and mixed uses to provide commercial services to meet the residents' and visitors' needs and various housing types. Maximum lot sizes at the growth area's core shall not exceed five thousand square feet. Residential densities shall decrease as

one moves away from the core of the growth area, to a perimeter density of not more than one dwelling unit per acre. Maximum lot sizes at the growth area's perimeter shall not exceed twenty thousand square feet. A surrounding natural forested or agricultural greenway should be the outermost perimeter of the growth area in order to blend into the surrounding landscape. The densities cited herein are applicable to the growth area as a whole, not to individual parcels within the growth area. Individual projects should be reviewed relative to their placement within the growth area and how their proposed design helps achieve the growth area's design principles and densities cited herein.

- (g) Lot, road and parking requirements. For individual structures, there shall be no minimum lot area, setback, bulk, lot width, area or road frontage requirements. Such standards shall be as approved by the Planning Commission. No structure or group of structures, such as semidetached dwellings or a row of townhouses, shall be erected within ten feet of any other structure or group of structures. The supplemental regulations contained in Subtitle ZS1:111 hereof shall apply. All roads, parking areas and access points shall meet County standards. However, in those areas designated for commercial uses, the parking space dimensions of not less than sixty percent of the required parking shall measure not less than ten feet in width and eighteen feet in length. The parking space dimensions of not more than forty percent of the required parking shall measure not less than nine feet in width and eighteen feet in length.
- (h) Height regulations. Buildings and structures within two hundred feet of the development perimeter shall be limited to the maximum height permitted by the underlying zoning district. All other buildings in the residential planned community shall be limited to a maximum height of six stories and seventy feet. No accessory structure shall exceed either two stories or twenty-five feet in height.
- (i) Other regulations. In regulating the development of a residential planned community, the provisions of this section shall first apply. When a matter is not specifically regulated by this section, the other provisions of this Title and of the underlying zoning district in which the residential planned community is located shall apply.
- (j) General design standards. In order to provide for more efficient use of land, protection of the environment, more livable communities, and consistency with the Comprehensive Plan, the following design standards shall apply to all residential planned communities:
- (1) All development plans shall first identify key environmental features and then design the development plan in such a manner as to protect and avoid disturbance of these resources. Special consideration shall be given to wetlands, forested areas, existing significant trees, floodplains, source water and aquifer recharge protection areas, areas of critical or special habitat, water bodies on the state's impaired waters list or having an established total maximum daily load requirement and other important environmental features.
 - (2) Particularly for major residential planned communities, provide clustered, mixed use (where appropriate), pedestrian-scale development, preferably taking its design guidance in terms of scale, layout, uses, architectural style and landscaping from existing County towns and villages, to allow convenient access to products and services, improve community vitality and diminish the need for vehicle trips.
 - (3) Cluster residential and commercial land uses to minimize the consumption of vacant lands, maximize open space and reduce impervious surfaces.
 - (4) Limit the use of culs-de-sac and dead-end streets and instead promote street, trail and sidewalk connectivity to reduce vehicle miles traveled and improve community walkability.
 - (5) Preserve existing forested areas and natural areas as greenways within and around developments for environmental and recreational purposes and to blend the man-made and natural environments.
- (k) Review and approval procedure.
- (1) For minor residential planned communities: Review and approval shall take place in two steps. The first step must be completed in its entirety, including the obtaining of all necessary approvals, prior to

initiating the second step.

- A. Step I concept plan approval. In this step the applicant shall submit adequate plans and other pertinent documents sufficiently addressing the required elements for review by the Technical Review Committee and Planning Commission and this submission shall constitute the residential planned community application.
1. The Step I concept plan shall include the following:
 - (i) A sketch plan at a readable scale. The submitted plan shall show contours at five-foot intervals, except where the average slope is less than three percent, in which case two-foot contours are required, all existing natural and man-made features, existing zoning, a vicinity map, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
 - (ii) A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a delineation of the one-hundred-year floodplain, and a forest stand delineation, particularly existing significant trees.
 - (iii) A conceptual schematic plan generally identifying the type, location, densities and acreage of all proposed land uses.
 - (iv) A requested land use density for the total project.
 - (v) A schematic plan generally identifying the proposed drainage pattern and potential stormwater management measures.
 - (vi) The proposed method and adequacy of wastewater disposal and potable water supply.
 - (vii) A written statement addressing the residential planned community's consistency with the Comprehensive Plan, zoning regulations and other established development policy guidelines, its topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity, efforts to adequately protect sensitive areas, the availability and suitability of vehicular access, and the availability and adequacy of water and sewer facilities.
 - (viii) Such other information as the Technical Review Committee or Planning Commission may require.
 2. The Technical Review Committee shall meet with the applicant to review the Step I concept plan and shall subsequently in writing identify areas of concern and issues to be addressed by the Planning Commission. The Technical Review Committee may solicit other agency comments prior to making its recommendation and may require additional information, studies or reports.
 3. The Planning Commission shall then meet with the applicant to review the Step I concept plan and the Technical Review Committee's comments and recommendations. The Planning Commission shall address the areas identified by the Technical Review Committee and such other areas of concern and such requirements as it may deem necessary and appropriate. The Planning Commission shall take action to either approve, with or without conditions, or disapprove the Step I concept plan and thus the residential planned community application. Alternatively, the Planning Commission may remand the residential planned community application back to the Technical Review Committee for further review and refinement and then subsequently consider and act upon the revised application. The Planning Commission's findings and decision shall be made in writing and made a part of the record. Once the Planning Commission has approved the Step I concept plan, the applicant may proceed with seeking approval of the Step II implementation plan.

- B. Step II implementation plan. This step shall guide the project through the customary subdivision process as prescribed in Title 2 of this Article or the site plan review process as prescribed in § ZS 1-325 hereof, as appropriate.
1. The Step II implementation plan consists of detailed subdivision plats or site plans which shall be submitted for review and approval in the manner specified in the subdivision and site plan regulations as applicable. All such plats or plans shall conform to Step I concept plan approvals. The Technical Review Committee or Planning Commission may request such information and details on the plats or plans as is determined necessary. Any construction shall comply with the approved Step II implementation plan.
 2. Requirements relative to action by the Planning Commission on the Step II implementation plan shall be those specified in the subdivision or site plan regulations as applicable.
 3. Expiration of subdivision plats or site plans approved as part of the Step II implementation plan shall be as prescribed in Title 2 of this Article or in § ZS 1-325 hereof, respectively. In the event of the expiration of the Step II approval, all previous residential planned community approvals, including the Step I concept plan approval, are rendered null and void.
- (2) For major residential planned communities: Review and approval shall take place in three sequential steps. Each step must be completed in its entirety, including the obtaining of all necessary approvals, prior to initiating the next step.
- A. Step I concept plan approval. In this step the applicant shall submit adequate plans and other pertinent documents sufficiently addressing the required elements for review by the Technical Review Committee, Planning Commission and the County Commissioners and this submission shall constitute the residential planned community application.
1. The Step I concept plan shall include the following:
 - (i) A sketch plan at a readable scale. The submitted plan shall show contours at five-foot intervals, except where the average slope is less than three percent, in which case two-foot contours are required, all existing natural and man-made features, existing zoning, a vicinity map, and the Chesapeake or Atlantic Coastal Bays Critical Area boundary and designation, if applicable.
 - (ii) A preliminary determination of sensitive areas, including but not limited to a preliminary delineation of any tidal or nontidal wetlands, a delineation of the one-hundred-year floodplain, a forest stand delineation, greenways, areas of critical or special habitat, source water and aquifer recharge protection areas, and proposed methods for protection of important environmental features.
 - (iii) A conceptual schematic plan generally identifying the type, location, densities and acreage of all proposed land uses.
 - (iv) A requested land use density for the total project.
 - (v) A schematic plan generally identifying the proposed drainage pattern and potential stormwater management and minimization of impervious surfaces.
 - (vi) A preliminary capacity and availability analysis of water and wastewater facilities for projects proposed to be served by existing public utilities or, where new facilities are proposed to serve the project, a preliminary feasibility analysis of wastewater disposal capabilities and potable water production.
 - (vii) The existing and proposed circulation patterns for vehicles, pedestrians and bicycles, both internal and external to the project, and a preliminary capacity analysis of the existing road network's ability to serve the project without undue detriment to levels of service.

- (viii) Such other information as the Technical Review Committee, Planning Commission or County Commissioners may require.
- (ix) A written statement addressing the following:
- a. The residential planned community's conformance with the goals, objectives and recommendations of the Comprehensive Plan, compliance with the zoning regulations and other established development policy guidelines, and with the Comprehensive Plan, zoning regulations, development policy guidelines and annexation policies of any municipality within one mile of the proposed project's boundaries.
 - b. The general location of the site, a description of existing and anticipated land use in the immediate vicinity and the residential planned community's compatibility with those land uses.
 - c. The availability and adequacy of public facilities, services and utilities to meet the needs of the residential planned community and the long-term implications the project would have on subsequent local development patterns and demand for public facilities and services.
 - d. The consistency of the residential planned community with the general design standards as contained in Subsections (j)(1) through (j)(5) hereof.
 - e. The relationship of the residential planned community's proposed construction schedule, including any phasing, and the demand for and timely provision of public facilities, services and utilities necessary to serve the project.
 - f. The capacity of the existing road network to provide suitable vehicular access for the residential planned community, the appropriateness of any existing or proposed improvements to the transportation network, the adequacy of the pedestrian and bicycle circulation, and the proposed means of connectivity of the project to surrounding residential, commercial and recreational development and uses.
 - g. The relationship of the proposed method of wastewater disposal and provision of potable water service with the goals, objectives and recommendations of the Comprehensive Plan, Comprehensive Water and Sewer Plan, and other established policy guidelines.
2. The Technical Review Committee shall meet with the applicants and shall review the residential planned community application, including the Step 1 concept plan and required written statement. The Technical Review Committee shall, subsequent to the meeting and review, identify areas of concern and issues to be addressed by the Planning Commission. It shall report its findings and recommendations to the applicants and to the Planning Commission in writing in a report known as the "Technical Review Committee Report." The Technical Review Committee may solicit other agency comments prior to making its report and may require additional information, studies or reports. The Technical Review Committee shall review the submission and present its report within ninety days after receipt of the applicant's submission of a complete application, unless extended by the Planning Commission.
 3. The Planning Commission shall then meet with the applicant to review the submission and the Technical Review Committee Report and may as a group visit the site of the proposed project. The Planning Commission shall produce findings based on the items considered under Subsections (k)(2)A1(ix)a through (k)(2)A1(ix)g hereof. The Planning Commission shall also produce a recommendation to the County Commissioners as to approval or disapproval of the residential planned community application, which may address the areas identified in the Technical Review Committee Report and such other areas of concern and such

requirements as the Planning Commission may deem necessary and appropriate to advise the County Commissioners. The Planning Commission shall submit its recommendation within ninety days after receipt of the Technical Review Committee Report, unless extended by the County Commissioners.

4. The County Commissioners shall consider the application and recommendation and hold a public hearing within ninety days of receipt of the Planning Commission's recommendation, unless extended by the County Commissioners. The hearing shall have the same procedural formalities as a map amendment as described in § ZS 1-113(c) hereof. Notice of such public hearing shall be as required in § ZS 1-114 hereof. The County Commissioners shall review the application, Technical Review Committee Report and Planning Commission's recommendation and shall, following the public hearing, approve or disapprove the application and, if approved, establish the residential planned community floating zone. Failure of the County Commissioners to reach a formal decision to approve or disapprove the application within six months of the public hearing shall constitute a denial of the application. In granting an approval, the County Commissioners may impose conditions which shall become a part of the approval regulating the residential planned community. In addition, the County Commissioners may require independent reports of consultants, at the expense of the developer, prior to Step I concept plan approval. Any residential planned community approved by the County Commissioners must be unconditionally accepted as approved, in writing, by the applicant requesting such use within ninety days after approval by the County Commissioners. Failure to so accept, in writing, any such residential planned community so approved by the County Commissioners shall be considered a rejection and abandonment by the applicant of the approval, and thereafter any such residential planned community so approved shall be null and void and of no effect whatsoever. Any transfers of the property shall be subject to the approved plan. Step I concept plan approval by the County Commissioners shall be considered a reclassification and subject to appeal as such.
 5. Step I approval shall automatically expire and terminate unless the Step II approval is obtained within one year from the date of Step I approval. The County Commissioners may extend the Step I approval for a maximum of one additional year, provided the one-year extension is requested not less than sixty days prior to the expiration of the Step I approval and granted prior to expiration as well.
- B. Step II master plan approval. Upon completion of Step I, an applicant shall develop and submit to the Technical Review Committee and the Planning Commission a detailed plan which shall serve as a master plan for the entire project and which shall be in accordance with the Step I approval.
1. The applicant shall meet with the Technical Review Committee and Planning Commission in that order. The Planning Commission shall have the authority to approve or disapprove the application.
 2. The master plan shall conform to the regulations as set forth in this Title and include any details and specifications as may be required by the Technical Review Committee and the Planning Commission. The master plan shall include, at a minimum, the following:
 - (i) An accurate topographic and boundary line survey of the project site, including the survey location of the perimeter of all forested areas, existing significant trees, the one-hundred-year floodplain line, the Critical Area boundary line, where applicable, the tidal and nontidal wetland lines and their buffers, location of important habitat or sensitive areas, and source water and aquifer recharge areas and a location map showing its relationship to surrounding properties.
 - (ii) Proposed extent of forest clearing, wetland and buffer impacts, Critical Area buffer impacts or variances, and the proposed percentage of impervious area.
 - (iii) The use, type, size and location of proposed structures, particularly with regard to the provision of mixed uses and clustering.

- (iv) The general size, arrangement and location of any lots and proposed building groups.
 - (v) The pattern of existing and proposed access points, public and private roads, vehicular travelways, parking, pedestrian and bicycle paths, internal and external circulation and connectivity, particularly to surrounding residential, commercial and recreational development and uses, and the intended design and construction standards.
 - (vi) The general location, type and size of proposed landscaping.
 - (vii) The location of existing and proposed water and wastewater facilities, including how and when such facilities are to be provided.
 - (viii) Architectural drawings, elevations, sketches or models illustrating the general design, character and pedestrian-scale of the proposed structures and a written description of how they relate to the architectural style and landscape design in the existing County towns, villages, and surrounding development.
 - (ix) The general location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, community centers, libraries, fire stations and park sites, and any open space to be owned and maintained by a property owners' association. Areas proposed for active and passive recreation shall be shown, along with a description of the facilities and equipment to be provided in these areas.
 - (x) The existing topography and drainage pattern and the proposed stormwater management system showing basic topographic changes.
 - (xi) Statistical data on the total size of the project area, density computations, proposed number of residential units by type, compliance with area limitations and requirements for uses, area in streets, area in parking and parking tabulation and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - (xii) A detailed time schedule for the implementation and construction of the development and, if appropriate, a plan for phasing the construction of the residential planned community, showing the general geographical coverage of future plats or plans, their approximate sequence of submission, each of which must meet pertinent requirements either on their own or in conjunction with prior phases.
3. The Technical Review Committee will meet with the applicant and review the Step II master plan and any associated documents. The Technical Review Committee shall, within ninety days after the submission of a complete application, submit its written findings and recommendation to the Planning Commission. In the review of the application, the Technical Review Committee and, subsequently, the Planning Commission shall be guided by the standards set forth in this Title and principles of good planning and shall also give consideration to whether:
- (i) The plans for the development fulfill the goals and objectives and comply with the recommendations of the Comprehensive Plan and are compatible with and complement the character and nature of existing and anticipated development in the vicinity of the proposed development.
 - (ii) The design of the development will, as its first priority, protect to the greatest extent feasible existing forested areas and greenways, floodplains, the Critical Area, where applicable, tidal and nontidal wetlands, sensitive areas or special habitats, and source water and aquifer recharge areas.
 - (iii) The residential planned community's design lends itself to a clustered, pedestrian scaled development, providing mixed uses where appropriate, and is in keeping with the scale,

layout, uses, architectural style and landscape design of existing County towns and villages and blends the natural and built environments.

- (iv) The residential planned community's design minimizes impervious surfaces and the consumption of vacant lands while maximizing open space.
 - (v) The project's layout and design promote street, trail and sidewalk connectivity within the project and to and through adjoining properties and neighborhoods.
 - (vi) The types and extent of uses and structures in the project will not adversely affect the future development or value of undeveloped neighboring areas or the use, maintenance and value of neighboring areas already developed.
 - (vii) The development will secure for the residents of the County a development which is consistent with the Comprehensive Plan and which is compatible with and complementary to established development in the County.
4. The Planning Commission will meet with the applicant and review the Step II master plan, any associated documents and the Technical Review Committee's recommendations. In its review, the Planning Commission is empowered to request any changes or additional information that it may deem necessary. Following its review, the Planning Commission shall either approve or disapprove the application. In the case of disapproval, the Planning Commission shall present the applicant with a written report of its findings, including the reasons for disapproval. In the case of approval, the Planning Commission may attach conditions concurrent with the approval of the residential planned community and impose time limits on the development.
 5. Substantial modification of the plan, as determined by the Department, may only be processed as a new Step II master plan in accordance with the provisions hereof and shall require Planning Commission review and action. Any significant modification to the detailed time schedule will require Planning Commission approval upon a showing of reasonable cause by the developer filed in writing. Minor modifications to the Step II master plan may be approved by the Department when limited to the layout, road alignment, landscaping, and stormwater management. Other amendments to the Step II approval and any conditions which may be imposed thereon may be granted by the Planning Commission upon the request of the applicant. Changes in the density or bulk of the residential planned community's structures may only be approved by the County Commissioners as an amendment to the approved Step I concept plan after a duly advertised public hearing where they determine the change to be of such significance that a public hearing is necessary.
 6. Failure to comply with the conditions and regulations as herein established and as specifically made applicable to a particular project may be cause for cancellation of the approval for said project.
 7. All approvals shall be in writing. An applicant may withdraw an application for a residential planned community at any time within sixty days after Step II master plan approval. In the event of withdrawal, the Step I concept plan and Step II master plan approvals shall be rendered null and void.
 8. Step III implementation plan approval must be obtained within three years from the date of the Step II master plan approval or the Step I concept plan and Step II master plan approvals shall automatically expire. Provided that a request for extension is made in writing no less than sixty days prior to the expiration, the Planning Commission may grant a single one-year extension to the Step II master plan approval. For the purposes of this subsection, Step III implementation plan approval shall be construed to be obtaining the approval of final plats or site plans, as appropriate, for no less than twenty percent of the residential units or residential lots in the residential planned community.

9. The Department shall delineate and designate approved residential planned communities on the Official County Zoning Maps for informational and reference purposes.
- C. Step III implementation plan approval. This step shall guide the project through the customary subdivision process as prescribed in Title 2 of this Article or the site plan review process as prescribed in § ZS 1-325 hereof, as appropriate, and the project shall be subject to all procedures and requirements as contained therein. All subdivision plats, site plans or other necessary documents submitted as part of the Step III implementation plan shall be in accordance with the approved Step II master plan.
1. Detailed implementation plans consisting of subdivision plats or site plans, as appropriate, shall be submitted to the Technical Review Committee and Planning Commission for review and approval. All such plans shall conform to the approved Step II master plan.
 2. Construction shall not commence until all required approvals and permits have been obtained and all construction must be conducted in accordance with the approved subdivision plats, site plans or other necessary documents that serve as the approved Step III implementation plan.
 3. Limitations on review time and the expiration of subdivision plats or site plans approved as part of Step III implementation plan shall be as prescribed in Title 2 of this Article or in § ZS 1-325 hereof, respectively. In the event of the expiration of the Step III implementation plan approval, all previous residential planned community approvals, including the Step I concept plan and Step II master plan, are rendered null and void.
- (l) Appeals. There shall be but one opportunity for appeal to the Circuit Court from a decision of the County Commissioners or Planning Commission under this section. That appeal shall be from the action of the County Commissioners or Planning Commission in granting, conditioning or denying the Step I concept plan application for a major or minor residential planned community, respectively, and shall be subject to appeal in the same manner as a map amendment.

SEA OAKS VILLAGE

SITE DATA

PARCEL DESCRIPTION

P10 PARCEL 27A, TAX MAP 26
100-TAX ELECTION DISTRICT
WEST OCEAN CITY MARYLAND

PROPERTY OWNERS

SEA OAKS VILLAGE, LLC
841 E. FORT AVENUE, SUITE 132
BALTIMORE, MD 21209

EXISTING ZONING

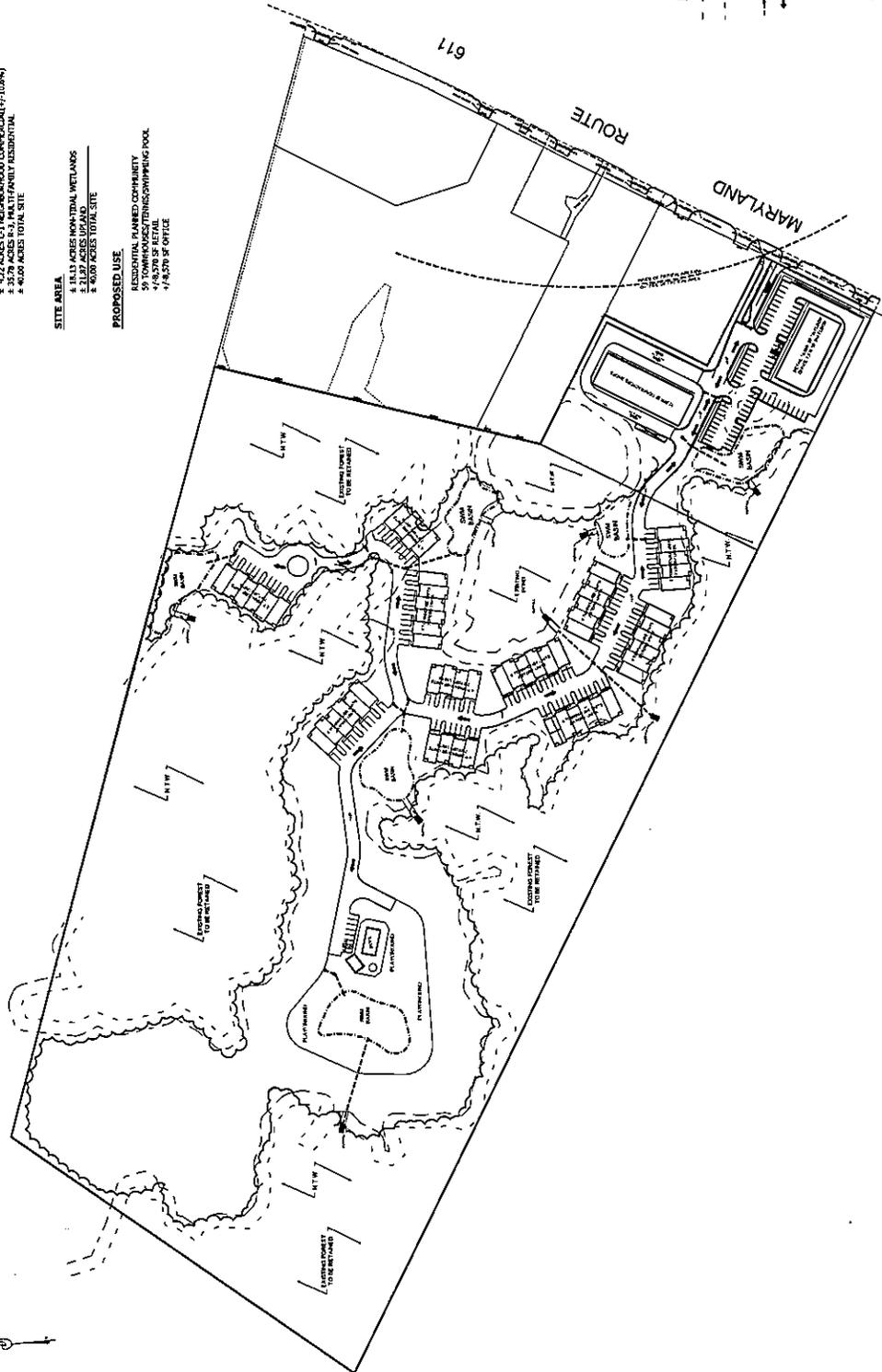
4-422 ACRES C-1 MEDIUM-DENSITY RESIDENTIAL (47-10-04)
4-422 ACRES C-1 MEDIUM-DENSITY RESIDENTIAL
4-422 ACRES TOTAL SITE

SITE AREA

4-11.33 ACRES NON-TIDAL WETLANDS
4-11.33 ACRES TOTAL SITE
4-422 ACRES TOTAL SITE

PROPOSED USE

RESIDENTIAL PLANNED COMMUNITY
4-11.33 ACRES TOTAL SITE
4-11.33 ACRES TOTAL SITE
4-11.33 ACRES TOTAL SITE
4-11.33 ACRES TOTAL SITE



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**NOTICE
OF
PROPOSED CHANGE
IN ZONING**

SOUTH SIDE OF ST. MARTINS NECK ROAD
OPPOSITE TODD INDUSTRIAL PARK

FIFTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 420 has been filed by Hugh Cropper, IV, attorney, on behalf of Ocean Tower Investment, LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 2.22 acres of land located on south side of St. Martins Neck Road, directly opposite Todd Industrial Park, in the Fifth Tax District of Worcester County, Maryland, from E-1 Estate District to A-2 Agricultural District. The Planning Commission has given a favorable recommendation to the rezoning application.

Pursuant to Sections 1-113 and 1-114 of the Worcester County Zoning Ordinance, the County Commissioners will hold a

PUBLIC HEARING
on
TUESDAY, NOVEMBER 20, 2018
at 10:40 A.M.

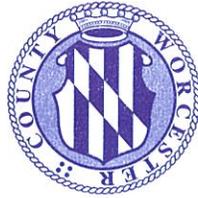
in the
COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101, WORCESTER COUNTY GOVERNMENT CENTER
ONE WEST MARKET STREET, SNOW HILL, MARYLAND 21863-1072

At said public hearing, the Commissioners will consider the rezoning application, the staff file on Rezoning Case No. 420 and the recommendation of the Planning Commission, any proposed restrictions on the rezoning, other appropriate restrictions, conditions or limitations as may be deemed by them to be appropriate to preserve, improve or protect the general character and design of the lands and improvements being zoned or rezoned or of the surrounding or adjacent lands and improvements, and the advisability of reserving the power and authority to approve or disapprove the design of buildings, construction, landscaping or other improvements, alterations and changes made or to be made on the subject land or lands to assure conformity with the intent and purpose of applicable State laws and regulations and the County Zoning Ordinance.

Maps of the petitioned area, the staff file on Rezoning Case No. 420 and the Planning Commission's recommendation which will be entered into the record of the public hearing are on file and are available for inspection at the Department of Development Review and Permitting, Worcester County Government Center, One West Market Street, Room 1201, Snow Hill, Maryland 21863, Monday through Friday from 8:00 am until 4:30 pm (except holidays).

Diana Purnell, President

la



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/drpd/index.htm

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

Scheduled Public Hearing
on November 20, 2018

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: October 4, 2018
RE: Planning Commission Findings of Fact and Recommendation
Rezoning Case No. 420
(Ocean Tower Investment, LLC, Applicant, and Hugh Cropper, IV, Attorney for
the Applicants)

////////////////////////////////////

Attached herewith please find the Planning Commission's written Findings of Fact and Recommendation relative to Rezoning Case No. 420, seeking to rezone approximately 2.22 acres of land located on the south side of St. Martins Neck Road, directly opposite the entrance to the Todd Industrial Park, from E-1 Estate District to A-2 Agricultural District. The case was reviewed by the Planning Commission at its meeting on August 2, 2018 and given a favorable recommendation.

Also attached for your use is a draft public notice for the required public hearing that must be held by the County Commissioners. An electronic copy has already been forwarded to Kelly Shannahan. Please advise our department at your earliest convenience as to the public hearing date so that our department can ensure that the mandatory public notice of 15 days is met via posting on the site and mailings to adjoining property owners.

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

EAT/phw

APPROVED
Worcester County Commissioners
Date HH 10/23/18

16

**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 420

APPLICANT:

**Ocean Tower Investment, LLC
12905 Coastal Highway
Ocean City, Maryland 21842**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

August 2, 2018

WORCESTER COUNTY PLANNING COMMISSION

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6.	Comments of Douglas A. Dods, Colonel, Worcester County Sheriff's Office	Page 36
7.	Comments of Fred E. Webster, Jr. Worcester County Emergency Services Department	Page 37
8.	Comments of Edward Potetz, Environmental Health Director, Worcester County Health Department	Page 38
9.	Comments of Rob Clarke, Acting Project Manager, Maryland Forest Service	Page 39
10.	Memo requesting comments	Pages 40 - 41

I. INTRODUCTORY DATA

- A. CASE NUMBER: Rezoning Case No. 420, filed on May 4, 2018.
- B. APPLICANT: Ocean Tower Investment, LLC
12905 Coastal Highway
Ocean City, Maryland 21842
- APPLICANTS' ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842
- C. TAX MAP/PARCEL: Tax Map 10 - Parcel 27 - Lot 1 - Tax District 5
- D. SIZE: The subject property is 2.66 acres in size in its entirety. A portion of the property is zoned RP Resource Protection District and is not included in the request for rezoning. Therefore, the petitioned area itself is approximately 2.22 acres.
- E. LOCATION: The petitioned area is located on the southerly side of St. Martins Neck Road, directly across from the Todd Industrial Park.
- F. CURRENT USE OF PETITIONED AREA: An existing barn/shed is located on the site.
- G. CURRENT ZONING CLASSIFICATION: E-1 Estate District.
- H. REQUESTED ZONING CLASSIFICATION: A-2 Agricultural District.
- I. ZONING HISTORY: At the time zoning was first established in the 1960s the petitioned area was given an A-1 Agricultural District classification. It was given an E-1 Estate District classification during the 1992 comprehensive rezoning. That designation was retained during the 2009 comprehensive rezoning. The westerly portion of the subject property is zoned RP Resource Protection District and is not included in the rezoning request.
- J. SURROUNDING ZONING: Almost all adjoining and nearby properties to the south of St. Martins Neck Road, to the west and east of the petitioned area, are also zoned E-1 Estate District, except for environmentally sensitive areas which are zoned RP Resource Protection District. Properties on the northerly side of St. Martins Neck Road are generally zoned A-1 Agricultural District. Properties within the Todd Industrial Park, located on the northerly side of St. Martins Neck Road opposite the petitioned area, are zoned I-1 Light Industrial District.
- K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and

associated land use map, the petitioned area is within the Agricultural Land Use Category.

- L. WATER AND WASTEWATER: According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject property has designations of Water and Sewer Service Category W-6 and S-6 (No Planned Service) in the Master Water and Sewerage Plan. He states that the petitioned area is currently served by existing well and septic with flow capacity typical of single-family residential systems.
- M. ROAD ACCESS: The petitioned area currently has access to St. Martins Neck Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies St. Martins Neck Road as a two-lane County road/minor collector highway.

II. APPLICANT'S TESTIMONY BEFORE THE PLANNING COMMISSION

- A. Hugh Cropper, IV, applicant's attorney, Gregory Wilkins, surveyor, and Oleg Shakirov, property owner, were present for the review. Mr. Cropper began his presentation by stating that he wished to formally amend the application to exclude the portion of the subject property that is zoned RP Resource Protection District, thus reducing the size of the petitioned area from 2.66 acres to 2.44 acres. Mr. Cropper stated that he was requesting the change in zoning solely on the basis of a mistake in existing zoning and that he was no longer asserting that there has been a change in the character of the neighborhood, as had been indicated on the application. He noted that the petitioned area is directly across from the Todd Industrial Park and its primary entrance. That site is zoned I-1 Light Industrial District and is included in the Comprehensive Plan's Industrial Land Use Category. Mr. Cropper stated that this industrial park has been a successful one and has been developed for a number of years. He reiterated that the entrance/ exit from the park is directly across from the petitioned area and asserted that the petitioned area is not conducive to residential use in accordance with its E-1 Estate District zoning because of the headlights shining directly on the property and noise associated with truck traffic. Mr. Cropper maintained that it was therefore a mistake to have given the petitioned area an E-1 Estate District designation during the 1992 comprehensive rezoning and to have retained it during the 2009 comprehensive rezoning. He called Mr. Wilkins as his first witness. Mr. Wilkins testified that he had done the survey work and prepared the subdivision plat which created the subject property and three other lots in 2011. He pointed out the RP Resource Protection District zoning boundary and the Atlantic Coastal Bays Critical Area line which divides Lots 3 and 4 of that subdivision. Mr. Wilkins stated that he agreed with Mr. Cropper's assertion that the placement of the Todd Industrial Park and its entrance directly opposite the petitioned area makes that latter property inappropriate for residential use due to the light and noise emanating from the park. He contended that there is a

distribution center in the Industrial Park that operates on a 24/7 basis and the parking lot of one of the businesses directly faces the petitioned area. Mr. Cropper stated that the original single-family dwelling on the petitioned area has been demolished and Mr. Shakirov is renovating one of the existing barns. Mr. Wilkins stated that the property had been used agriculturally before being subdivided and asserted that the area is more agricultural than it is residential in nature, with farm land and agricultural outbuildings being predominant. He stated that even residences in the area are on properties of at least two acres in size. Additionally, a boat storage yard is located to the east of the petitioned area. Mr. Cropper stated that to the west there is more agricultural or residential development than industrial. He noted that the petitioned area is shown on the Comprehensive Plan's Land Use Map as being within the Agricultural Land Use Category and that is why the applicant is requesting an A-2 Agricultural District zoning classification. Such zoning would permit Mr. Shakirov to construct a contractor's shop or another similar use. Mr. Cropper stated that the petitioned area is outside of the flood plain, is relatively high ground, and is all uplands with the exception of the area around the branch on the westerly side of the property (within the RP Resource Protection District area and not included in the rezoning request). Mr. Cropper stated that the other two possible zoning districts that the Planning Commission could consider for the petitioned area were the R-1 Rural Residential District or the A-1 Agricultural District. Mr. Wilkins asserted that the R-1 Rural Residential District is not compatible with the many agricultural and industrial uses in the area and that requested A-2 Agricultural District was far more consistent with the surrounding properties and land uses, including those within the Todd Industrial Park. Mr. Cropper submitted as Applicant's Exhibit No. 1 a copy of the subdivision plat entitled "Minor Subdivision - Lands of Edgar Grace, Jr. And Patricia Grace" which created four lots, including the petitioned area. Mr. Cropper stated that it was a mistake to have given the petitioned area an E-1 Estate District designation in 1992 and to have retained it in 2009, given the predominance of agricultural land uses in the area, the proximity of the Todd Industrial Park, and the petitioned area's placement in the Comprehensive Plan's Agricultural Land Use Category.

Mr. Cropper then went through the matters which the Planning Commission must consider with regard to rezonings. They were as follows:

1. Regarding the definition of the neighborhood: Mr. Cropper asserted that because his argument for rezoning is based solely on mistake in existing zoning, a definition of the neighborhood is not required.
2. Regarding population change in the neighborhood: Mr. Cropper maintained that there has been no significant change in the area's population.
3. Regarding availability of public facilities: Mr. Cropper stated that the petitioned area, as well as the other three lots in the subdivision, are

approved for on-site septic systems and wells.

4. Regarding present and future transportation patterns: Mr. Cropper stated that the petitioned area has access to St. Martins Neck Road and is located directly across from a major industrial entrance. He asserted that the proposed rezoning will have no impact on transportation patterns.
5. Regarding compatibility with existing and proposed development and environmental conditions in the area: Mr. Cropper stated that the petitioned area was previously used as a farm and that all wetlands were identified on the subdivision plat. He maintained that the petitioned area is fully developable, with no adverse environmental impacts anticipated from the proposed rezoning to A-2 Agricultural District. Mr. Cropper stated that the St. Martins Neck Road corridor is comprised of A-2 Agricultural District type uses rather than E-1 Estate District or R-1 Rural Residential District type subdivisions.
6. Regarding compatibility with the Comprehensive Plan: Mr. Cropper noted that the petitioned area is within the Comprehensive Plan's Agricultural Land Use Category. He asserted that the proposed rezoning of the petitioned area from E-1 Estate District to A-2 Agricultural District would therefore be consistent with the Comprehensive Plan.
7. Regarding whether there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning: Mr. Cropper stated that this is not applicable in the extant case because the argument for rezoning is based solely on a mistake in existing zoning.
8. Regarding whether the change in zoning would be more desirable in terms of the Comprehensive Plan: Mr. Cropper asserted that the change in zoning from E-1 Estate District to A-2 Agricultural District is more desirable in terms of the Comprehensive Plan because that Plan calls for the elimination of the E-1 Estate District and the petitioned area is within the Comprehensive Plan's Agricultural Land Use Category. He maintained that the requested A-2 Agricultural District zoning classification is a much better option because the uses associated with the petitioned area and its surroundings are more consistent with the A-2 Agricultural District than the R-1 Rural Residential District or E-1 Estate District.

III. PLANNING COMMISSION'S FINDINGS AND CONCLUSIONS

- A. Regarding the definition of the neighborhood: The Planning Commission found that because Mr. Cropper was basing his argument for rezoning solely upon a claim of mistake in existing zoning, a definition of the neighborhood was not applicable.

- B. Regarding population change: The Planning Commission concluded that there has been no significant change to the population of the vicinity surrounding the petitioned area since the comprehensive rezoning of 2009.
- C. Regarding availability of public facilities: The Planning Commission found that as it pertains to wastewater disposal and the provision of potable water, Robert J. Mitchell, Director of the Department of Environmental Programs, indicated in his response memo (copy attached) that the subject property has designations of Water and Sewer Service Category W-6 and S-6 (No Planned Service) in the Master Water and Sewerage Plan. He stated that the petitioned area is currently served by existing well and septic with flow capacity typical of single-family residential systems. Neither John H. Tustin, P. E., Director of Public Works, nor John Ross, Deputy Director, responded to the request for comments on the proposed rezoning. According to the Worcester County Soil Survey the primary soil types on the petitioned area have severe limitations to on-site wastewater disposal. Fire and ambulance service will be available from the Bishopville Volunteer Fire Company's main facility on Bishopville Road or the substation on St. Martins Neck Road, located a short distance to the west of the petitioned area. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks. Chief Deputy Sheriff Douglas A. Dods of the Sheriff's Department responded that the department did not see any impact on the Sheriff's Office operations at this time. The petitioned area is within the area served by the following schools: Showell Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education. In consideration of its review, the Planning Commission found that there will be no negative impacts to public facilities and services resulting from the proposed rezoning.
- D. Regarding present and future transportation patterns: The Planning Commission found that the petitioned area fronts on and currently has access to St. Martins Neck Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies St. Martins Neck Road as a two-lane County road/minor collector highway and states that this roadway links MD Route 90 at its south end to MD Route 367 (Bishopville Road) and provides a secondary link from Ocean City to US Route 113, northeastern Worcester County, and the Delaware beaches. The Comprehensive Plan further states that this roadway's current configuration should be adequate for the planning period. James W. Meredith, District Engineer, for State Highway Administration District 1, states in his response memo (copy attached) that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration, and that if development of the property is proposed in the future, the SHA may require a Traffic Impact Study to determine potential impacts to the

surrounding State roadway network. He also states that future development may require an access permit to be issued from SHA, and that with the exception of the aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment at this time. Based upon its review, the Planning Commission found that there will be no negative impact to the transportation patterns arising from the proposed rezoning of the petitioned area.

- E. Regarding compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact to waters included on the State's impaired waters list or having an established total maximum daily load requirement: The Planning Commission found that the petitioned area and the surrounding acreage that was subdivided into four lots in 2011 was previously a farm, with an associated single-family dwelling and agricultural outbuildings. The dwelling has been demolished and the property owner is renovating an existing outbuilding. The Planning Commission found that the St. Martins Neck Road corridor is primarily agricultural in nature, with scattered low density single-family residential uses. However, the Todd Industrial Park is located on the northerly side of St. Martins Neck Road, directly opposite the petitioned area. The Planning Commission found that this facility and the associated traffic, lighting and noise, seriously impacts the petitioned area and makes residential usage of it unappealing. The Planning Commission concluded that the A-2 Agricultural District zoning classification would be more in keeping with the existing uses in the area while also allowing uses such as contractors' shops that are not as negatively impacted by the nearby industrial park as would the residential use permitted by the existing E-1 Estate District. The Planning Commission found that the proposed rezoning will not have any adverse impacts on environmental concerns. The petitioned area is not located within the Atlantic Coastal Bays Critical Area. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from E-1 Estate District to A-2 Agricultural District is compatible with existing and proposed development and existing environmental conditions in the area.
- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Agriculture Land Use Category. With regard to this category the Comprehensive Plan states that the importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged. Based upon its review the Planning

Commission found that the proposed rezoning of the petitioned area from E-1 Estate District to A-2 Agricultural District is compatible with the Comprehensive Plan and in keeping with its goals and objectives.

IV. PLANNING COMMISSION RECOMMENDATION

- A. In consideration of its findings and testimony provided to the Commission, the Planning Commission concluded that there is a mistake in the existing zoning of the petitioned area. The Planning Commission found that the vicinity surrounding the petitioned area is primarily agricultural in nature, with scattered residences, with the exception of the Todd Industrial Park. This facility is located directly opposite the petitioned area and the traffic, lights and noise emanating from it and its entrance have such an impact on the petitioned area that residential usage of it is unappealing. Based upon its review, the Planning Commission concluded that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan and gave a favorable recommendation to Rezoning Case No. 420, seeking a rezoning of the petitioned area from E-1 Estate District to A-2 Agricultural District subject to a metes and bounds legal description of the petitioned area being provided if the rezoning is approved by the County Commissioners.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT

REZONING CASE NO. 420

PROPERTY OWNER: Ocean Tower Investment LLC
12905 Coastal Highway
Ocean City, Maryland 21842

ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 10 - Parcel 27 - Lot 1 - Tax District 2

SIZE: The subject property is 2.66 acres in size. A portion of the property is zoned RP Resource Protection District and is not included in the request for rezoning. Therefore, the petitioned area itself is approximately 2.22 acres.

LOCATION: The petitioned area is located on the southerly side of St. Martins Neck Road, directly across from the Todd Industrial Park.

CURRENT USE OF PETITIONED AREA: Existing barn/shed, currently being renovated.

CURRENT ZONING CLASSIFICATION: E-1 Estate District

REQUESTED ZONING CLASSIFICATION: A-2 Agricultural District

APPLICANT'S BASIS FOR REZONING: According to the application, the request for rezoning is based upon a change in the character of the neighborhood and/or a mistake in existing zoning.

ZONING HISTORY: At the time zoning was first established in the 1960s the petitioned area was given an A-1 Agricultural District classification. It was given an E-1 Estate District classification in the 1992 comprehensive rezoning. That designation was retained during the 2009 comprehensive rezoning. (The westerly portion of the subject property is zoned RP Resource Protection District and is not included in the rezoning request.)

SURROUNDING ZONING: Almost all adjoining and nearby properties to the south of St. Martins Neck Road, to the west and east of the petitioned area, are also zoned E-1 Estate District, except for environmentally sensitive areas which are zoned RP Resource Protection District. Properties on the northerly side of St. Martins Neck Road are generally zoned A-1 Agricultural District. Properties within the Todd Industrial Park, located on the northerly side of St. Martins Neck Road opposite the petitioned area, are zoned I-1 Light Industrial District.

COMPREHENSIVE PLAN:

According to Chapter 2 - Land Use of the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Agricultural Land Use Category, as do all surrounding properties with the exception of the Todd Industrial Park, which is in the Industry Land Use Category. With regard to the Agricultural Land Use Category, the Comprehensive Plan states the following:

"The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bed rock of the county's way of life. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged." (Page 18)

With regard to the Industry Land Use Category, the Comprehensive Plan states the following:

"Traditionally a limited land consumer in Worcester County, light industry is a desirable addition to the county's land use mix. Heavy industry with its environmental and transportation impacts may be compatible in selected locations. Pocomoke City has and will continue to be the focus for the county's most intense industrial uses. To balance the employment base, a light industry location should be developed in the northern county."

"Industrial uses need good road access, large sites, sufficient electricity and public water and sewer services. Rail, port facilities, and natural gas are also desired. Selective economic development efforts focused on high-way, low impact industries and their supporting infrastructure will benefit the county. Industrial uses should be located in the county's designated industrial zones/parks and within appropriate areas in the municipalities." (Page 19)

Pertinent objectives cited in Chapter 2 - Land Use state the following:

-
2. Continue the dominance of agriculture and forestry uses through the county's less developed regions.
 3. Maintain the character of the county's existing population centers.
 4. Provide for appropriate residential, commercial, institutional, and industrial uses.
 5. Locate new development in or near existing population centers and within planned growth centers.
 6. Infill existing population centers without overwhelming their existing character.
-

8. Regulate development to minimize consumption of land, while continuing the county's rural and coastal character.
 9. Minimize conflicts among land uses due to noise, smoke, dust, odors, lighting, and heavy traffic.
 10. Locate employment centers close to the potential labor force.
 -
 15. Balance the supply of commercially zoned land with anticipated demand of year-round residents and seasonal visitors.
 16. Locate major commercial and all industrial development in areas having adequate arterial road access or near such roads.
 -
 19. Limit rural development to uses compatible with agriculture and forestry.
 -
- (Pages 12, 13)

In Chapter 3 - Natural Resources, under the heading Farmland Conservation, the Comprehensive Plan cites the following as its objective relative to this matter:

"The county's farmland conservation objective is to avoid the loss of large contiguous working farming areas and to ensure that prime farmland is given the highest protection priority." (Page 50)

In Chapter 4 - Economy, the Comprehensive Plan provides a number of general objectives, including the following:

- "1. Raise the county's median income to the state's level by increasing higher paying year-round employment; low-wage jobs are not considered appropriate economic development.
2. Diversify the economic base by extending the tourist season and by encouraging growth of existing and new employers.
-" (Page 58)

This chapter also includes objectives related to Agriculture and Forestry. Included among these are the following:

- "1. Work to preserve farming and increase its economic viability.
2. Provide for sufficient agricultural support services.
3. Reduce farm area fragmentation through agricultural zoning permitting only minor subdivisions, the state's agricultural preservation program, the Rural Legacy program and explore the use of a transfer of development rights and other preservation mechanisms.
-" (Page 60)

In the same chapter, under the heading Agriculture, the Comprehensive Plan states:

"For the future, agriculture will remain an important component of the economy.
.....

Local support for agricultural infrastructure and encouragement of "value added" and alternative crops, along with development of agricultural tourism could help improve farming's economics.

Preservation of farm is a key to the county's rural character. Therefore, it is important to continue the "right to farm" policies and work to develop alternative income sources for farmers." (Page 64)

In Chapter Six - Public Infrastructure, the Comprehensive Plan includes several objectives, including the following:

1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence.
 2. Permit development to occur only as rapidly as services can be provided.
 3. Ensure adequate public facilities are available to new development.
 4. Require new development to "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates.
-" (Page 70)

Chapter Seven - Transportation of the Comprehensive Plan states that "Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic.Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90." (Page 79)

In this same chapter, under the heading General Recommendations - Roadways, it states the following:

1. Acceptable Levels of Service -- It is this plan's policy that the minimal acceptable level of service for all roadways be LOS C. Developers shall be responsible for maintaining this standard.
.....
3. Traffic studies -- Developers should provide traffic studies to assess the effect of each major development on the LOS of nearby roadways.
4. Impacted Roads -- Roads that regularly have LOS D or below during weekly peaks are considered "impacted." Areas surrounding impacted roads should be planned for minimal development (infill existing lots). Plans and funding for improving such roads should be developed.
5. Impacted Intersections -- Upgrade intersections that have fallen below a LOS C.
..... (Page 87)

WATER AND WASTEWATER: According to the response memo from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject properties have a designation of Water and Sewer Service Categories W-6 and S-6 (No Planned Service) in the Master Water and Sewerage Plan. He states that the petitioned area is currently served by existing well and septic with flow capacity typical of single-family residential systems. Neither John H. Tustin, P. E., Director of Public Works, nor John Ross, Deputy Director, responded to the request for comments on the proposed rezoning.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

- SaB - Sassafras sandy loam - severe limitations to on-site wastewater disposal
- SaA - Sassafras sandy loam - severe limitations to on-site wastewater disposal

EMERGENCY SERVICES: Fire and ambulance service will be available from the Bishopville Volunteer Fire Company's main facility on Bishopville Road or the substation on St. Martins Neck Road, both approximately five minutes away. No comments were received from the fire company with regard to this review. Police protection will be available from the Maryland State Police Barracks in Berlin, approximately ten minutes away, and the Worcester County Sheriff's Department in Snow Hill, approximately thirty minutes away. No comments were received from the Maryland State Police Barracks. Colonel Douglas A. Dods, Chief Deputy Sheriff with the Sheriff's Department, stated that after reviewing the packet submitted, we do not see any impact on the Sheriff's Office operations at this time.

ROADWAYS AND TRANSPORTATION: The petitioned area fronts on St. Martins Neck Road, a County-owned and -maintained roadway. The Comprehensive Plan classifies St. Martins Neck Road as a two-lane County road/minor collector highway and states that this roadway links MD Route 90 at its south end to MD Route 367 (Bishopville Road) and provides a secondary link from Ocean City to US Route 113, northeastern Worcester County, and the Delaware beaches. The Comprehensive Plan further states that this roadway's current configuration should be adequate for the planning period. James W. Meredith, District Engineer, for State Highway Administration District 1, states in his response memo (copy attached) that rezoning is a land use issue, which is not under the jurisdiction of the State Highway Administration, and that if development of the property is proposed in the future, the SHA may require a Traffic Impact Study to determine potential impacts to the surrounding State roadway network. He also states that future development may require an access permit to be issued from SHA, and that with the exception of the aforementioned comments, SHA has no objection to a rezoning determination by Worcester County. Frank J. Adkins, Worcester County Roads Superintendent, responded by memo (copy attached) that he had no comment at this time.

SCHOOLS: The petitioned area is within the area served by the following schools: Showell Elementary School, Berlin Intermediate School, Stephen Decatur Middle School, and Stephen Decatur High School. No comments were received from the Worcester County Board of Education (WCBOE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: According to Mr. Mitchell's memo (copy attached), the petitioned area is not located within the Atlantic Coastal Bays Critical Area (ACBCA). Mr. Mitchell further remarks that the property is subject to the Forest Conservation Law and that there is an existing Forest Conservation Easement on the property that was created in 2011 when the land was subdivided. He states that when the subdivision occurred, the afforestation threshold was 20 percent and the conservation threshold was 25 percent and that, although the afforestation and conservation thresholds for Agricultural zoning are higher than that required for Estate zoning, since compliance with the Forest Conservation Law has already occurred, further Forest Conservation requirements should not be necessary.

FLOOD ZONE: The FIRM map indicates that the petitioned area is primarily within Zone AE (100 Year Floodplain, Base Flood Elevation of 5 feet).

PRIORITY FUNDING AREA: The petitioned area is not within a designated Priority Funding Area.

INCORPORATED TOWNS: The site is not within one mile of the corporate limits of any town.

ADDITIONAL COMMENTS RECEIVED: Comments received from various agencies, etc. are attached and are summarized as follows:

Fred Webster, Jr., Director, Emergency Services: No comments or concerns.

Edward Potetz, Director, Environmental Health, Health Department: No objection to the proposed rezoning.

Rob Clarke, Maryland Forest Service: No comments on the rezoning request.

!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! **IMPORTANT** !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

THE PLANNING COMMISSION MUST MAKE FINDINGS OF FACT IN EACH SPECIFIC CASE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING MATTERS:

- 1) What is the applicant's definition of the neighborhood in which the subject property is located? (Not applicable if request is based solely on a claim of mistake in existing zoning.)
- 2) Does the Planning Commission concur with the applicant's definition of the neighborhood? If not, how does the Planning Commission define the neighborhood?
- 3) Relating to population change.
- 4) Relating to availability of public facilities.

- 5) Relating to present and future transportation patterns.
 - 6) Relating to compatibility with existing and proposed development and existing environmental conditions in the area, including having no adverse impact on waters included on the State's impaired waters list or having an established total maximum daily load requirement.
 - 7) Relating to compatibility with the Comprehensive Plan.
 - 8) Has there been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property (November 3, 2009) or is there a mistake in the existing zoning of the property?
 - 9) Would a change in zoning be more desirable in terms of the objectives of the Comprehensive Plan?
-

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 420

Date Received by Office of County Commissioners: May 4, 2018

Date Received by Development, Review and Permitting: May 7, 2018

Date Reviewed by Planning Commission: _____

I. Application

Proposals for amendment of the Official Zoning Maps may be made only by a governmental agency or by the property owner, contract purchaser, option holder, leasee, or their attorney or agent of the property to be directly affected by the proposed amendment. Check applicable status below:

- A. _____ Governmental Agency
- B. _____ Property Owner
- C. _____ Contract Purchaser
- D. _____ Option Holder
- E. _____ Leasee
- F. XXX Attorney for B (Insert A, B, C, D, or E)
- G. _____ Agent of _____ (Insert A, B, C, D, or E)

II. Legal Description of Property

- A. Tax Map/Zoning Map Number(s): 10
- B. Parcel Number(s): 27
- C. Lot Number(s), if applicable: 1
- D. Tax District Number: 2

III. Physical Description of Property

- A. Located on the South side of St. Martins Neck Road approximately _____ to the _____ of _____
- B. Consisting of a total of 2.66 acres of land. 1/2 Portion zoned E-1 is \pm 2.22 acres
- C. Other descriptive physical features or characteristics

necessary to accurately locate the petitioned area:

See attached definition of neighborhood.

- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): E-1 , Estate District
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 2.22
2.66 acres
- C. Requested zoning classification(s): A-2, Agricultural
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 2.22
2.66 acres

V. Reasons for Requested Change

The County Commissioners may grant a map amendment based upon a finding that there: (a) has been a substantial change in the character of the neighborhood where the property is located since the last zoning of the property, or (b) is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

- A. Please list reasons or other information as to why the rezoning change is requested, including whether the request is based upon a claim of change in the character of the neighborhood or a mistake in existing zoning:

This request for a change to the zoning classification is based upon a change in the character of the neighborhood and/or a mistake in the existing zoning category. Please see attached explanation.

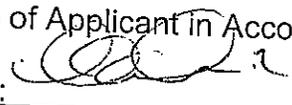
IV. Filing Information and Required Signatures

- A. Every application shall contain the following information:
1. If the application is made by a person other than the property

owner, the application shall be co-signed by the property owner or the property owner's attorney.

2. If the applicant is a corporation, the names and mailing addresses of the officers, directors and all stockholders owning more than 20 percent of the capital stock of the corporation.
3. If the applicant is a partnership, whether a general or limited partnership, the names and mailing addresses of all partners who own more than 20 percent of the interest of the partnership.
4. If the applicant is an individual, his/her name and mailing address.
5. ~~If the applicant is a joint venture, unincorporated association, real estate investment trust or other business trust, the names and mailing addresses of all persons holding an interest of more than 20 percent in the joint venture, unincorporated association, real estate investment trust or other business trust.~~

B. Signature of Applicant in Accordance with VI.A. above.

Signature: 
Printed Name of Applicant: Hugh Cropper, IV, Attorney for Ocean Tower Investment, LLC
Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City, MD 21842 Phone Number: 410-213-2681
E-Mail: hcropper@bbcmlaw.com
Date: _____

D. Signature of Property Owner in Accordance with VI.A. above

Signature: 
Printed Name of Applicant: _____
Mailing Address: Ocean Tower Investment, LLC
Phone Number: 443-366-5556
E-Mail: oceantowerusa.com.com
Date: _____

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- E. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities; present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since

the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the ~~previous 12 months as measured from the date of the~~ County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

Ocean Tower Investment, LLC, by its attorney, Hugh Cropper IV, respectfully submits the following attachment in support of its rezoning application:

Ocean Tower Investment, LLC is the owner of Worcester County Tax Map 10, Parcel 27, Lot 1, 2.66 acres, in the "Minor Subdivision, Lands of Edgar Grace, Jr. and Patricia Grace, Tax Map 10, Parcel 27, Fifth Tax District, Worcester County, Maryland" recorded among the Land Records of Worcester County, Maryland, in Plat Book 236, Page 72. The property is located on the south side of St. Martin's Neck Road, directly across from the Robert W. Todd Industrial Park.

The neighborhood exhibit is attached. The neighborhood includes the Robert W. Todd Industrial Park, and Lots 1, 2, and 3 in the Minor Subdivision (although this rezoning only relates to Lot 1).

The property owner is desirous of rezoning the property from E-1, Estate District, to A-2, Agricultural District. The property owner alleges a mistake in the November 3, 2009 Comprehensive Rezoning.

With respect to the Estate District, the Worcester County Code, Section ZS1-203(a) states: "It is further the intent of this Section that no additional land shall be included in this zoning district either by a Comprehensive Rezoning or individual application and that the district shall be eliminated subsequent to the next State-mandated review of the Comprehensive Plan."

Because the property is on on-site septic, and given the character of the

neighborhood, R-1, Rural Residential District would be inappropriate. Therefore, the only appropriate zoning district would be the A-2, Agricultural District.

The property owner is desirous of a contractor's shop, which is not permitted in the E-1, Estate District.

The property is not suitable for Estate zoning; therefore, the original Comprehensive Rezoning was a mistake. The property is literally across from the entrance to the Robert W. Todd Industrial Park, which is highly developed as a commercial/industrial center, within Industrial zoning. As trucks and cars exit

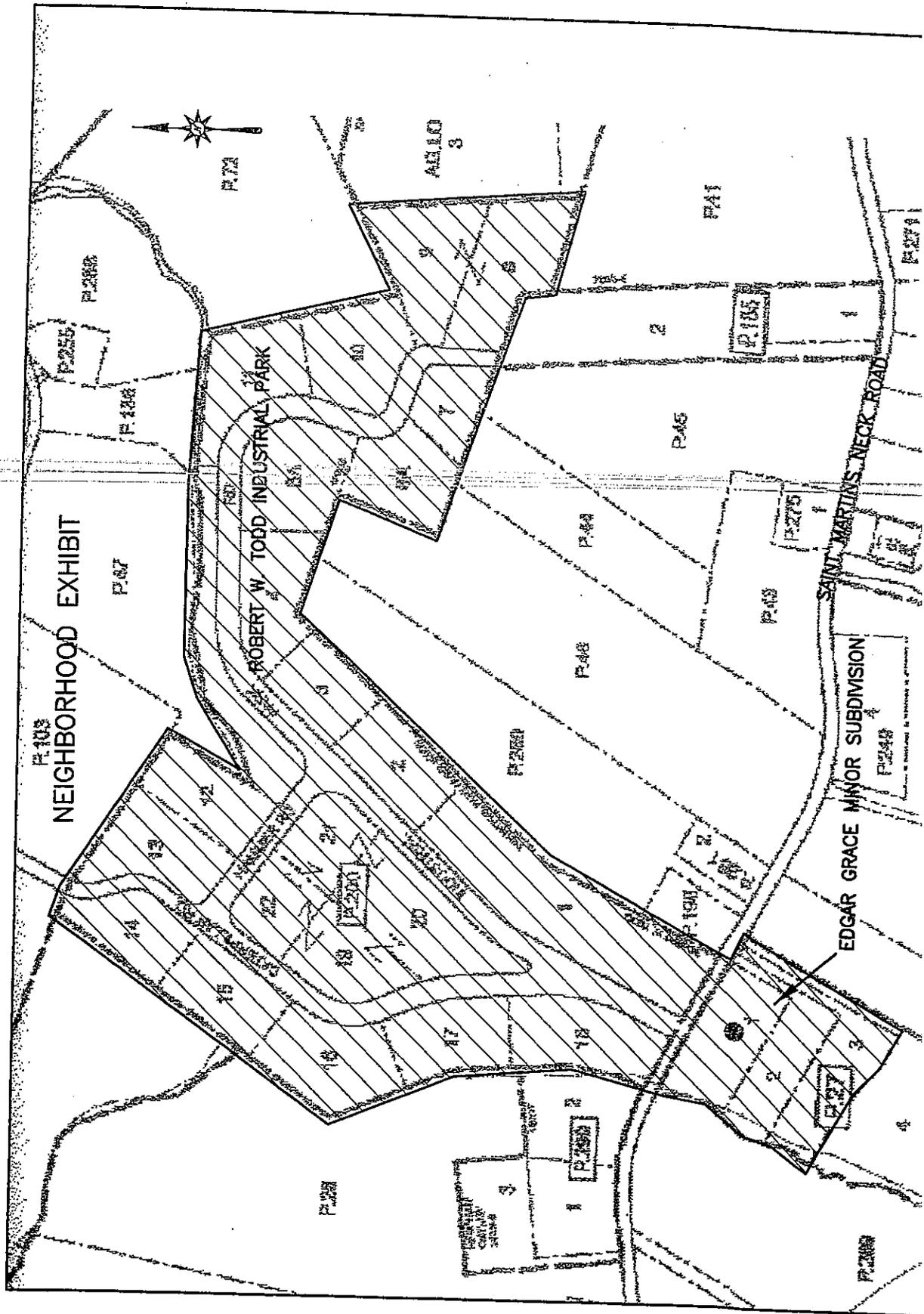
~~the Industrial Park, the headlights shine directly on this property. The building~~
envelope of this property is in very close proximity to the roadway. It is not appropriate for a single family dwelling, and it is literally at the entrance of the Industrial Park. As such, the only reasonable use would be the uses permitted by the A-2, Agricultural District.

In conclusion, there was a mistake in the November 3, 2009 Comprehensive Rezoning, and the property should have been zoned A-2, Agricultural District.

Respectfully submitted,



Hugh Cropper IV, Attorney for Applicant
Ocean Tower Investment, LLC



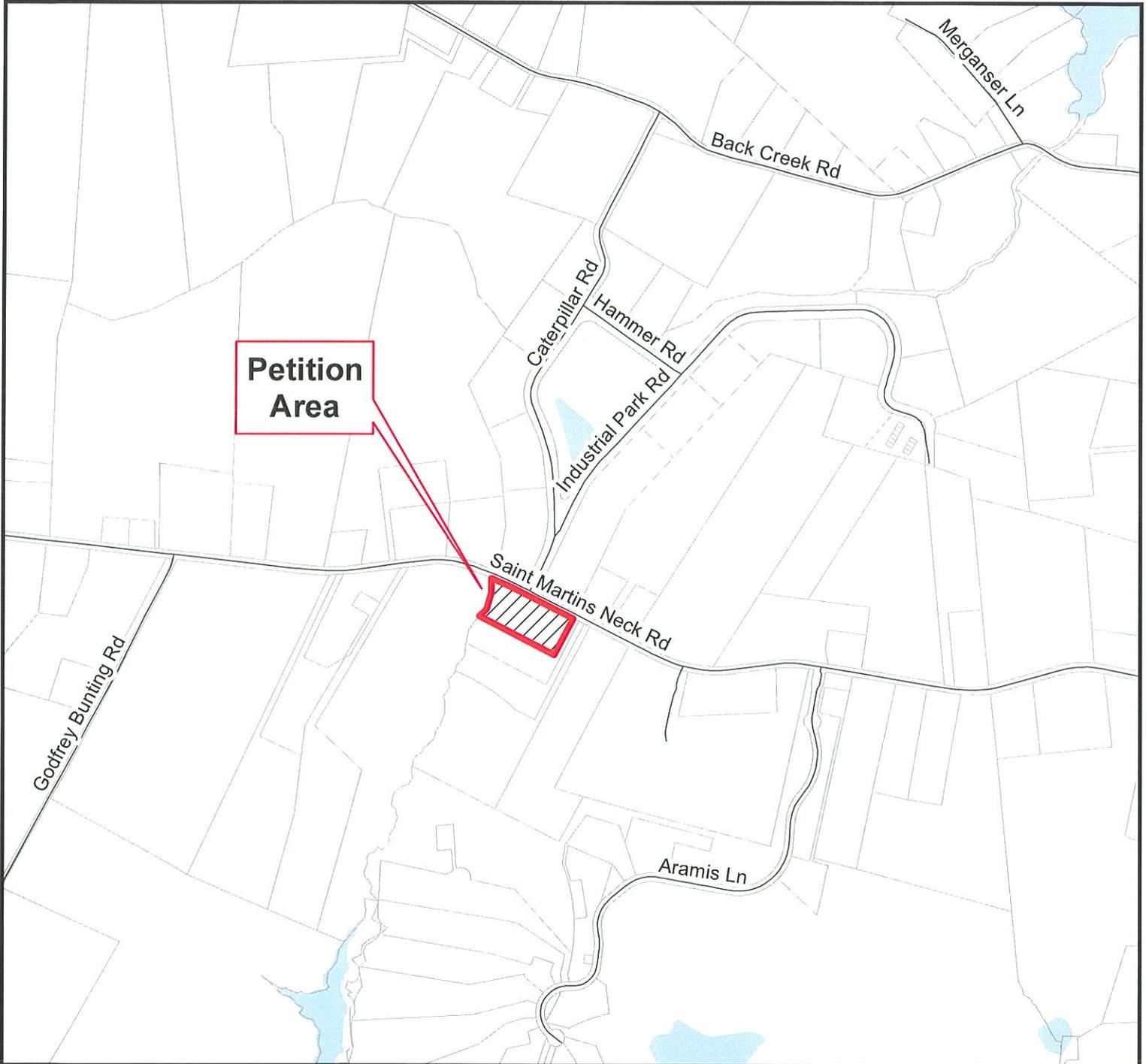


WORCESTER COUNTY, MARYLAND

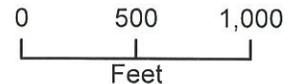


REZONING CASE NO. 420
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 27, Lot 1

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared May 2018



Source: Road Centerline Data - County GIS and MD Property View

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: PHW

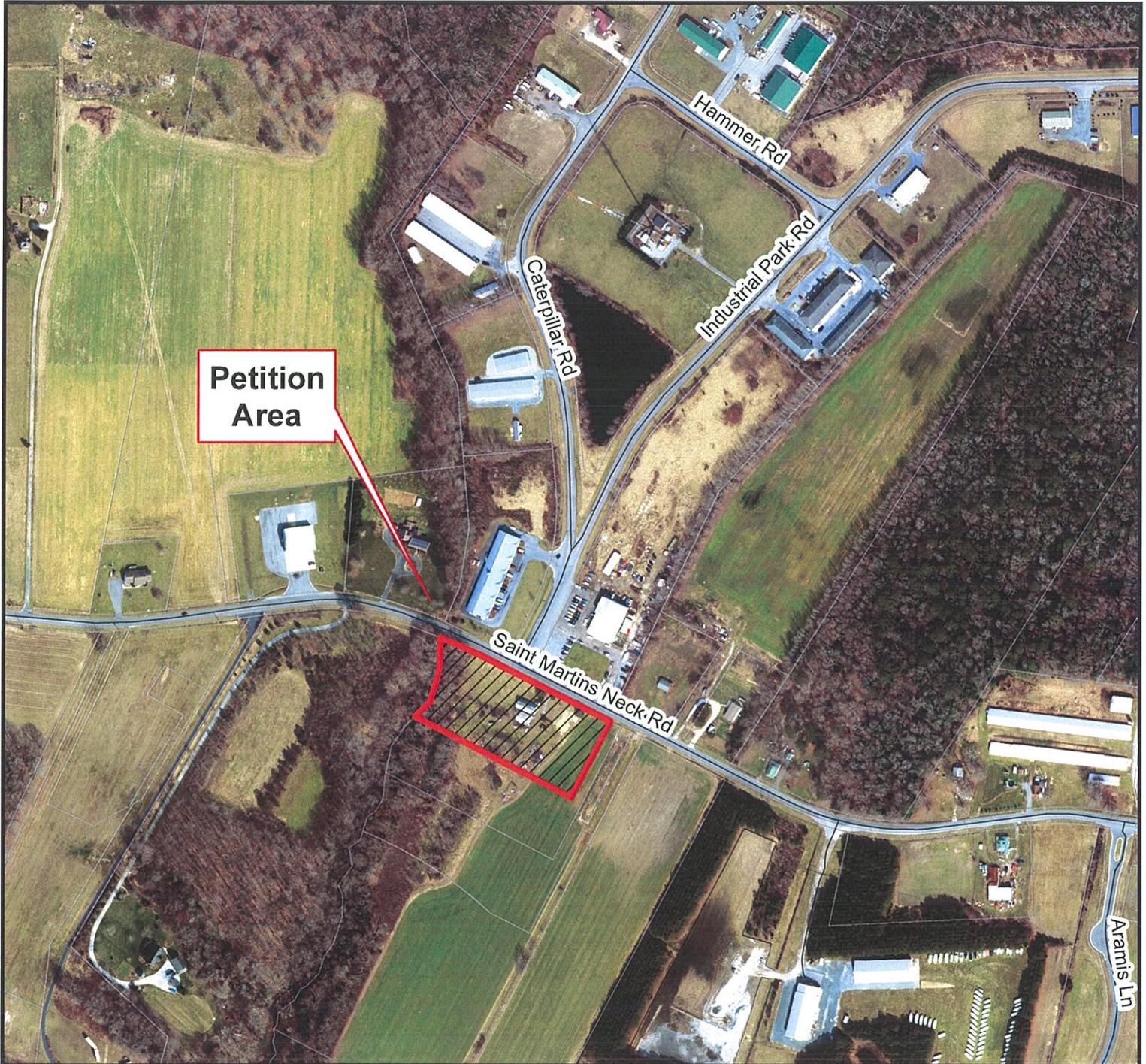


WORCESTER COUNTY, MARYLAND

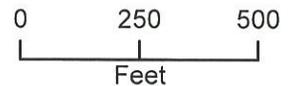


REZONING CASE NO. 420
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 27, Lot 1

AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared May 2018



Source: 2016 Aerial Imagery

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: PHW

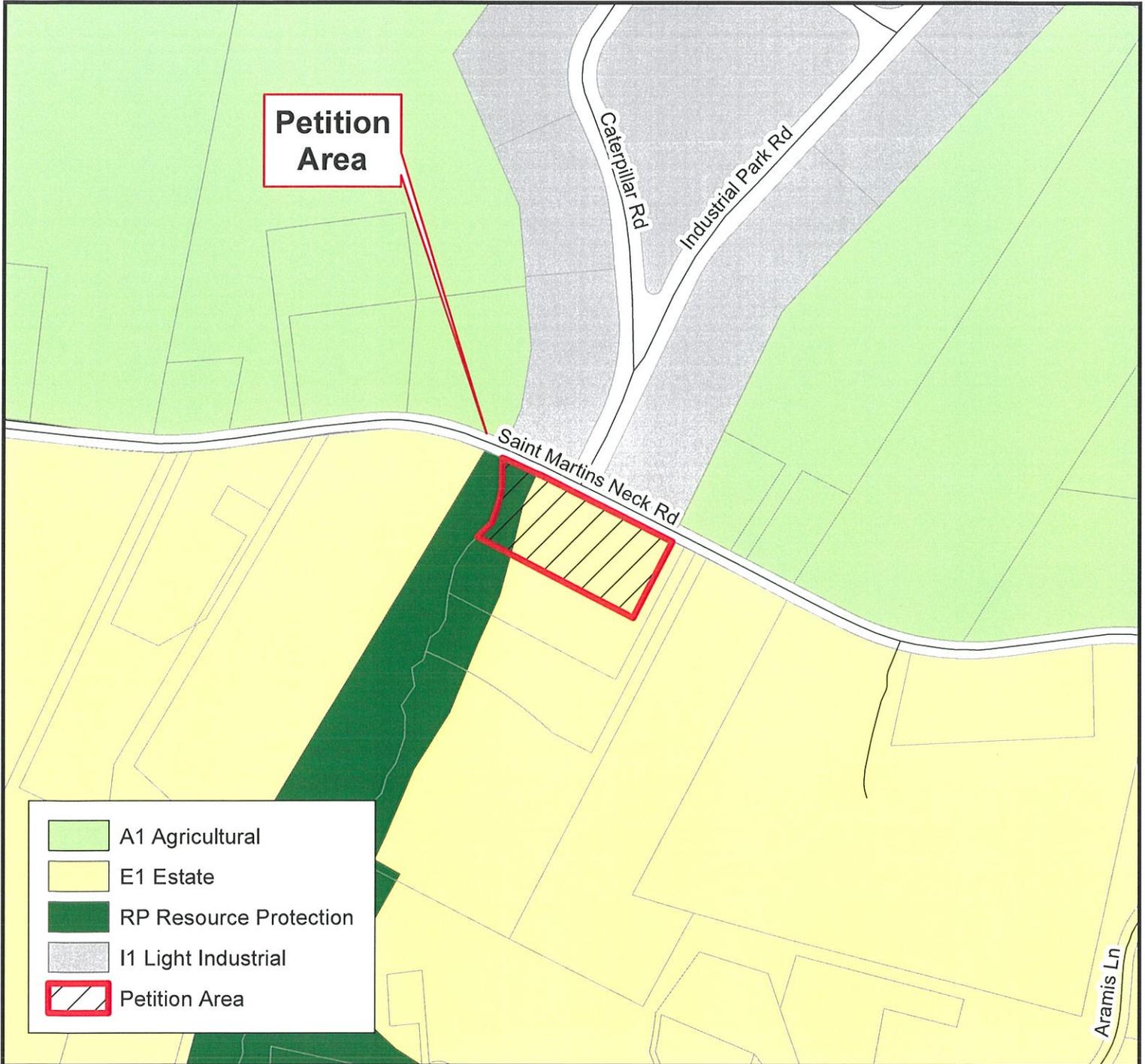


WORCESTER COUNTY, MARYLAND

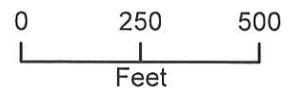


REZONING CASE NO. 420
 E-1 Estate District to A-2 Agricultural District
 Tax Map: 10, Parcel 27, Lot 1

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
 Technical Services Division - Prepared May 2018



Source: 2009 Zoning Districts

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: PHW

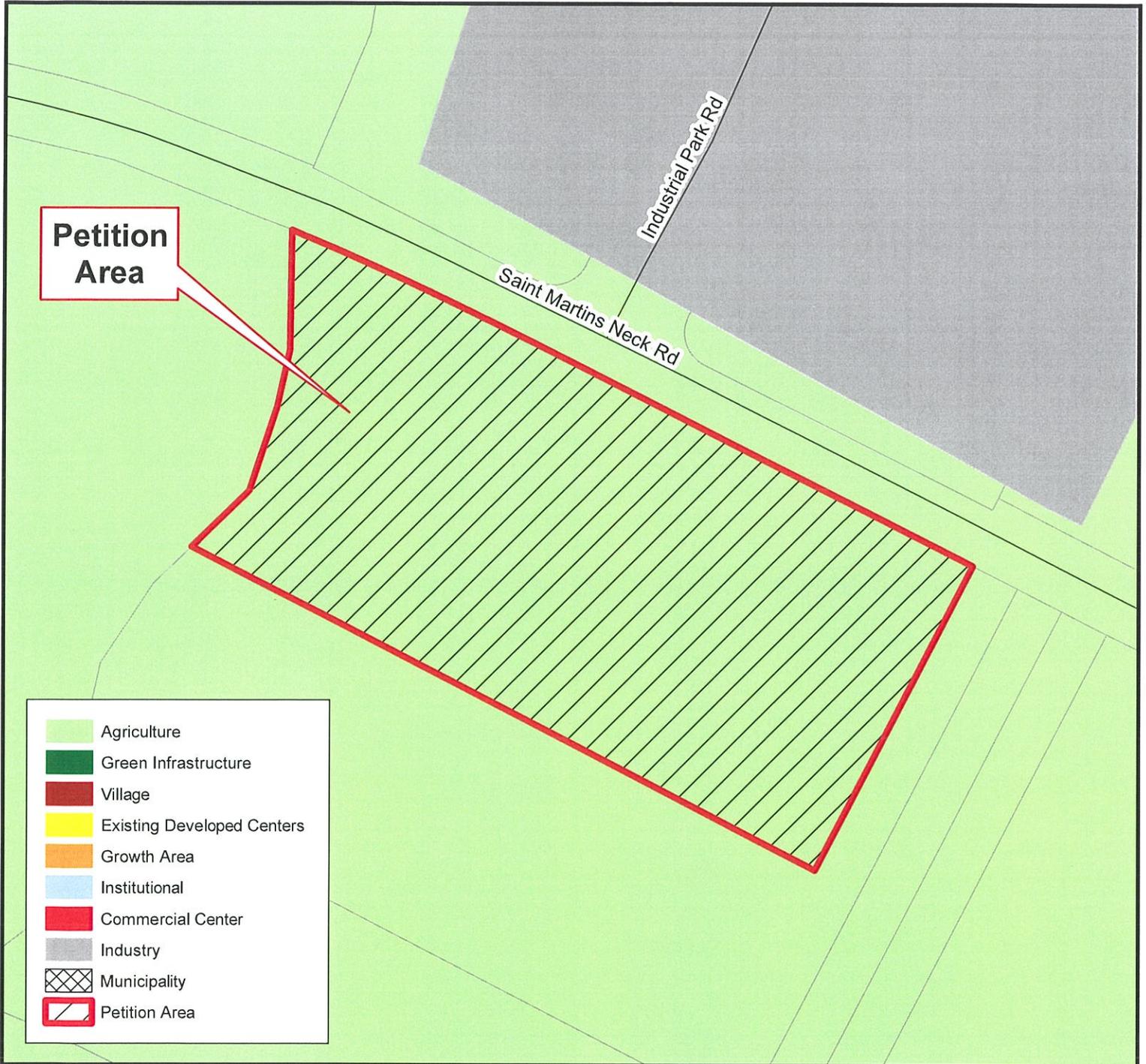


WORCESTER COUNTY, MARYLAND

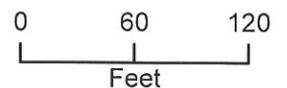


REZONING CASE NO. 420
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 27, Lot 1

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared May 2018



Source: 2006 Land Use Plan

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: PHW

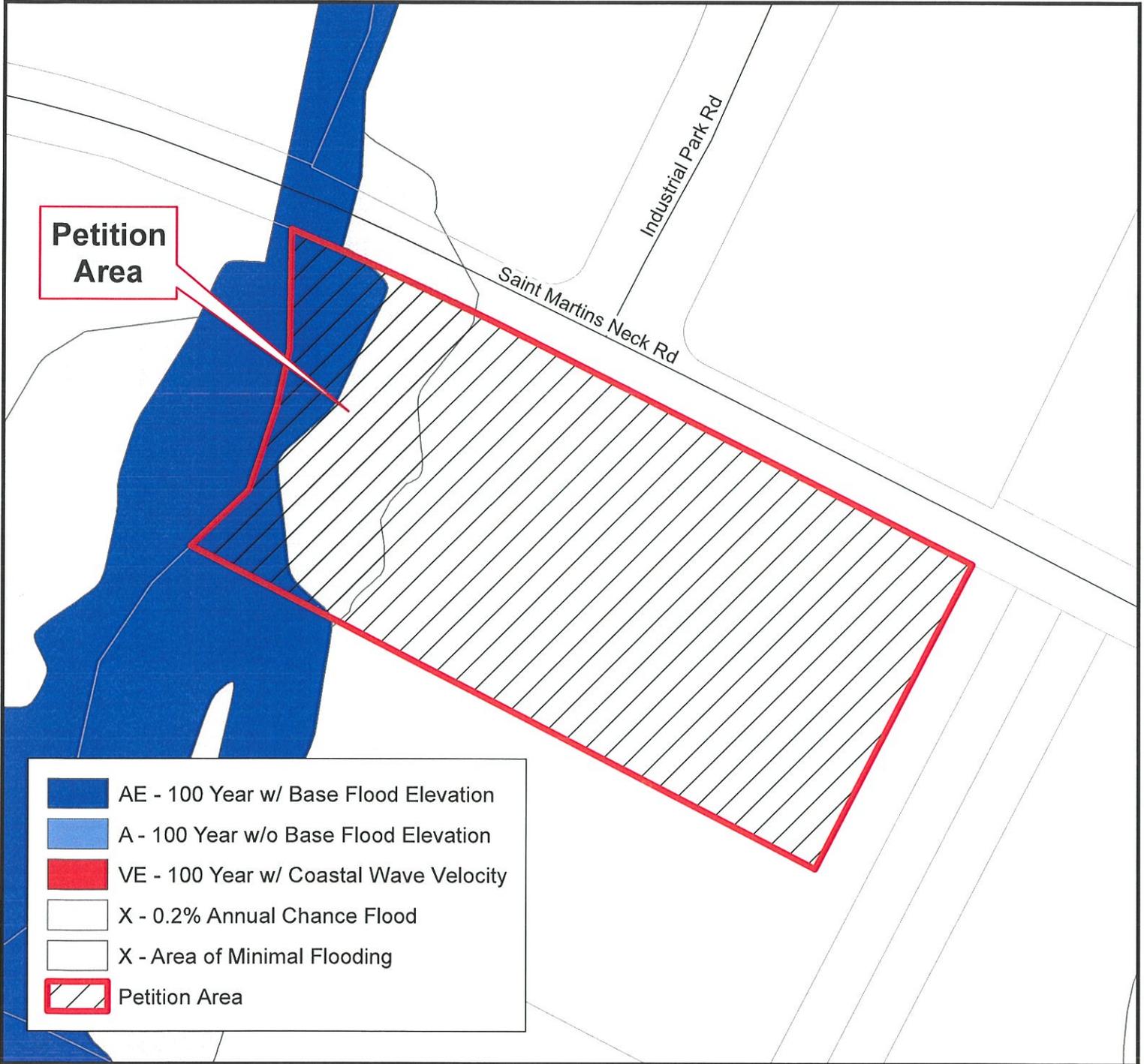


WORCESTER COUNTY, MARYLAND

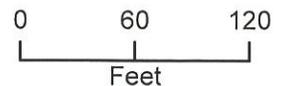


REZONING CASE NO. 420
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 27, Lot 1

FLOODPLAIN MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared May 2018



Source: 2015 FEMA Flood Insurance Rate Maps

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: PHW

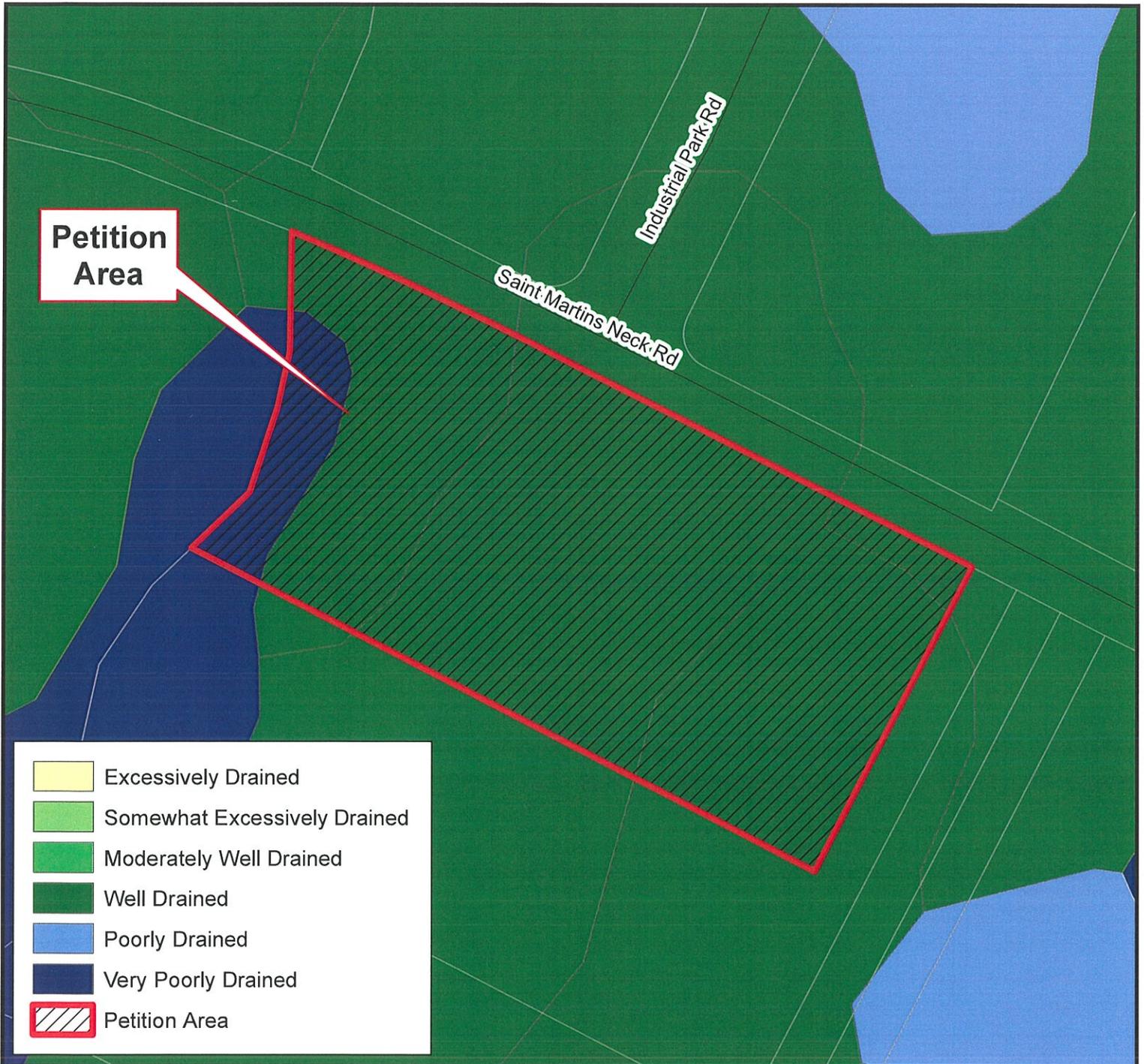


WORCESTER COUNTY, MARYLAND

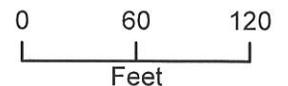


REZONING CASE NO. 420
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 27, Lot 1

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared May 2018



Source: 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: PHW

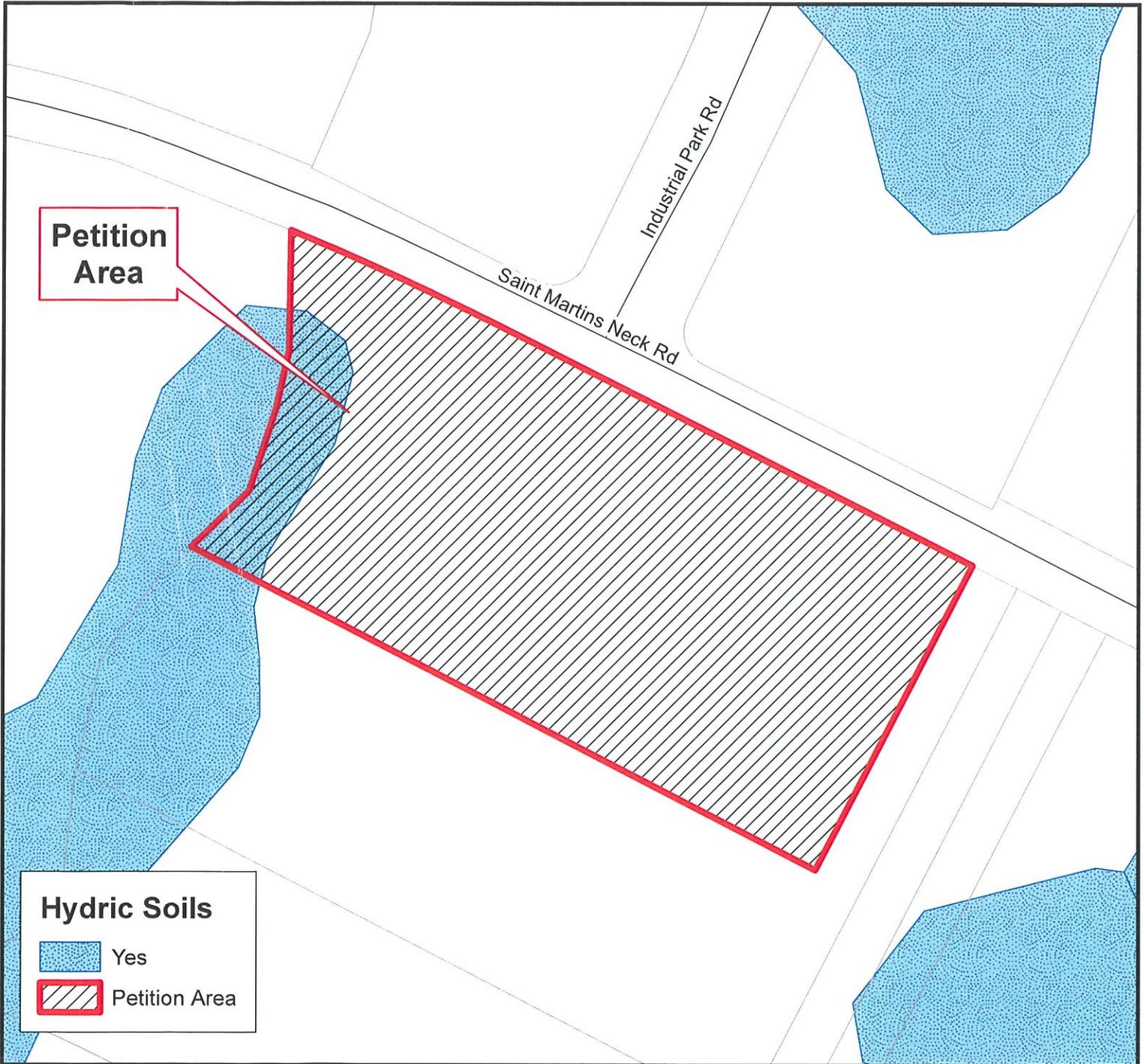


WORCESTER COUNTY, MARYLAND

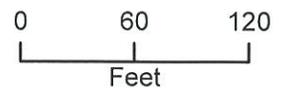


REZONING CASE NO. 420
E-1 Estate District to A-2 Agricultural District
Tax Map: 10, Parcel 27, Lot 1

HYDRIC SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared May 2018

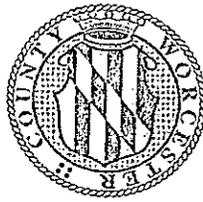


Source: 2007 Soil Survey

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

Drawn By: KLH

Reviewed By: PHW



Worcester County
Department of Environmental Programs

Memorandum

To: Phyllis Wimbrow, Deputy Director, DDRP

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

Subject: EP Staff Comments on Rezoning Case No. 420
~~Worcester County Tax Map 10, Parcel 27, Lot 1~~
2.66 Acres E-1, Estate District to A-2 Agricultural District

Date: 6/19/18

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning application argues that there was a mistake in the existing zoning classification. This application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

Referring to the *Comprehensive Plan*, the subject property is located in the Agricultural land use district. This district is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. It is expected that residential and other conflicting land uses although permitted, are discouraged within this district.

Save for the I-1, Light Industrial zoning classification for the lands of the Todd Industrial Park land directly across St. Martins Neck Road from the subject property, the proposed map amendment property is surrounded on the southern side of the road by just two zoning classification of Resource Protection (RP) and Estate (E-1). Except for the aforementioned industrial park, on the northern side of St. Martins Neck the zoning classification is limited to Agricultural (A-1). There is a small sliver of RP zoning within the western portion of the subject property.

-32-

Citizens and Government Working Together

The applicant has submitted their neighborhood exhibit including the industrial park and lots 1-3 in the subdivision that includes the subject property. The Planning Commission will need to determine whether or not they agree with the neighborhood as defined in making their recommendation. Other than the subdivision that includes the subject property, there have been no recent significant changes within the neighborhood area the applicant has defined.

The subject property has designations for Water and Sewer Service Categories of W-6/S-6 (no Planned Service) in the *Master Water and Sewerage Plan*. It is currently served by existing well and septic with flow capacity typical of single-family residential systems.

This proposed rezoning is located outside of the Atlantic Coastal Bays Critical Area (ACBCA) and will be subject to the Forest Conservation Law. There is an existing Forest Conservation Easement on this property that was created in 2011 when the land was subdivided. When the subdivision occurred, the afforestation threshold was 20 percent and the conservation threshold was 25 percent. The afforestation and conservation thresholds for Agricultural zoning are higher than required Estate Zoning; however, since compliance with the Forest Conservation Law has already occurred, further Forest Conservation requirements should not be necessary for the property owner.

The applicant has specifically identified a contractor's shop as the proposed use on the property. The Planning Commission should consider that this request is a rezoning for this property for all uses permitted under the newly requested zoning classification and is not for the review of a specific site plan or singular use.

Within this specific zoning reclassification request, there exists compatibility with the *Comprehensive Plan* in that *The Plan* calls for the elimination of the estate land use category and associated zoning district under the General Land Use Recommendations (p.20) in Chapter 2 of *The Plan*.

We would again point out that there is an existing Forest Conservation Easement on the western portion of the subject property and that runs across all lots within this minor subdivision. That area matches the Resource Protection (RP) zoning classification for that portion of the subject property as well as similar portions of the rest of the subdivision lots. While the request is for the entire 2.66 acres of the subject property to be rezoned, we would recommend that the Planning Commission consider letting that small portion of the subject property remain as previously zoned (RP). This would be a proper development constraint already encumbered by an existing easement.

If you have any questions on these comments, please do not hesitate to contact me.

Attachments

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

June 1, 2018

Ms. Phyllis H. Wimbrow
Deputy Director
Department of Development Review and Permitting
Worcester County Government Center
One West Market Street, Room 1201
Snow Hill MD 21863

Dear Ms. Wimbrow:

Thank you for the opportunity to review the Rezoning Application from Hugh Cropper for Rezoning Case No. 420 – Ocean Tower Investment, LLC, in Worcester County. The property is described as Tax Map 10, Parcel 27, being located on the southerly side of St. Martins Neck Road, approximately 1,400 ft west of Industrial Park Road, in Bishopville, MD. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the application and associated documents. We are pleased to respond.

Rezoning is a land use issue, which is not under the jurisdiction of the MDOT SHA. If development of the property is proposed in the future, MDOT SHA may require a Traffic Impact Study to determine potential impacts to the surrounding state roadway network. Future development may also require an access permit to be issued from this office.

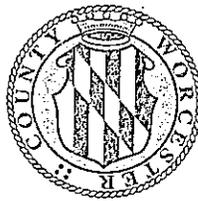
With the exception of our aforementioned comments, MDOT SHA has no objection to a rezoning determination by Worcester County. Thank you for the opportunity to provide a response. If you have any questions regarding our response, please feel free to contact Mr. Daniel Wilson, Access Management Consultant, via email at dwilson12@sha.state.md.us or by calling him directly at 410-677-4048.

Sincerely,

Hicham Baassiri

For James W. Meredith,
District Engineer

cc: Mr. Hicham Baassiri, Assistant District Engineer, Project Development, MDOT SHA
Mr. Daniel Wilson, Access Management Consultant, MDOT SHA



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

MEMORANDUM

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: May 31, 2018
RE: Rezoning Case No. 420

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

Upon review of the above referenced rezoning case, I offer the following comments:

Rezoning Case 420: No comments at this time.

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

cc: John H. Tustin, P.E., Director

FJA/ll
\\wfile2\users\llawrence\Rezoning\Rezoning Case 420.doc

Reggie T. Mason
Sheriff



Douglas A. Dods
Colonel

SINCE 1742

WORCESTER COUNTY GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1001
SNOW HILL, MARYLAND 21863-1072
410-632-1111
ADMIN. FAX: 410-632-3070

May 22, 2018

~~Phyllis H. Wimbrow~~

Department of Development Review and Planning
Worcester County Government Center
Snow Hill, Md

REF: Rezoning Case No. 420

After reviewing the packet submitted, we do not see any impact on Sheriff's Office operations at this time.

Sincerely,

Douglas A. Dods

Colonel

Chief Deputy Sheriff

Jennifer Keener

From: fwebster
Sent: Wednesday, May 16, 2018 9:46 AM
To: Jennifer Keener
Subject: REZONING CASE.420

Jen,

James and I have reviewed the documentation regarding this and have no comment or concerns.

Fred

Fred E. Webster Jr., Director
Worcester County Emergency Services
410-632-3080
Fax 410-632-4686
24-hour 410-632-1311





Snow Hill (Main Office)
410-632-1100
Fax 410-632-0906

Worcester County

HEALTH DEPARTMENT

P.O. Box 249 • Snow Hill, Maryland 21863-0249
www.worcesterhealth.org

Rebecca L. Jones, RN, BSN, MS
Health Officer

MEMORANDUM

To: Phyllis H. Wimbrow, Deputy Director

From: Edward Potetz, Director *EP*
Environmental Health

Date: May 24, 2018

Re: Rezoning Case No. 420

This office has no objection to the proposed above-referenced rezoning case.

-38-

Phyllis Wimbrow

From: Rob Clarke -DNR- [rob.clarke@maryland.gov]
Sent: Monday, May 14, 2018 9:56 AM
To: April Mariner
Cc: Jennifer Keener; Phyllis Wimbrow
Subject: Re: Rezoning Case #420.

Good Morning April,

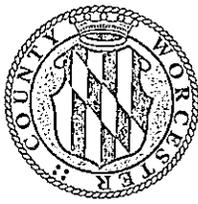
After reviewing the documents you sent to me, on behalf of the Forest Service, I have no comment on the proposed change.

	<p>Rob Clarke Acting Project Manager Maryland Forest Service Department of Natural Resources 10990 Market Lane Princess Anne, MD 21853-2910 Office: 410-651-2004 Mobile: 443-235-1636 Rob.Clarke@Maryland.gov</p>
 dnr.maryland.gov	

[Click here](#) to complete a three question customer experience survey.

On Mon, May 14, 2018 at 9:34 AM, April Mariner <amariner@co.worcester.md.us> wrote:

Good Morning Mr. Clarke, please find attached a request for comment for Rezoning Case #420. Thank you and have a great day.



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

MEMORANDUM

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

TO: Robert Mitchell, Director, Worcester County Environmental Programs
Fred Webster, Director, Worcester County Emergency Services
Reggie Mason, Sheriff, Worcester County Sheriff's Office
~~John H. Tustin, P.E., Director, Worcester County Public Works Department~~
John Ross, P.E., Deputy Director, Worcester County Public Works Department
Frank Adkins, Roads Superintendent, Worcester County Public Works Department
Jeff McMahan, Fire Marshal, Worcester County Fire Marshal's Office
Kathryn Gordon, Deputy Director, Worcester County Economic Development
Louis H. Taylor, Superintendent, Worcester County Board of Education
James Meredith, District Engineer, Maryland State Highway Administration
Lt. Earl W. Starner, Commander, Barracks V, Maryland State Police
Rebecca L. Jones, Health Officer, Worcester County Health Department
Rob Clarke, State Forester, Maryland Forest Services
Nelson D. Brice, District Conservationist, Worcester County Natural Resources
Conservation Service
William Rogers, Jr., Fire Chief, Bishopville Volunteer Fire Department

FROM: Jennifer K. Keener, Zoning Administrator on behalf of Phyllis H. Wimbrow, Deputy
Director

JJK

DATE: May 14, 2018

RE: Rezoning Case No. 420 – Ocean Tower Investment, LLC/ Hugh Cropper, IV –
Approximately 2.66 acres located on the southerly side of St. Martin's Neck Road,
opposite Industrial Park Road

.....

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a forthcoming meeting. This application seeks to rezone approximately 2.66 acres of land from E-1 Estate District to A-2 Agricultural District. Uses

Citizens and Government Working Together

allowed in this district include, but are not limited to, contractor's shops, roadside stands, single-family dwellings, etc.

For your reference, I have attached a copy of the rezoning application and location and zoning maps showing the property petitioned for rezoning.

The Planning Commission would appreciate any comments you or your designee might offer with regard to the effect that this application and potential subsequent development of the site may have on plans, facilities, or services for which your agency is responsible. *If no response is received by Monday, June 25, 2018, the Planning Commission will have to assume that the proposed rezoning, in your opinion, will have no effect on your agency, that the application is compatible with your agency's plans, that your agency has or will have adequate facilities and resources to serve the proposed rezoning and its subsequent land uses and that you have no objection to the Planning Commission stating this information in its report to the Worcester County Commissioners. If I have not received your response by that date I will note same in the staff report that I prepare for the Planning Commission's review.*

~~If you have any questions or require further information, please do not hesitate to call this office or email me at jkkeener@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.~~

Attachments



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

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

If introduced
Bill 18-7 - Public Hearing
on December 18, 2018

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *EAT*
DATE: November 5, 2018
RE: Text Amendment Application - Campgrounds - Recreational
Vehicle Camping Areas - Pull-Through Campsites

The Department is in receipt of a text amendment application submitted by Mr. Mark S. Cropper seeking to amend existing § ZS 1-318(c)(3)B of the Zoning and Subdivision Control Article to eliminate the requirement that each pull-through campsite for recreational vehicles within a campground be provided with a standard angle of access and egress. The application was reviewed by the Planning Commission at its meeting on November 1, 2018 and given a favorable recommendation.

Attached herewith is a memorandum from Phyllis H. Wimbrow, Deputy Director, which outlines the Planning Commission's comments and recommendations regarding the text amendment. The text amendment application and staff comments are attached to her memo as well. Should one of the County Commissioners wish to introduce the proposed amendment at the upcoming legislative session an electronic copy of the text amendment language in bill form has been forwarded to your office for your convenience.

As always, I will be available to discuss the matter with you and the County Commissioners at your convenience.

Attachments

cc: Phyllis H. Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator

DRAFT

A BILL ENTITLED

AN ACT Concerning

Zoning - Campgrounds - Recreational Vehicle Camping Areas

For the purpose of amending the Zoning and Subdivision Control Article to remove the standard angle of access and egress for pull-through campsites in rental and membership campgrounds.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Section § ZS 1-316(c)(3)B of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- B. If provided, pull-through campsites shall each be at least sixty feet in depth and thirty feet in width. Pull-through campsites shall be designed such that the recreational vehicles does not require backing up to either enter or exit the campsite.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2018.

ATTEST:

WORCESTER COUNTY
COMMISSIONERS



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Edward A. Tudor, Director
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*
DATE: November 2, 2018
RE: Planning Commission Recommendation - Text Amendment Application -
Campgrounds - Recreational Vehicle Camping Areas - Pull-Through Campsites

The purpose of this memo is to forward the Planning Commission's comments and recommendation regarding a text amendment application submitted by Mark S. Cropper relative to recreational vehicle camping areas within campgrounds. The Planning Commission reviewed this application at its meeting on November 1, 2018. The text amendment application seeks to amend the Zoning and Subdivision Control Article to eliminate the requirement that each pull-through campsites be provided with a standard angle of access and egress. Specifically, the text amendment as submitted by Mr. Cropper seeks to delete the second sentence in existing § ZS 1-318(c)(3)B, shown as follows by ~~strike-out~~:

- B. If provided, pull-through campsites shall each be at least sixty feet in depth and thirty feet in width. ~~The angle of access and egress to each pull-through site shall be not less than one hundred twenty degrees nor greater than one hundred thirty-five degrees.~~ Pull-through campsites shall be designed such that the recreational vehicles does not require backing up to either enter or exit the campsite.

The Planning Commission concurred with Mr. Cropper and the staff that the angle of the pull-through campsites is a campground operational issue and is essentially a self-regulating design standard, in that a campground operator is not going to design campsites that are not easily accessible by their customers. The Planning Commission agreed that to require specific angles does not provide for variability that may be necessary to address specific site conditions or industry trends in camping vehicle trends. Because the proposed amendment does not eliminate the requirement that pull-through campsites be designed such that the recreational vehicles do not have to back up to enter or exit the site, the Planning Commission concluded that requiring a

specific angle is not necessary. Following the discussion the Planning Commission gave a favorable recommendation to the text amendment application as submitted by the applicant.

A copy of a draft bill is attached, as is a copy of the staff report which includes the application. Should you have any questions or require additional information, please do not hesitate to contact me.



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ZONING DIVISION
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CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Worcester County Planning Commission
FROM: Phyllis H. Wimbrow, Deputy Director *PHW*
DATE: October 24, 2018
RE: Text Amendment Application - § ZS 1-318(c)(3)B - Campgrounds -
Recreational Vehicle Camping Areas - Pull-Through Campsites

The attached text amendment application was submitted by Mark S. Cropper, attorney, and seeks to amend the Zoning and Subdivision Control Article to eliminate the requirement that each pull-through campsites be provided with a standard angle of access and egress. Specifically, the text amendment as submitted by Mr. Cropper seeks to delete the second sentence in existing § ZS 1-318(c)(3)B, shown as follows by ~~strike-out~~:

- B. If provided, pull-through campsites shall each be at least sixty feet in depth and thirty feet in width. ~~The angle of access and egress to each pull-through site shall be not less than one hundred twenty degrees nor greater than one hundred thirty-five degrees.~~ Pull-through campsites shall be designed such that the recreational vehicles does not require backing up to either enter or exit the campsite.

Following our customary practice, once I received the text amendment application I forwarded it to Ed Tudor, Director, Jennifer Keener, Zoning Administrator, and Maureen Howarth, County Attorney and Planning Commission Attorney, for their review and comment. The comments of both Mr. Tudor and Ms. Keener are attached. This standard angle requirement was added to the Code during the 2009 rewrite. Mr. Tudor states that these angles are a campground operational issue and are essentially a self-regulating design standard, in that a campground operator is not going to design campsites that are not easily accessible by their customers. He further comments that to require specific angles does not provide for variability that may be necessary to address specific site conditions or industry trends in camping vehicle trends. Mr. Tudor states that he has no objection to the text amendment as proposed. Ms. Keener

states that Mr. Cropper's client owns an existing cooperative campground and does not feel that this angle is necessary to provide safe ingress and egress to the pull-through campsites. Ms. Keener indicates that because the proposed amendment does not eliminate the requirement to provide pull-through campsites that are designed such that the recreational vehicles do not have to back up to enter or exit the site, she has no objection to the text amendment as requested by Mr. Cropper. I concur with the conclusions of Mr. Tudor and Ms. Keener. Therefore, the staff gives a favorable recommendation to the text amendment application as specifically requested. A draft bill is attached for your reference along with a copy of the specific code section Mr. Cropper is seeking to amend.

Should you have any questions or require additional information, please do not hesitate to contact me.

cc: Edward A. Tudor
Maureen Howarth
Jennifer Keener



Worcester County Commissioners
Worcester County Government Center
Once West Market Street, Room 1103
Snow Hill, MD 21863

PETITION FOR AMENDMENT TO OFFICIAL TEXT
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE

(Office Use Only - Please Do Not Write In This Space)

Date Received by Office of the County Commissioners: _____

Date Received by Development Review and Permitting: 10/2/18

Date Reviewed by Planning Commission: _____

I. Application – Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below.

- A. Resident of Worcester County X
B. Taxpayer of Worcester County X
C. Governmental Agency _____

(Name of Agency)

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

- A. Section Number: ZS 1-318(c)(3)B
B. Page Number: ZS 1:III:71
C. Proposed revised text, addition or deletion:

Delete the second sentence.

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:

It is no longer deemed reasonable or necessary.

IV. Signature of Applicants

Signature:

Printed Name of Applicant:

Mark Spencer Cropper

Mailing Address: **6200 Coastal Highway, Suite 200, Ocean City, MD 21842**

Phone Number: **(410) 723-1400**

Email: mcropper@ajgalaw.com

Date: _____

V. Signature of Attorney

Signature:

Printed Name of Applicant:

Mark Spencer Cropper

Mailing Address: **6200 Coastal Highway, Suite 200, Ocean City, MD 21842**

Phone Number: **(410) 723-1400**

Email: mcropper@ajgalaw.com

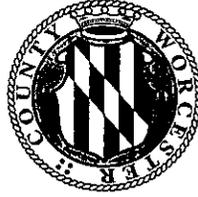
Date: _____

VI. General Information Relating to the Text Change Process.

- A. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.

- B. Procedure for Text Amendments – Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation toA 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.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Edward A. Tudor, Director *EAT*
DATE: October 24, 2018
RE: Text Amendment Application - Campground Pull-Through Campsites

This memorandum is in response to your request for comments on the above mentioned text amendment submitted by Mr. Mark S. Cropper regarding relative to the angle of access and egress for pull-through campsites in rental and membership campgrounds.

Currently the Zoning and Subdivision Control Article requires that the angle of access and egress from pull-through campsites be not less than one hundred twenty degrees or greater than one hundred thirty-five degrees. If memory serves me correctly, this provision was established at the suggestion of a former Planning Commission chair who felt these were appropriate angles for such sites in campgrounds. While they may be viewed as easy angles of approach and exit for pull-through sites in rental and membership campgrounds, I do not know that we need to legislate something that is really more of an operational issue of the campground. I believe that it is what could be called a self-regulating design standard. I cannot imagine that any campground operator would have much success if they were to design campsites that were not easily accessible by their customers. To require specific angles of approach or exit in every cases does not provide for variability that may be necessary to address specific site conditions or industry trends in the type of camping vehicles utilizing the sites. Therefore, I have no objection to the text amendment as proposed.

As always, I will be available to discuss the matter in greater depth if need be when it is reviewed by the Planning Commission.

cc: Maureen Howarth, County Attorney
Jennifer Keener, Zoning Administrator



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ZONING DIVISION
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ADMINISTRATIVE DIVISION

DATA RESEARCH DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICES DIVISION

MEMORANDUM

To: Phyllis Wimbrow, Deputy Director
From: Jennifer K. Keener, Zoning Administrator *JKK*
Date: October 24, 2018
Re: §ZS 1-318(c)(3)B.

Mr. Cropper, on behalf of his client, is seeking to remove the requirement that pull-through campsites be provided with a standard angle of access and egress to each site (not less than 120 degrees nor greater than 135 degrees). This requirement was added to the Zoning Code during the 2009 amendments. Mr. Cropper's client owns and operates an existing cooperative campground, and has stated that this angle is not necessary in order to provide for safe ingress and egress to a site. The amendment does not eliminate the requirement to provide pull-through sites that are designed such that the recreational vehicles do not have to back up to enter or exit the site. Therefore, I have no objection to this request.

- F. Rental and membership campgrounds shall only be permitted to operate eight consecutive months in any twelve-month period and shall be closed for four consecutive months between September 1 and April 30 of each twelve-month period. Units or sites in a rental or membership campground may be occupied only during the period of operation of the campground. In no event shall any campsite or unit thereon be occupied as a place of primary residence or domicile. A campground shall have bylaws, rules or regulations providing for such limited occupancy and such limitations on occupancy shall be clearly stated in any rental or membership agreement. Utilities, other than those reasonably necessary for security and caretaking purposes and for the campground's administrative office, shall be shut off during the period when the rental or membership campground is closed. Water and sewer facilities to all campsites and amenities shall be among the utilities shut off. The Department shall be notified on an annual basis as to what months the rental or membership campground shall be operational and what months it shall be closed.
- G. Each rental campground and membership campground shall comply with all pertinent regulations of the Maryland Department of the Environment and Environmental Programs Division as well as other state and County requirements prescribed by law or regulations for such use.
- H. All roads and incidental drainage shall comply and be constructed in accordance with County road specifications for private campground subdivisions, as adopted by the County Commissioners. Collector roads and minor roads shall be determined by the Planning Commission. Adequate easements or rights-of-way for utilities shall be provided. All roads in campgrounds shall be private and shall not be accepted by the County Commissioners for maintenance.
- I. In granting a special exception or site plan approval for a campground, the Board or Planning Commission may require additional special conditions to be met, such as additional setbacks, landscaping, traffic control or deed restrictions, in order to safeguard the general health, safety and welfare of the public.
- J. Every enlargement or extension to an existing campground shall require application for a zoning certificate and Board and Planning Commission authorization as if it were a new establishment. The Board or Planning Commission may require the existing portion of the campground to comply with all or part of the provisions of this section if the Board or Planning Commission deems such to be desirable and economically feasible.
- (2) Tenting areas. In addition to the provisions of Subsection (c)(1) hereof, tenting areas shall conform to the following provisions:
- A. Each tenting area shall contain not less than two thousand square feet of area, exclusive of the road right-of-way, and shall be not less than forty feet in width or depth. The maximum density shall be fifteen tenting campsites per gross acre of tenting area.
- B. Tenting areas shall provide sanitary toilet facilities, showers or other commonly accepted bathing facilities and an adequate fresh water supply as approved by the County Environmental Programs Division.
- X (3) Recreational vehicle camping areas. In addition to the provisions of Subsection (c)(1) hereof, areas for travel trailers, truck campers, camper trailers, motor homes, other licensed recreational vehicles, cabins, and recreational park trailers shall conform to the following provisions:
- A. Each recreational vehicle campsite shall meet the following minimum requirements: campsite area, three thousand square feet, exclusive of the road right-of-way; frontage, twenty-five feet on a private roadway; front yard setback, ten feet; left side yard setback, seven feet; right side yard setback, three feet; and rear yard setback, five feet. Each campsite shall be so designed that a square of forty feet in width and depth can be located within the campsite boundary lines. The entire forty-foot-by-forty-foot square area on campsites designed for units not on permanent foundations must be stable and level. The maximum density shall be ten campsites per gross acre of the area devoted to campsites for recreational vehicles.

See next page for specific subsection

Delete
2nd
Sentence

- B. If provided, pull-through campsites shall each be at least sixty feet in depth and thirty feet in width. ~~The angle of access and egress to each pull-through site shall be not less than one hundred twenty degrees nor greater than one hundred thirty five degrees.~~ Pull-through campsites shall be designed such that the recreational vehicle does not require backing up to either enter or exit the campsite.

(4) Rental and membership campgrounds shall provide the following facilities, as approved by the Environmental Programs Division:

- A. An adequate fresh water supply to each campsite.
- B. Adequate and safe electrical services to each campsite in accordance with the requirements of the National Electric Code, current edition, and the Worcester County Floodplain Management Law,^[1] as determined by the Department.

[1] *Editor's Note: See § BR 2-301 et seq. of the Building Regulations Article of the Code of Public Local Laws of Worcester County, Maryland.*

- C. A sanitary toilet, lavatory and showers or other commonly accepted bathing facilities for the use of campers.
- D. A fresh water supply and dump stations allowing the emptying of holding tanks for self-contained vehicles.

(5) Manufactured and mobile homes shall be prohibited in all rental and membership campgrounds.

(6) Up to twenty-five percent of the campsites in either a rental or membership campground may be occupied by recreational park trailers or cabins. Such units must be owned by the campground owner. Ownership of recreational park trailers or cabins by an individual tenant is prohibited and such units may only be occupied on a temporary basis and not as a place of primary residence or domicile.

(7) No recreational vehicle, recreational park trailer or cabin shall exceed one story nor shall it exceed seventeen feet in height. The Board of Zoning Appeals shall have no power to grant variances to the maximum height or number of stories. Furthermore, no such structure shall contain any living space below or any attic space or loft above the first-floor elevation.

(8) Additions to recreational vehicles, recreational park trailers and cabins are prohibited in rental or membership campgrounds.

(9) No accessory buildings are permitted on individual campsites in rental or membership campgrounds.

(10) Structures or buildings which serve as an amenity or are incidental and accessory to the operation of the campground in general may not exceed two stories or forty-five feet in height.

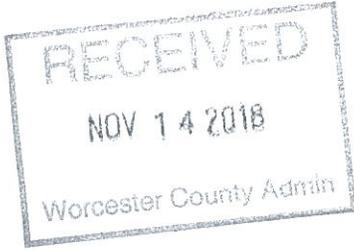
(11) The temporary location or placement of a tent or recreational vehicle on a campsite in a rental or membership campground shall not require the issuance of a building permit or zoning certificate. The location of a recreational park trailer or cabin on a campsite in a rental or membership campground or the elevation of a recreational vehicle on a permanent foundation shall require the issuance of a building permit and zoning certificate.

(d) Campground subdivisions.

(1) New campground subdivisions are prohibited. The following provisions shall apply to campground subdivisions in existence prior to the adoption date of this Title.

- A. Minimum lot requirements shall be: lot area, twenty-five acres minimum and one hundred acres maximum; maximum density, ten campsites per gross acre; lot width, eight hundred feet; and front yard setback, each side yard setback and rear yard setback, one hundred feet; provided that no campsite shall be located in any required setback, less than two hundred feet from any existing dwelling or public road or less than one thousand feet from the district line of any R District. With

13



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/drpd/index.htm

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 *EAT*
DATE: November 13, 2018
RE: Innerlinks-Mumfords Landing Planned Unit Development (PUD), Ocean Pines

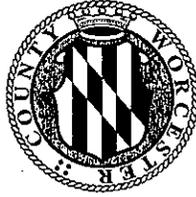
Attached herewith you will find a copy of a memorandum from Jennifer Keener, Zoning Administrator, relative to the Harbormaster Facilities in the above referenced PUD. Mrs. Keener has received a request from Colleen Deptula of Beach Construction seeking to convert an area in one of the dockmaster buildings (labeled "Building Two" on the attached site plan) that is currently approved for storage and light maintenance uses for the marina into a dwelling unit for on-site management.

This particular PUD was originally approved by the County Commissioners in 1989. In early 1999 the Planning Commission granted site plan approval for the current uses. As part of that original approval the Planning Commission required that any changes in the uses in the future be approved by the Planning Commission and be consistent with the original Step I plan approved by the County Commissioners and the Step II plan approved by the Planning Commission. Because the County Commissioners approved the original Step I plan, in an abundance of caution Mrs. Keener is requesting that the County Commissioners make a determination with respect to the current proposal's impact and its consistency with the original Step I approval.

I have reviewed all of the information Mrs. Keener has provided. Considering that the original Step I plan for this area was conceptual in nature and showed a marina and related facilities, the conversion of the commercial space to on-site housing is of a less intense use, and the applicant will still have to adhere to all current regulations regarding site plan approval, building codes and sewerage disposal, I find the request to be very minor in nature. If the County Commissioners concur with this determination, no further action is required on their part. Should the County Commissioners not concur with this determination, I believe the proposal would require the filing of an amended Step I concept plan, with review by the Planning Commission and final consideration and action by the County Commissioners after a public hearing.

If you need any additional information, please let me know. As always, I will be available to discuss the matter with you and the County Commissioners at your convenience.

Attachment



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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www.co.worcester.md.us/cfm/drindex.htm

ZONING DIVISION
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CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

To: Edward A. Tudor, Director
From: Jennifer K. Keener, Zoning Administrator *JKK*
Date: November 8, 2018
Re: Harbormaster Facilities at Marina Village, Innerlinks-Mumfords Landing PUD

The Department is in receipt of a request that was submitted by Colleen Deptula with Beach Construction Co. on behalf of Ronald and Jennifer Chen. They desire to construct a residential dwelling unit on the first floor of one of the dockmaster buildings (Building 2) which they state is for on-site management use. This area is currently approved for storage and light maintenance uses associated with the marina. Please note that the letter from Beach Construction indicated a 460 square foot apartment, while the minimum required by code is 500 square feet. Additional square footage will have to be allocated to the proposed dwelling from the maintenance area if approved.

This property is located at 869 Yacht Club Drive, within the Planned Unit Development (PUD) for Innerlinks and Mumfords Landing. This PUD was approved by the County Commissioners on August 15, 1989. The original Step I and II plans illustrated a marina with harbormaster facility. On February 4, 1999, the Planning Commission approved a site plan for a retail area, office space, storage areas, light boat maintenance, and two apartments for the harbormaster or owner/operator of the marina, one each on the second floor of each building. During the permitting process, there were two additional apartments added to the second floor of Building 1, for a total of four residential dwelling units.

The approval granted by the Planning Commission in 1999 and outlined in Mrs. Wimbrow's approval letter stated "[n]o other uses are approved as part of this site plan approval. Should any party in the future desire to substitute a different use for one of the approved uses, site plan approval must be sought from the Planning Commission and any proposed use must comply with the previously approved Step I and Step II PUD plans." While I suspect that the statement had more to do with concerns of a commercial nature as opposed to residential, I would still like to request direction from the County Commissioners. Specifically, I would like the County Commissioners to make a determination as to whether the proposed change of use is minor in nature, with little impact to the community, or if it is one of much greater significance that would have a more widely felt impact. If

the County Commissioners determine that the change is significant, the question then becomes whether this project should be sent back through the Step I and/or Step II processes for a revision to the overall Planned Unit Development?

I have attached a copy of the 1999 site plan approval for this development for reference. There are no concerns relative to density. The developer will need to ensure that adequate parking is provided for the overall uses within the PUD; and the Department of Environmental Programs and the Treasurer's Office has advised that an additional EDU will need to be purchased.

Please let me know if I can be of any further assistance.

Attachments

To Ms. Jennifer Keener

Worcester County Planning & Zoning

Reg: The Dockmaster Out Parcel 9B

September 20, 2018

869 Yacht Club Drive

Berlin, MD 21911

Please determine if a portion of the first floor of the Northern most building could be finished out as an efficiency apartment. The use of this apartment would be for on-site management use.

Currently the first floor has a single boat garage and the balance is being used for storage/workshop. Please see the provided plan for the proposed 460 sqft renovation. This level of the building was originally outfitted with a fire rated ceiling and garage separation walls. The entire building has fire sprinklers. There is a private exterior /entry door with lots of natural light provided by egress windows. The provided elevation certification also confirms a habitable first floor elevation.

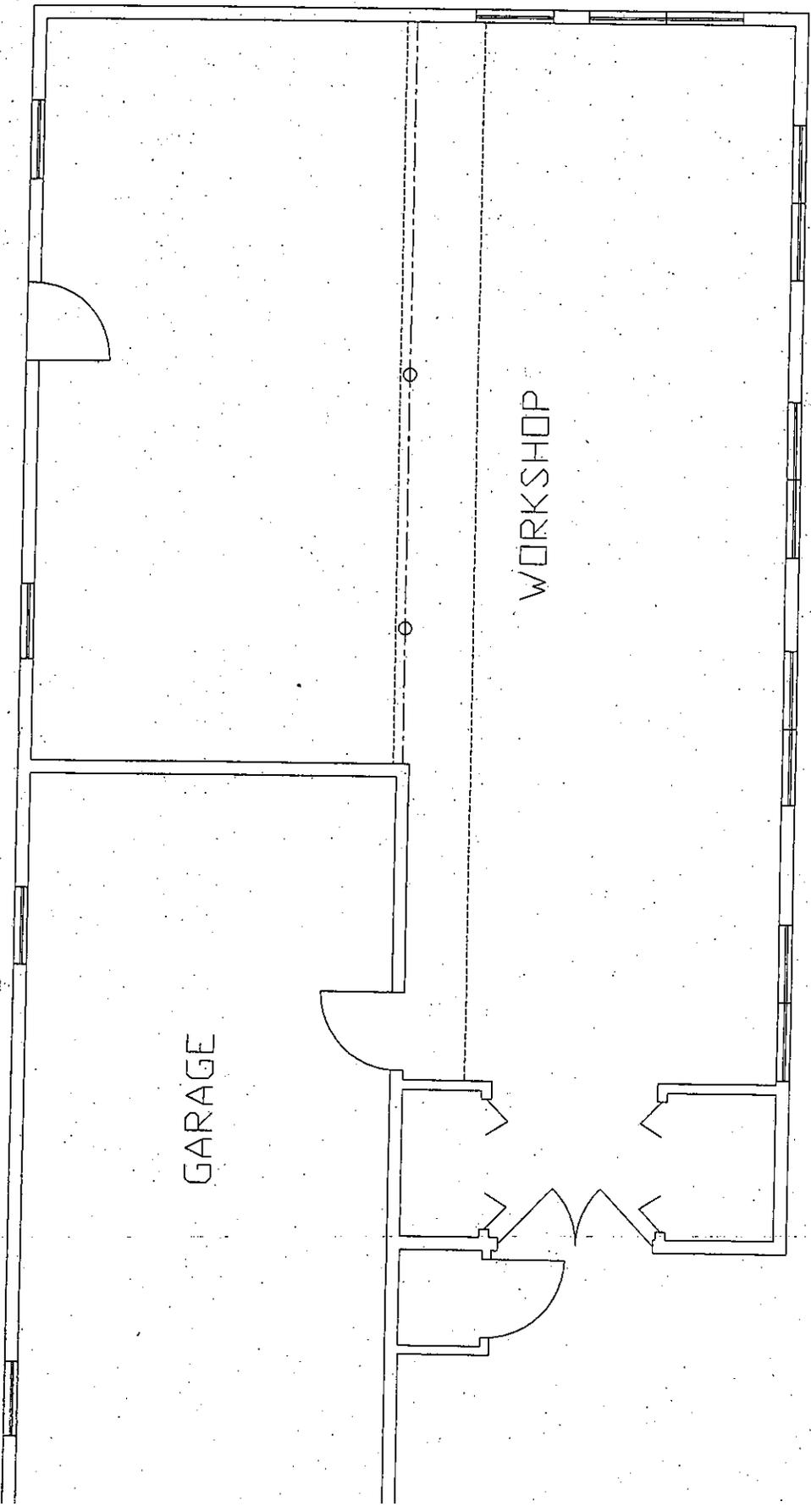
Thank you and I will look forward to hearing from you.



Colleen Deptula

Beach Construction Co.

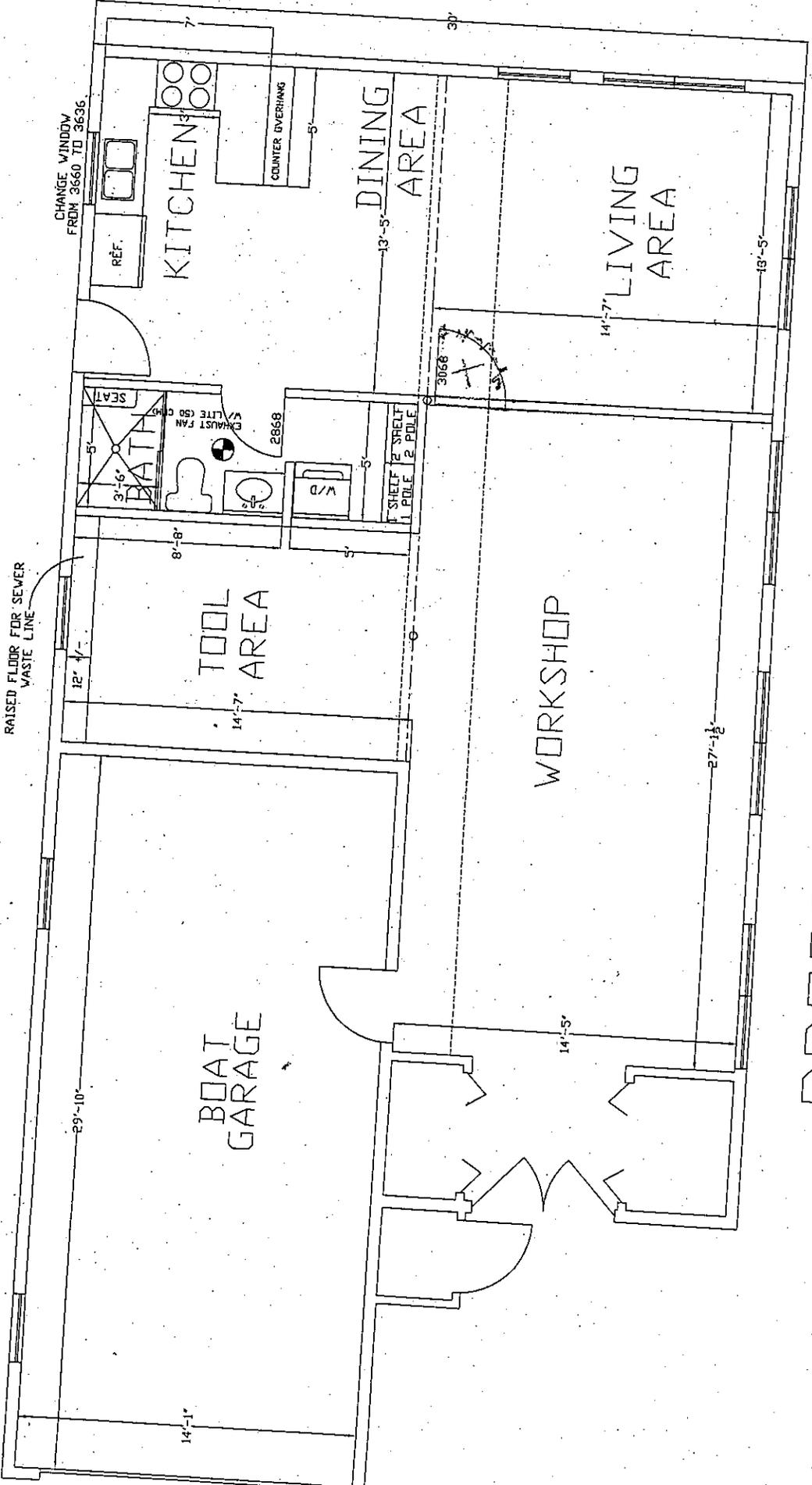
P.O. Box 1758 • Ocean Pines, Maryland 21811
410-641-8590



EXISTING FLOOR PLAN

Building 2

* Not a minimum of 500#



PROPOSED FLOOR PLAN

Building 2



12

TEL: 410-632-0686
FAX: 410-632-3003

OFFICE OF THE TREASURER

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1105
P.O. Box 248
SNOW HILL, MARYLAND
21863

PHILLIP G. THOMPSON, CPA
FINANCE OFFICER

JENNIFER C. SWANTON, CPA
ASSISTANT FINANCE OFFICER

MEMORANDUM

TO: Harold Higgins, Chief Administrative Officer
FROM: Jessica Wilson, Enterprise Fund Controller *JW*
DATE: November 9, 2018
RE: Mystic Harbour Effluent Disposal documents

The Mystic Harbour Effluent Disposal Project currently in process and funded through USDA is approximately 85% complete; \$2,943,889 of the \$3,450,000 total project costs have been incurred.

The funding committed is as follows:

USDA loan #1	\$2,450,000
USDA grant #1	750,000
USDA loan #2	170,000
USDA grant #2	80,000
<u>Total funding</u>	<u>\$3,450,000</u>

Attached for your review and approval are the loan resolution and grant agreement documents relating to the second loan and grant from USDA. These documents have been reviewed by our bond counsel, Robert Doory, as well as USDA. We recommend you approve and sign these documents for this project.



Rural Development

September 7, 2018

Delaware/Maryland
State Office

1221 College Park
Drive, Suite 200
Dover, DE 19904

Voice: (302) 857-3625
Fax: (855) 389-2243

Diana Purnell, President
County Commissioners of Worcester County
One West Market Street
Snow Hill, MD 21863

RE: Notice of Obligation
County Commissioners of Worcester County
Mystic Harbour Effluent Reuse (Cost Overrun)

Dear Ms. Purnell:

I am pleased to notify you that your application to Rural Development for the above named project has been approved and financial assistance in the amount of a \$170,000 loan and \$80,000 grant has been obligated as of September 7, 2018.

Enclosed for your records is a copy of the completed Form RD 1940-1, "Request for Obligation of Funds." This approval and funding will provide you with the needed funds for the Mystic Harbour Effluent Reuse (Cost Overrun) project.

Helping rural America develop sustainable communities and improve the quality of life is the goal of USDA Rural Development. We are pleased to be able to participate with you on this project to improve your local community.

A Community Program Specialist will be contacting you in the near future to further process your financial assistance. If you have questions, please contact Ms. Letitia N. Nichols, Acting Director of our Community Program at 302-857-3625.

Sincerely,

Denise Lovelady
State Director
Delaware/Maryland

Enclosure



Rural Development

September 4, 2018

Delaware/Maryland
State Office

1221 College Park
Drive, Suite 200
Dover, DE 19904

Diana Purnell, President
County Commissioners of Worcester County
One West Market Street
Snow Hill, MD 21863

Voice: (302) 857-3625

Fax: (855) 389-2243

RE: Amended Letter of Conditions – Rural Utilities Service
Mystic Harbour Effluent Reuse Program

Dear Ms. Purnell:

This letter supplements and supersedes, to the extent of conflicting requirements, the Letter of Conditions issued to you on April 27, 2015. The Conditions of this letter must be understood and agreed to by you before further consideration may be given to the application. This letter is being revised to provide funding for the construction of piping from the wastewater treatment plant to the golf course.

Any further changes in sources of funds, project cost, scope of service, or any other significant changes in the project or application must be reported and approved by the Rural Utilities Service (RUS) by written amendment to this letter. Notification to RUS should be at the earliest possible date; as such changes may result in additional loan approval conditions. Any changes not approved by RUS may be cause for discontinuing processing of the application. This Letter of Conditions is issued based upon present plans and specifications on file with RUS.

This letter is not to be considered as loan approval or as a representation as to the availability of funds. The docket may be completed on the basis of the amounts indicated below.

The requirements which must be fully understood and complied with are as follows:

1. Amount of Assistance:

- a. The RUS loan amount will not exceed **\$2,620,000** of which **\$2,450,000** is existing funding and **\$170,000** is new funding.
- b. The RUS grant amount will not exceed **\$830,000** of which **\$750,000** is existing funding and **\$80,000** is new funding.

It is clearly understood that the project cost will not exceed **\$3,450,000** total cost and that all funds regardless of source shall be available prior to RUS loan closing or start of construction, whichever occurs first.

2. The above assistance was approved based upon the following number of users:

Residential EDU's	750
Non-Residential EDU's	<u>916</u>
Total EDU's	1,666

System for Award Management (SAM):

You as the recipient must maintain current information in the System for Award Management (SAM) until you submit your final financial report required under this award for all loan and grants. SAM membership must remain current and active until all loan and grant proceeds have been disbursed or de-obligated, whichever is later. This requires you to review and update the information at least annually, and more frequent, if required by the changes in the information. Recipients can register on-line at www.sam.gov.

Recipient Reporting:

You as the recipient must report each first tier sub-awards of \$25,000 or more in non-Recovery Act funds to <http://www.fsr.gov> no later than the end of the month following the month the obligation was made.

As part of your registration profile at <http://www.sam.gov>, you must report the total compensation of the 5 most highly compensated executives (if the award was \$25,000 or more, 80% or more of annual gross revenues subject to Transparency Act, and \$25 Million of annual gross revenues subject to Transparency Act) by end of month following month in which award was made.

This requirement also pertains to sub-recipients (if the award was \$25,000 or more, 80% or more of annual gross revenues subject to Transparency Act, and \$25 Million of annual gross revenues subject to Transparency Act).

Operation and Maintenance Expenses:

O&M expenses must be properly budgeted to ensure the financial viability of any operation. For planning purposes, we have projected O&M expenses based on the information provided in the preliminary engineering report which should be representative of a typical year. This information is utilized to determine loan repayment and should be reflected in your proposed operating budget. It is expected that O&M will change over each successive year and user rates will need to be adjusted appropriately.

Proposed Operating Budget and User Rate Analysis:

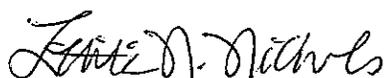
You will be required to submit a copy of your proposed annual operating budget and rate analysis to RD which supports the proposed loan repayment prior to RD giving you written authorization to proceed with the bidding phase. The operating budget should be based on a typical year cash flow after completion of the construction phase. The rate analysis will be required to show the number of users, their average consumption based on a twelve month consecutive average, and rate structure to support the necessary revenue to make the operating budget cash flow. Form RD 442-7 "Operating Budget" or similar form may be utilized for this purpose.

All other conditions in our letter of **April 27, 2015** will remain in effect. Two additional copies of this letter are attached for your use. We will be available to meet with you, your attorney, and engineer to discuss the items set forth above.

Please complete and return the attached Form RD 1942-46, "Letter of Intent to Meet Conditions" and two original signed Form RD 1940-1, "Request for Obligation of Funds," if you desire further consideration be given your application. Also attached is a copy of RUS Bulletin 1780-12, "Water and Waste System Grant Agreement," for your review; you will be required to execute this form at the time of grant closing.

If you have any questions, please contact Rasheeda Onasanya at (302) 857-3626:

Sincerely,



LETITIA N. NICHOLS
Acting Community Program Director

Attachments

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED ()			
Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.			
1. CASE NUMBER ST CO BORROWER ID 24-024-*****1064		LOAN NUMBER 09	FISCAL YEAR
2. BORROWER NAME Worcester County Commissioners		3. NUMBER NAME FIELDS (1, 2, or 3 from Item 2)	
		4. STATE NAME Maryland	
		5. COUNTY NAME Worcester	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 - WHITE 2 - BLACK 3 - A/IAN 4 - HISPANIC 5 - A/PI	7. TYPE OF APPLICANT 1 - INDIVIDUAL 2 - PARTNERSHIP 3 - CORPORATION 4 - PUBLIC BODY 5 - ASSOC. OF FARMERS 6 - ORG. OF FARMERS 7 - NONPROFIT-SECULAR 8 - NONPROFIT-FAITH BASED 9 - INDIAN TRIBE 10 - PUBLIC COLLEGE/UNIVERSITY 11 - OTHER		8. COLLATERAL CODE 1 - REAL ESTATE SECURED 2 - REAL ESTATE AND CHATTEL 3 - NOTE ONLY OR CHATTEL ONLY 4 - MACHINERY ONLY 5 - LIVESTOCK ONLY 6 - CROPS ONLY 7 - SECURED BY BONDS 8 - RLF ACCT
9. EMPLOYEE RELATIONSHIP CODE 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC.	10. SEX CODE 1 - MALE 2 - FEMALE 3 - FAMILY UNIT 4 - ORGAN, MALE OWNED 5 - ORGAN FEMALE OWNED 6 - PUBLIC BODY	11. MARITAL STATUS 1 - MARRIED 2 - SEPARATED 3 - UNMARRIED (INCLUDES WIDOWED/DIVORCED)	12. VETERAN CODE 1 - YES 2 - NO
13. CREDIT REPORT 1 - YES 2 - NO	14. DIRECT PAYMENT 2 (See FMI)	15. TYPE OF PAYMENT 1 - MONTHLY 2 - ANNUALLY 3 - SEMI-ANNUALLY 4 - QUARTERLY	16. FEE INSPECTION 1 - YES 2 - NO
17. COMMUNITY SIZE 1 - 10,000 OR LESS (FOR SFH AND HPG ONLY) 2 - OVER 10,000	18. USE OF FUNDS CODE (See FMI)		
COMPLETE FOR OBLIGATION OF FUNDS			
19. TYPE OF ASSISTANCE 068 (See FMI)	20. PURPOSE CODE	21. SOURCE OF FUNDS	22. TYPE OF ACTION 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION
23. TYPE OF SUBMISSION 1 - INITIAL 2 - SUBSEQUENT 2	24. AMOUNT OF LOAN \$170,000.00		25. AMOUNT OF GRANT \$80,000.00
26. AMOUNT OF IMMEDIATE ADVANCE	27. DATE OF APPROVAL MO DAY YR 09-07-2018	28. INTEREST RATE 3.1250 %	29. REPAYMENT TERMS 40
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
30. PROFIT TYPE 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT			
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE-ASSUMPTION	
31. DISASTER DESIGNATION NUMBER (See FMI)		32. TYPE OF SALE 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN	
FINANCE OFFICE USE ONLY		COMPLETE FOR FP LOANS ONLY	
33. OBLIGATION DATE MO DA YR 09-07-2018		34. BEGINNING FARMER/RANCHER (See FMI)	

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder COPY 1 - Finance Office COPY 2 - Applicant/Lender COPY 3 - State Office

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE Board of County Commissioners of Worcester County, Maryland

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
Mystic Harbour Effluent Disposal and Refuse Facilities

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the County Commissioners of Worcester County, Maryland
(Public Body)(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
One Hundred Seventy Thousand & 00/100pursuant to the provisions of the Local Government Article and the Environment Article of the Annotated Code of Maryland, and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as President of the County Commissioners of Worcester County, Maryland
 hereby certify that the Board of County Commissioners of Worcester County, Maryland of such Association is composed of
 _____ members, of whom, _____ constituting a quorum, were present at a meeting thereof duly called and
 held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting
 by the vote shown above, I further certify that as of _____ ,
 the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
 rescinded or amended in any way.

Dated, this _____ day of _____

 Diana Purnell
 Title President

Water and Waste System Grant Agreement

United States Department of Agriculture

Rural Utilities Service

THIS AGREEMENT dated _____, between

County Commissioners of Worcester County, Maryland

a public corporation organized and operating under

the Local Government Article and the Environment Article of the Annotated Code of MD

(Authorizing Statute)

herein called "Grantee," and the United States of America acting through the Rural Utilities Service, Department of Agriculture, herein called "Grantor," WITNESSETH:

WHEREAS

Grantee has determined to undertake a project of acquisition, construction, enlargement, or capital improvement of a (water) (waste) system to serve the area under its jurisdiction at an estimated cost of \$ 3,450,000.00 and has duly authorized the undertaking of such project.

Grantee is able to finance not more than \$ 2,620,000.00 of the development costs through revenues, charges, taxes or assessments, or funds otherwise available to Grantee resulting in a reasonable user charge.

Said sum of \$ 2,620,000.00 has been committed to and by Grantee for such project development costs.

Grantor has agreed to grant the Grantee a sum not to exceed \$ 830,000.00 or 24.06 percent of said project development costs, whichever is the lesser, subject to the terms and conditions established by the Grantor. Provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the Conditions of the grant.

As a condition of this grant agreement, the Grantee assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive orders and other generally applicable requirements, including those set out in 7 CFR 3015.205(b), which hereby are incorporated into this agreement by reference, and such other statutory provisions as are specifically set forth herein.

NOW, THEREFORE, In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306(a) of The Consolidated Farm and Rural Development Act for the purpose only of defraying a part not to exceed 24.06 percent of the project development costs, as defined by applicable Rural Utilities Service instructions.

Grantee Agrees That Grantee Will:

A. Cause said project to be constructed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any modifications thereof prepared by Grantee and approved by Grantor.

B. Permit periodic inspection of the construction by a representative of Grantor during construction.

C. Manage, operate and maintain the system, including this project if less than the whole of said system, continuously in an efficient and economical manner.

D. Make the services of said system available within its capacity to all persons in Grantee's service area without discrimination as to race, color, religion, sex, national origin, age, marital status, or physical or mental handicap (possess capacity to enter into legal contract for services) at reasonable charges, including assessments, taxes, or fees in accordance with a schedule of such charges, whether for one or more classes of service, adopted by resolution dated _____, as may be modified from time to time by Grantee. The initial rate schedule must be approved by Grantor. Thereafter, Grantee may make such modifications to the rate system as long as the rate schedule remains reasonable and nondiscriminatory.

E. Adjust its operating costs and service charges from time to time to provide for adequate operation and maintenance, emergency repair reserves, obsolescence reserves, debt service and debt service reserves.

F. Expand its system from time to time to meet reasonably anticipated growth or service requirements in the area within its jurisdiction.

G. Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a representative of the Grantor.

H. To execute any agreements required by Grantor which Grantee is legally authorized to execute. If any such agreement has been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this grant, another agreement of the same type need not be executed in connection with this grant.

I. Upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will repay to Grantor forthwith the original principal amount of the grant stated herein above with the interest at the rate of 5 percentum per annum from the date of the default. Default by the Grantee will constitute termination of the grant thereby causing cancellation of Federal assistance under the grant. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

J. Return immediately to Grantor, as required by the regulations of Grantor, any grant funds actually advanced and not needed by Grantee for approved purposes.

K. Use the real property including land, land improvements, structures, and appurtenances thereto, for authorized purposes of the grant as long as needed.

1. Title to real property shall vest in the recipient subject to the condition that the Grantee shall use the real property for the authorized purpose of the original grant as long as needed.

2. The Grantee shall obtain approval by the Grantor agency for the use of the real property in other projects when the Grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs or programs that have purposes consistent with those authorized for support by the Grantor.

3. When the real property is no longer needed as provided in 1 and 2 above, the Grantee shall request disposition instructions from the Grantor agency or its successor Federal agency. The Grantor agency shall observe the following rules in the disposition instructions:

(a) The Grantee may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the fair market value of the property.

(b) The Grantee may be directed to sell the property under guidelines provided by the Grantor agency. When the Grantee is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.

[Revision 1, 04/17/1998]

(c) The Grantee may be directed to transfer title to the property to the Federal Government provided that in such cases the Grantee shall be entitled to compensation computed by applying the Grantee's percentage of participation in the cost of the program or project to the current fair market value of the property.

This Grant Agreement covers the following described real property (use continuation sheets as necessary).

All easements, rights-of-way, and other real estate interests heretofore or hereafter acquired by the Grantee with respect to the construction, ownership, operation and maintenance of the Wastewater system.

L. Abide by the following conditions pertaining to equipment which is furnished by the Grantor or acquired wholly or in part with grant funds. Equipment means tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment defined above.
[Revision 1, 04/17/1998]

1. Use of equipment.

(a) The Grantee shall use the equipment in the project for which it was acquired as long as needed. When no longer needed for the original project, the Grantee shall use the equipment in connection with its other Federally sponsored activities, if any, in the following order of priority:

1) Activities sponsored by the Grantor.

(2) Activities sponsored by other Federal agencies.

(b) During the time that equipment is held for use on the property for which it was acquired, the Grantee shall make it available for use on other projects if such other use will not interfere with the work on the project for which the equipment was originally acquired. First preference for such other use shall be given to Grantor sponsored projects. Second preference will be given to other Federally sponsored projects.

2. Disposition of equipment. When the Grantee no longer needs the equipment as provided in paragraph (a) above, the equipment may be used for other activities in accordance with the following standards:

(a) Equipment with a current per unit fair market value of less than \$5,000. The Grantee may use the equipment for other activities without reimbursement to the Federal Government or sell the equipment and retain the proceeds.

(b) Equipment with a current per unit fair market value of \$5,000 or more. The Grantee may retain the equipment for other uses provided that compensation is made to the original Grantor agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value or proceeds from sale of the equipment. If the Grantee has no need for the equipment and the equipment has further use value, the Grantee shall request disposition instructions from the original Grantor agency.

The Grantor agency shall determine whether the equipment can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the equipment shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by the Grantor agency to determine whether a requirement for the equipment exists in other Federal agencies. The Grantor agency shall issue instructions to the Grantee no later than 120 days after the Grantee requests and the following procedures shall govern:

(1) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the equipment and reimburse the Grantor agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share ten percent of the proceeds for Grantee's selling and handling expenses.

(2) If the Grantee is instructed to ship the equipment elsewhere the Grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the equipment, plus any reasonable shipping or interim storage costs incurred.

(3) If the Grantee is instructed to otherwise dispose of the equipment, the Grantee shall be reimbursed by the Grantor agency for such costs incurred in its disposition.

3. The Grantee's property management standards for equipment shall also include:

(a) Records which accurately provide for: a description of the equipment; manufacturer's serial number or other identification number; acquisition date and cost; source of the equipment; percentage (at the end of budget year) of Federal participation in the cost of the project for which the equipment was acquired; location, use and condition of the equipment and the date the information was reported; and ultimate disposition data including sales price or the method used to determine current fair market value if the Grantee reimburses the Grantor for its share.

(b) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years to verify the existence, current utilization, and continued need for the equipment.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented.

(d) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

(e) Proper sales procedures shall be established for unneeded equipment which would provide for competition to the extent practicable and result in the highest possible return.

This Grant Agreement covers the following described equipment(use continuation sheets as necessary).

All wastewater mains, laterals, pumping stations, treatment plant and related facilities and equipment useful by the Grantee in connection with the construction, ownership, operation and maintenance of the wastewater system.

M. Provide Financial Management Systems which will include:

1. Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis.
2. Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.
3. Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
4. Accounting records supported by source documentation.

N. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm or photo copies or similar methods may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee's government which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts and transcripts.

O. Provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

P. Provide an audit report prepared in accordance with Grantor regulations to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations and this Agreement.

Q. Agree to account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes when the Grantee is a unit of local government. States and agencies or instrumentality's of states shall not be held accountable for interest earned on grant funds pending their disbursement.

R. Not encumber, transfer or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in item K above.

S. To include in all contracts for construction or repair a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). The Grantee shall report all suspected or reported violations to the Grantor.

T. To include in all contracts in excess of \$100,000 a provision that the contractor agrees to comply with all the requirements of the Clean Air Act (42 U.S.C. §7414) and Section 308 of the Water Pollution Control Act (33 U.S.C. §1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. In so doing the Contractor further agrees:

[Revision 1, 11/20/1997]

1. As a condition for the award of contract, to notify the Owner of the receipt of any communication from the Environmental Protection Agency (EPA) indicating that a facility to be utilized in the performance of the contract is under consideration to be listed on the EPA list of Violating Facilities. Prompt notification is required prior to contract award.

2. To certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA list of Violating Facilities pursuant to 40 CFR Part 32 as of the date of contract award.

[Revision 1, 11/20/1997]

3. To include or cause to be included the above criteria and the requirements in every nonexempt subcontract and that the Contractor will take such action as the Government may direct as a means of enforcing such provisions.

As used in these paragraphs the term "facility" means any building, plan, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a Grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement, contract, subgrant, or subcontract. Where a location or site of operation contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are co-located in one geographical area.

Grantor Agrees That It:

A. Will make available to Grantee for the purpose of this Agreement not to exceed \$ 830,000.00 which it will advance to Grantee to meet not to exceed 24.06 percent of the project development costs of the project in accordance with the actual needs of Grantee as determined by Grantor.

B. Will assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans for sewer and water and with any State or area plans for the area in which the project is located.

C. At its sole discretion and at any time may give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (1) advisable to further the purpose of the grant or to protect Grantor's financial interest therein and (2) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Termination of This Agreement

This Agreement may be terminated for cause in the event of default on the part of the Grantee as provided in paragraph 1 above or for convenience of the Grantor and Grantee prior to the date of completion of the grant purpose. Termination for convenience will occur when both the Grantee and Grantor agree that the continuation of the project will not produce beneficial results commensurate with the further expenditure of funds.

In witness whereof Grantee on the date first above written has caused these presence to be executed by its duly authorized

President

attested and its corporate seal affixed by its duly authorized

County Commissioners of Worcester County, Maryland

Attest:

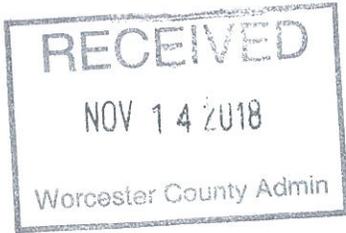
By Harold L. Higgins
(Title) Chief Administrative Officer

By Diana Purnell
(Title) President

UNITED STATES OF AMERICA

RURAL UTILITIES SERVICE

By _____
(Title)



13

Worcester County
Department of Environmental Programs

Memorandum

To: Harold L. Higgins, Chief Administrative Officer

From: Robert J. Mitchell, LEHS
Director

Proposed public hearing
on December 18, 2018

Subject: Public Hearing
Worcester County Comprehensive Water and Sewerage Plan
Ocean Pines Sanitary Service Area
Reclassification of Water/Sewer Planning Area Designations
Case No. (SW-2018-5)

Date: November 13, 2018

The Planning Commission met November 1, 2018 and reviewed this application. We are writing to forward the Planning Commission's finding of consistency with the *Comprehensive Development Plan* and their recommendation to amend the *Comprehensive Water and Sewerage Plan* for an amendment to revise the sewer and water planning areas for the Ocean Pines Sanitary Service Area.

The applicant requests a reclassification of the sewer and water planning area designations for two (2) adjacent parcels in the Ocean Pines Sewer Planning Area in *The Plan*. Mr. Hugh Cropper is the applicant on behalf of the owner, Atlantic General Hospital. This amendment seeks to reclassify the water/sewer planning area for these adjacent properties from W-6/S-6 (no planned service) to W-1/S-1 (within two years). The applicant requested the change in service classifications in order to serve a proposed Outpatient Center on the properties. The subject properties are located on the east side of Racetrack Road (MD Route 589), south of the southern entrance to the Ocean Pines Community. They are more specifically identified on Tax Map 21 as Parcel 66, Lots A and B. The proposed facility will include approximately 98,964 square feet of medical office space and they are expecting to utilize thirty-four (34) EDUs of water and sewer capacity to serve this development.

The County Commissioners, after reviewing this request, may approve or disapprove the proposed amendment. Enclosed are the following attachments:

1. Environmental Program's transmittal letter to the Planning Commission; and

Citizens and Government Working Together

2. Minutes for the Planning Commission meeting on November 1, 2018

At his time, we are requesting the public hearing be scheduled. A draft advertisement has been forwarded to County Administration under separate cover. As always, I am available at any time for the presentation and to answer any questions on this matter.

Attachment

cc: WS File – Ocean Pines - Reclassification of Water/Sewer Planning Areas (SW-2018-5)

Attachment 1

Environmental Programs Transmittal Letter to the Planning Commission



DEPARTMENT OF
ENVIRONMENTAL PROGRAMS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1306
SNOW HILL, MARYLAND 21863
TEL: 410-632-1220 / FAX: 410-632-2012

LAND PRESERVATION PROGRAMS
STORMWATER MANAGEMENT
SEDIMENT & EROSION CONTROL
SHORELINE CONSTRUCTION
AGRICULTURAL PRESERVATION
ADVISORY BOARD

WELL & SEPTIC
WATER & SEWER PLANNING
PLUMBING & GAS
CRITICAL AREAS
FOREST CONSERVATION
COMMUNITY HYGIENE

October 26, 2018

Worcester County Planning Commission
Worcester County Courthouse
1 West Market Street, Room 1201
Snow Hill, MD 21863

RE: Transmittal-Comprehensive Water and Sewerage
Plan Amendment –Ocean Pines Sanitary Area –
Reclassification of Water/Sewer Planning Area
Designations
Atlantic General – Ocean Pines Outpatient Center
TM 21 Parcels 66A, 66B
(SW-2018-5)

Dear Commissioners:

We are writing to forward the proposed *Worcester County Comprehensive Water and Sewerage Plan (The Plan)* amendment to revise certain sanitary area data for the Ocean Pines Sanitary Area in *The Plan*, for your review and comment to the County Commissioners. According to Chapter One, Section 1.4.2 of *The Plan* (“Application for Amendments”), the applicant submitted a complete application and we have attached it.

Mr. Hugh Cropper is the applicant on behalf of the owner, Atlantic General Hospital. This amendment seeks to reclassify the sewer and water planning areas for two adjacent properties from S-6/W-6 (no planned service) to S-1/W-1 (within two years) and include in the Ocean Pines sewer and water planning area information in *The Plan*.

The applicant is requesting a change in the water and sewer service classifications in order to serve a proposed Outpatient Center for Atlantic General Hospital on these properties. The subject properties are located on Racetrack Road (MD Route 589), south of the south gate entrance to the Ocean Pines Community. The properties are more specifically identified on Tax Map 21 as Parcels 274, Lots 66A and 66B. The proposed medical office development will consist of a proposed 98,964 square feet for offices serving a mix of varied medical specialties. At this time there are no planned in-patient surgery, no hospital beds, no institutional beds, no dialysis, no swimming pools for physical therapy

October 26, 2018

and the laboratory work will be done at the main hospital. The applicant is planning an initial utilization of thirty-four (34) EDUs of public water and sewer capacity to serve the proposed facilities.

The applicant is proposing to connect to the sewer collection system by connecting to a gravity manhole at the south gate of Ocean Pines that discharges to Pump Station "T". They will similarly connect at the south gate location to a public water main that runs from Ocean Pines to the Pennington Commons commercial complex. This developer-constructed infrastructure will be built under a Public Works agreement and will be turned over upon inspection and acceptance of the construction and materials by County personnel.

Other than the subject properties, this amendment does not seek to amend or intensify the wastewater planning areas approved in prior amendments with respect to the mapped planning areas.

The Planning Commission is tasked by Section 1.4 of *The Plan* ("Procedures for Plan Amendments") to make a finding as to whether this amendment would be consistent with The Comprehensive Plan. The Planning Commission may also submit its project comments and recommendations. The findings and comments will be submitted to the County Commissioners. The County Commissioners will hold a public hearing and then take action on the proposal.

Comprehensive Plan Policies

Other than an extremely small portion on the southwest corner that is designated Commercial Center, the Comprehensive Plan assigns one land use designations for this property within the Ocean Pines sewer planning area. This designation is:

1. Existing Developed Area

Existing Developed Areas are defined (p. 13) as follows:

- Existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained.
- Not designated as growth areas, these areas should be limited to infill development.

The Comprehensive Plan notes that caution should be exhibited in these EDA's to protect green infrastructure and sensitive areas (p.14). These properties do have woodlands located on the eastern portions of the lots and any development would need to conform to the requirements of the Forest Conservation Act (FCA).

The comprehensive plan goes on to state:

Chapter One, "Introduction" states:

- Provide for adequate public services to facilitate the desired amount and pattern of growth (p.8).

Chapter Three, "Natural Resources" states:

- Provides a goal that Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources (...) clean surface and ground water (p.33).
- Worcester County recognizes the value of and is committed to conservation and protection of the following natural resources...clean surface and ground water (p. 33).
- Improve water bodies on the "Impaired Water Bodies (303d) List" to the point of their removal from this list (p. 33).

Chapter Three, "TMDLs" states:

- "all reasonable opportunities to improve water quality should be undertaken as a part of good faith efforts to meet the TMDL standards." (p.36)

Chapter Six, "Public Infrastructure" states:

- Consistent with the development philosophy, facilities and services necessary for the health, safety, and general welfare shall be cost effectively provided (p.70).
- Require new development "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates (p.70).
- Plan for efficient operation, maintenance, and upgrades to existing sanitary systems as appropriate (p. 73).
- Provide for the safe and environmentally sound water supply and disposal of wastewater generated in Worcester County (p.73).
- Sewer systems should be sized to serve their service areas' planned for land uses (p. 74).

Zoning

The current Ocean Pines *Planning Area* has already been approved under various amendments and is appropriately zoned for the current and proposed uses planned for the existing sanitary area properties, including the subject properties. The proposed expansion properties, which total approximately 30.90 acres in area, have a single zoning designation. They carry a C-2 (General Commercial District) designation. This zoning district is intended to provide for more intense commercial development serving populations of three thousand or more within an approximate ten-to twenty-minute travel time. From the Zoning Code, these commercial centers have a higher parking demand and possess greater visibility. The specific uses proposed by this applicant are permitted in this zoning district.

Staff's Comments

Staff comments are submitted below for your consideration.

1. The Ocean Pines WWTP and water system has adequate available sewer and water capacity to handle this addition.
2. The *Planning Area's* comprehensive plan designation and zoning permits the proposed uses. Any construction in the *Planning Area* would be required to meet the provisions of the storm water program and other local and state requirements.
3. This proposal, while expanding the original service area, does not require the expansion of water or sewer treatment facilities. Additional public infrastructure will be constructed by the applicant and turned over to the county for connections to existing water and sewerage facilities at the south gate of Ocean Pines community.
4. The properties were previously test for onsite sewage and those tests were successful enough to support a large system that could serve commercial uses. The negative effects of serving this proposed development with onsite sewage would be addressed with service from the Ocean Pines WWTP, a plant with exceptional Enhanced Nutrient Reduction (ENR) capability.
5. Appropriate zoning was provided in this area for densities and uses consistent with the character that is normally present in an Existing Developed Area (EDA). This will provide for orderly infill development within this EDA at the southern border of the Ocean Pines community.

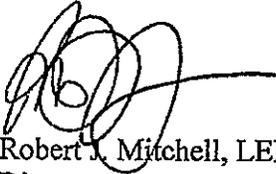
Ocean Pine WS Amendment Case No. 2018-5

October 26, 2018

6. *The Plan* states that proposed amendments must be consistent with *The Comprehensive Plan* and existing zoning classifications. As proposed, the project appears to be consistent with *The Comprehensive Plan* and existing zoning. If you need further information, please contact us.

If you need any additional information or have any questions, please do not hesitate to contact me at (410) 632-1220.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Mitchell', with a long horizontal line extending to the right.

Robert J. Mitchell, LEHS
Director

Attachments

cc: WS Amendment File (SW 2018-5)

Attachment 1

Application

W&S Amendment SW 2018-05
Ocean Pines Sanitary Area
Reclassification of Sewer Planning Area Designation
Atlantic General - Ocean Pines Outpatient Center

**Application for Amendment of the
Comprehensive Water and Sewerage Plan
Worcester County, Maryland**

Date: October 17, 2018

Applicant (name, mailing address, phone and FAX number):

Atlantic General - Ocean Pines Outpatient Center
5220 Hood Road, Ste 110 Contact Person: **Hugh Cropper, Attorney**
Palm Beach Gardens, FL 33418 Telephone: 410-213-2681

Amendment Type: Water Sewer Other
Amendment Character: Addition Deletion Change

Please complete all the applicable forms included in this package. If a system does not already exist, the "Existing System" sheet is not required. Include a map of the area to be served at a scale of at least 1" = 2,000'. Return the completed application to:

Department of Environmental Programs,
1 West Market Street Room 1302
Snow Hill, Maryland 21863-1249

The fee for major amendment [adding or deleting service capacity or area(s)] is \$500.
Minor amendments (not adding or deleting service) are \$100.
Note: Modification of this form will void the application.

Property Identification:

Tax Map: 21 Parcel Number(s): 66A & 66B
Town/Community Name: Berlin/Ocean Pines

Location Description:

East side of MD Route 589, North of Intersection with Rourte 50 and South of intersection with MD Route 90.

Property Owner Signature: _____

Date: 10/23/18

Applicant Signature:
(If other than property owner)

Date: 10/23/18

Hugh Cropper II

**Water and Sewerage Plan Amendment Application
 Worcester County, Maryland
 Proposed Uses**

* Please provide as much detail as possible on the proposed uses and review Worcester County zoning provisions for permitted uses.

<u>Tax Map</u>	<u>Parcel</u>	<u>Zoning</u>	<u>Proposed Use*</u>	<u>EDU's Needed (Approx.)</u>
21	66A		Commercial	33
21	66B		Commercial; vacant	1
Total:				34

Water and Sewerage Plan Amendment Application

Worcester County, Maryland

Existing Sewer System

Date: 10/15/2014

System Name: Greater Ocean Pines Service Area
 Area Served [tax map(s) & parcel(s)]: See Existing GOPSSA map
 Owner: Worcester County
 Operator: Worcester County
 Existing service area designation (circle one): S-1 X S-2 S-3 None

Population & Capacity (current year 2018):
 Population served (EDU): 8956 +/-
 Population unserved (EDU): 1000 +/-
 GPD per EDU: 300
 System capacity demand (MGD): 0.90 MGD
 Permitted capacity (NPDES/groundwater): 2.5 MGD (NPDES MD002347)

Collection System:
 Type (circle one): Combined* Separate X
 *Combined systems collect both stormwater and wastewater.
 Description: Public Sewer System
 Condition of transmission facilities (circle one) Good X Need repairs/replacement (describe in comments)

Treatment Facility:
 Location - N/E (NAD83, meters): Ocean Pines WWTP
 Level & type of treatment: Tertiary
 Condition of treatment Facilities (circle one): Good X Need repairs/replacement (describe in comments)
 Total site size (acres): 35.6 +/- Acres occupied by facility: 25 +/-
 Design flow (MGD) : 2.5
 Existing flow (MGD): Average: 0.9 Peak: 1.5
 Sludge disposal method: See Ocean Pines Service Area

Discharge:
 Type: ENR - Tertiary Treatment
 Location - N/E (feet): N: 209,000; E: 1,336,000
 NPDES permit # and expiration date: NPDES - MD002347
 State discharge permit # and expiration date: 16-DP-0708

Annual Operation & Maintenance Costs: Ocean Pines Enterprise Budget
 Funding source: user fees

Comments (include any problems with structures or water quality; describe repairs and replacements needed):

Water and Sewerage Plan Amendment Application
Worcester County, Maryland
Planned Sewer System

Date: 10/15/2014

*Some information may be repeated from the "existing sewer system" form

System Name: GOPSSA Expansion
Area served (tax map(s) & parcel(s)): Map 21, Parcels 66A & 66B
Owner: Worcester County
Operator: Worcester County

Proposed priority category (circle one) : S-1 X S-2 S-3

Population and Capacity	2018	2020	2025	2030
Population served (EDU):	8956	9256	9556	9856
Population unserved (EDU):	1000	700	400	100
GPD per EDU:	300	300	300	300
System capacity demand (MGD)	0.9	1.00	1.1	1.2
System capacity planned (MGD):	2.5	2.6	2.6	2.6
Permitted capacity (MGD):	<u>2.5</u>			

Collection System
Type (circle one): Combined* Separate X
*Combined systems collect both stormwater and wastewater
Description: Gravity, Low-pressure and vacuum sewers
Condition of transmission facilities (circle): Good X Need repairs/replacement (describe in comments)

Treatment Facility
Location- N/E (NAD83, meters): Ocean Pines WWTP: N: 209,000 E: 1,336,000
Level & type of treatment: Tertiary
Condition of treatment facilities (circle one): Good Need repairs/replacement (describe in comments)
Total site size (acres): n/a Acres occupied by facility: n/a
Design flow (MGD) 2.5
Existing flow (MGD): Average: 0.9 **Peak:** 1.5
Sludge disposal method: Drying bed on WWTP facility site

Discharge
Type: Surface water
Location - N/E (feet): N: 209,000 E: 1,336,000
NPDES permit # and expiration date: MD 0023477
State discharge permit # and expiration date: 16-DP-0708

Annual Operation & Maintenance Costs: n/a
Funding source: User fees

Comments (include pending permit applications, planned improvements/expansions; describe needed repairs):

April 13, 2004

Water and Sewerage Plan Amendment Application Worcester County, Maryland

Existing Water System

Date: October 17, 2018

System name: Ocean Pines
System owner: Worcester County
System operator: Worcester County DPW
Priority/Sewer and
Water Plan Category: _____
Service area: W-1

	Year		
	<u>2018</u>	<u>2020</u>	<u>2025</u>
<u>EDU's Population served:</u>			
Served	<u>8,425</u>	<u>8,700</u>	<u>9,000</u>
Unserved	<u>1,575</u>	<u>1,300</u>	<u>1,000</u>
GPD per EDU	<u>250</u>	<u>250</u>	<u>250</u>
<u>System capacity</u>			
Demand (MGD)	<u>1.09</u>	<u>1.2</u>	<u>1.35</u>
Planned (MGD)	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>

Production Wells

Well number: 2, 3, 4, 5, 10
Aquifer: Columbia
Location: North side OP
Depth: 100'-125'
Diameter: 8"
Max. yield: 450-500 gpm
Pumping capacity: 2,500 gpm
Water quality: Exceptionally high

Treatment

Water source: Columbia
Type: Treatment - pH adjustment,
disinfection
Location: At well heads
Rated Capacity: 3 MGD w/one well out of service
Average production: 1.1
Max. peak flow: 2.5 MGD
1.4 MG (500,000 tower, 250,000
tower, 250,000 ground level
storage tank, and Riddle Farm
connection)
Storage capacity: _____
Sludge disposal: None

Comments (expansion plans [MGD/dates]; problems; planned improvements; etc.)

No expansion plans.

April 13, 2004

**Water and Sewerage Plan Amendment Application
Worcester County, Maryland
Planned Water System**

Date: 17-Oct-18
System Name: Ocean Pines
System Owner: Worcester County
System Operator: Worcester County DPW

Sewer/Water Plan
proposed category: W-1 (W-1, W-2, W-3)

Service area: TM 21, Parcels 66A and 66B
[Tax Map and parcel(s)]

	Year		
	<u>2018</u>	<u>2020</u>	<u>2025</u>
Population served: (EDU's served)	34	68	68

Gallons per EDU: 300

Constructed by: Developer

Planned Distribution System: Water interconnection to Ocean Pines

System parameters:

Well location: North side of OP
Well depth/aquifer: 100'-125'
Treatment facilities: pH adjustment, disinfection
Storage facilities: 1.4 MG ((500,000 tower, 250,000 tower, 250,000
ground level storage tank, and Riddle Farm
connection)
Distribution system: System of pipes and pumps connected to storage
facilities.
Pumping capacity: 2,500 gpm
System Cost: N/A
Funding source: Interconnection to be funded by private party

Construction schedule:

Start: 2019
Complete: 2019

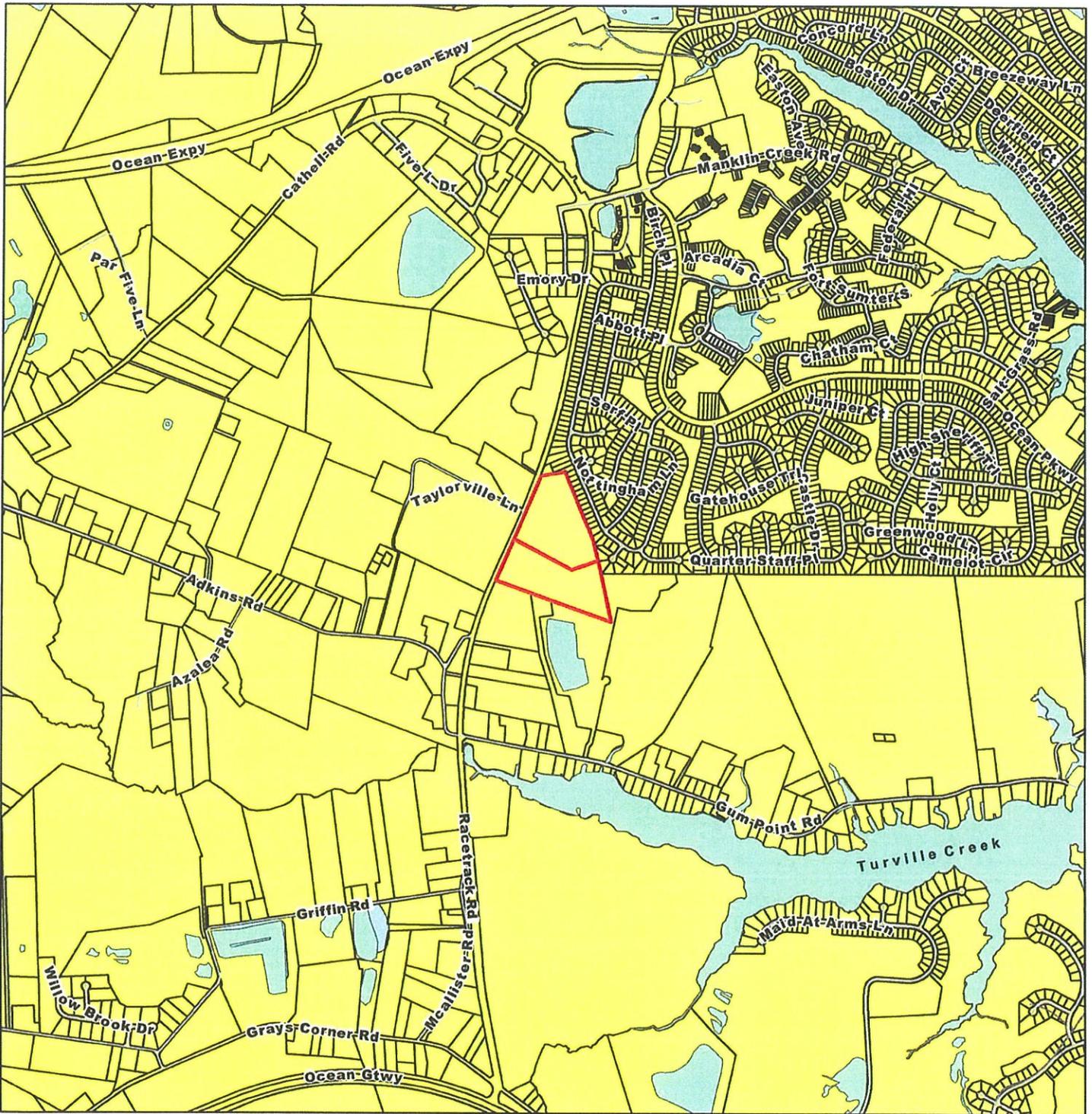
Comments: _____

Agreement, Policies: EDU Purchase Agreement from County and
Small Project Agreement for the interconnection

Allocation: 34 EDUs

Attachment 2

Maps



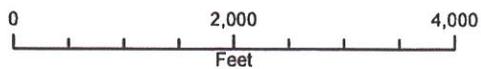
Legend

 Property Boundary

General Location

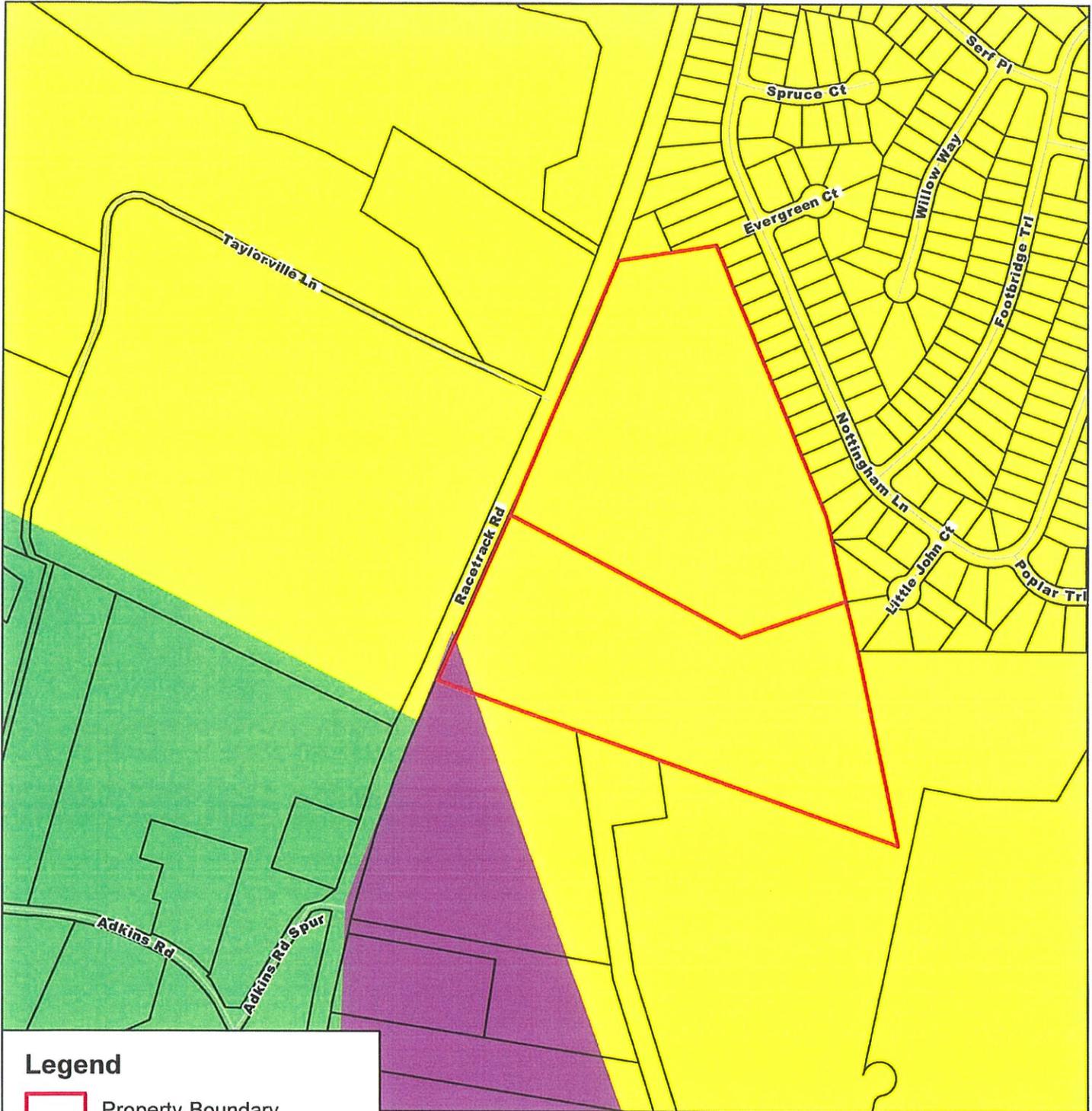
Tax Map: 21
 Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
 S-1, W-1 Proposed
 Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 25, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.





Legend

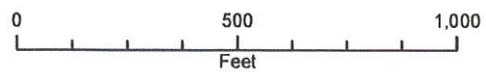
- Property Boundary

Land Use Plan

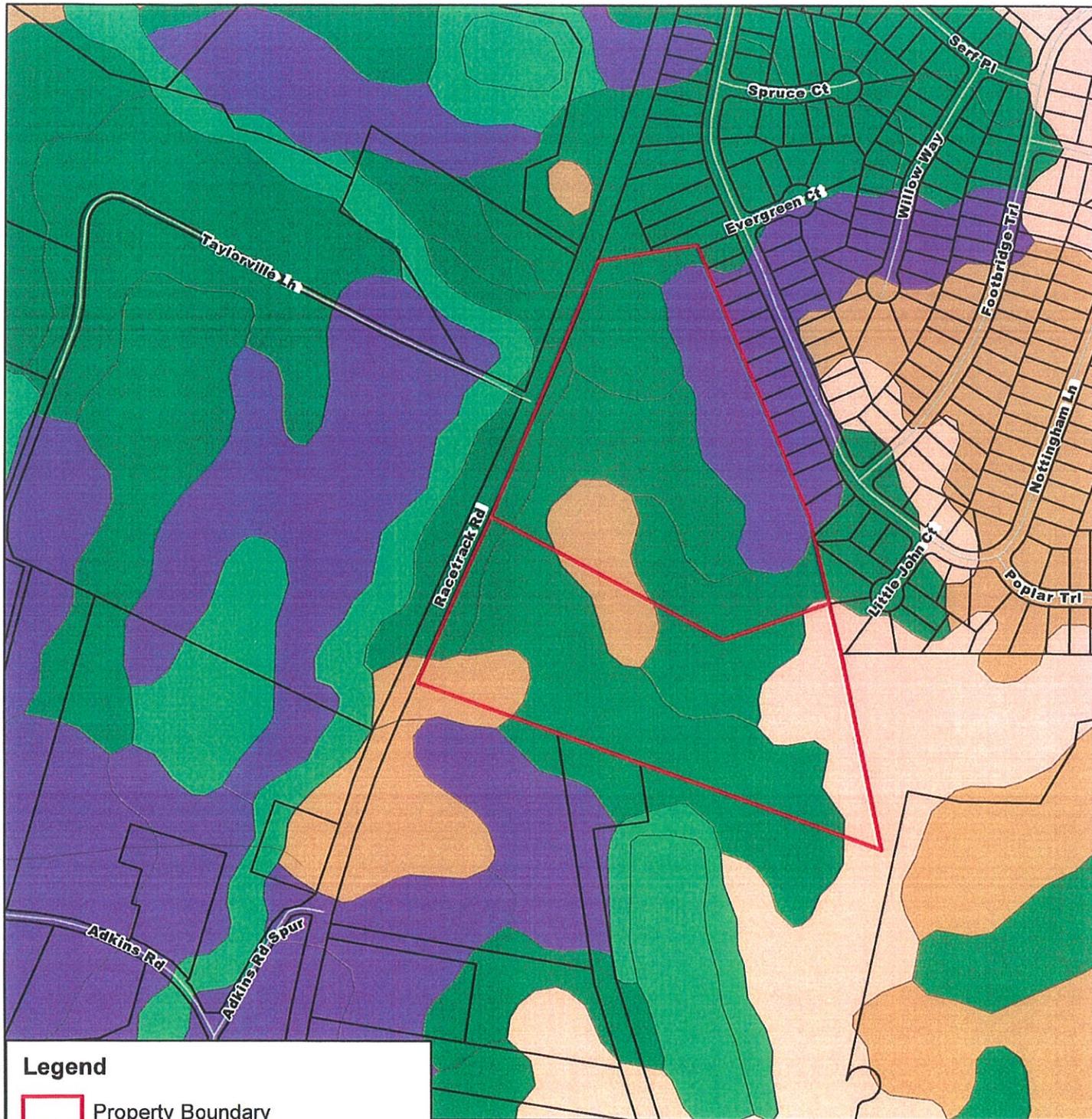
- Agriculture
- Commercial Center
- Existing Developed Centers

2006 Land Use Plan

Tax Map: 21
 Parcel: 66-A & 66-B
 Expansion of Water and Sewer Planning Areas
 S-1, W-1 Proposed
 Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 26, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial image 2016.



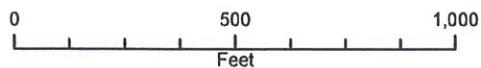
Legend

- Property Boundary
- All areas are prime farmland
- Farmland of statewide importance
- Not prime farmland
- Prime farmland if drained
- Prime farmland if irrigated

Soils: Prime Farmland

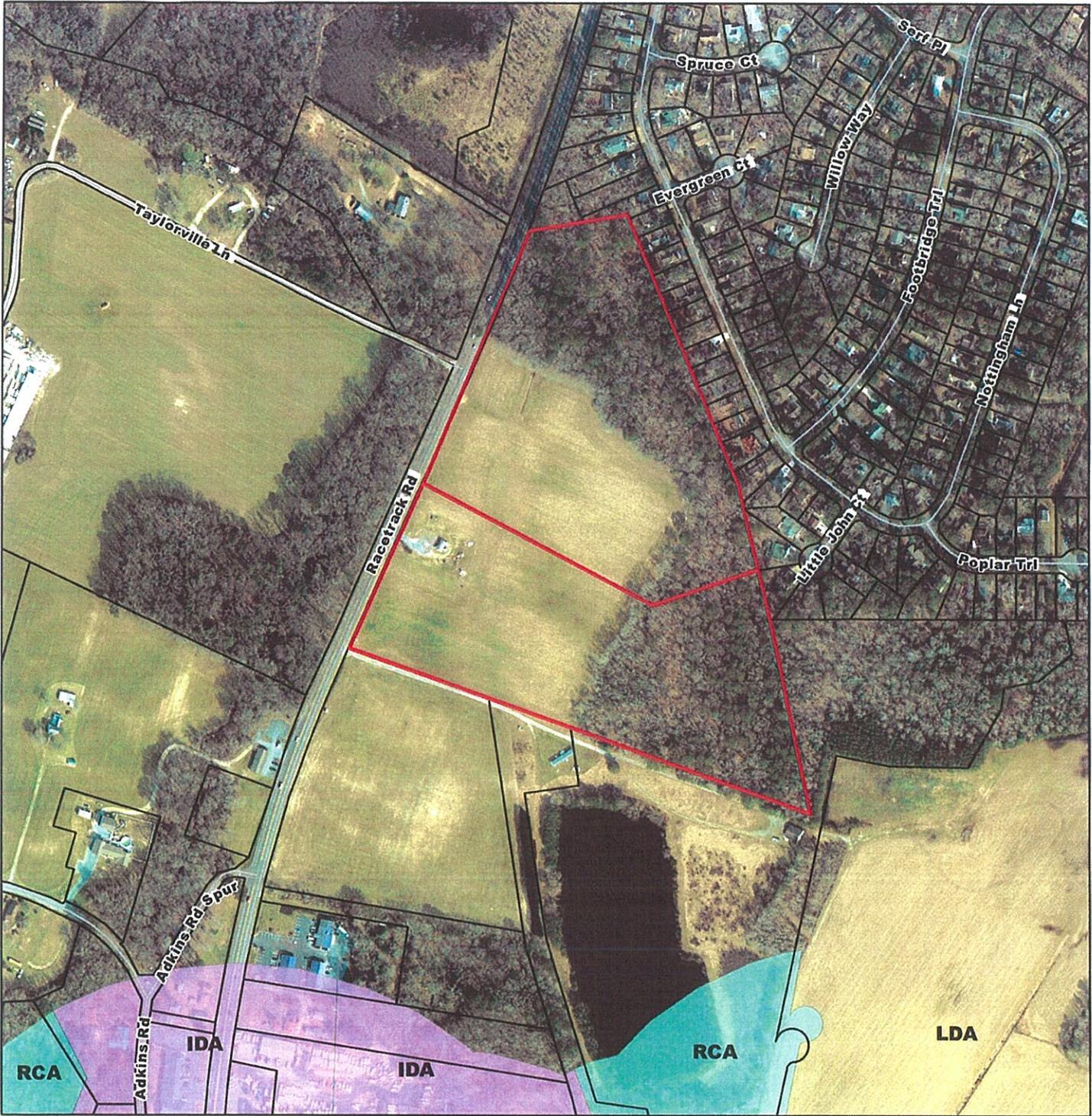
Tax Map: 21
Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
S-1, W-1 Proposed
Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 25, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.
Soils Data: MDA/NRCS





Legend

- IDA - Intensely Development Areas
- RCA - Resource Conservation Areas
- Property Boundary

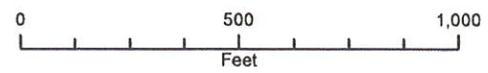
Critical Area

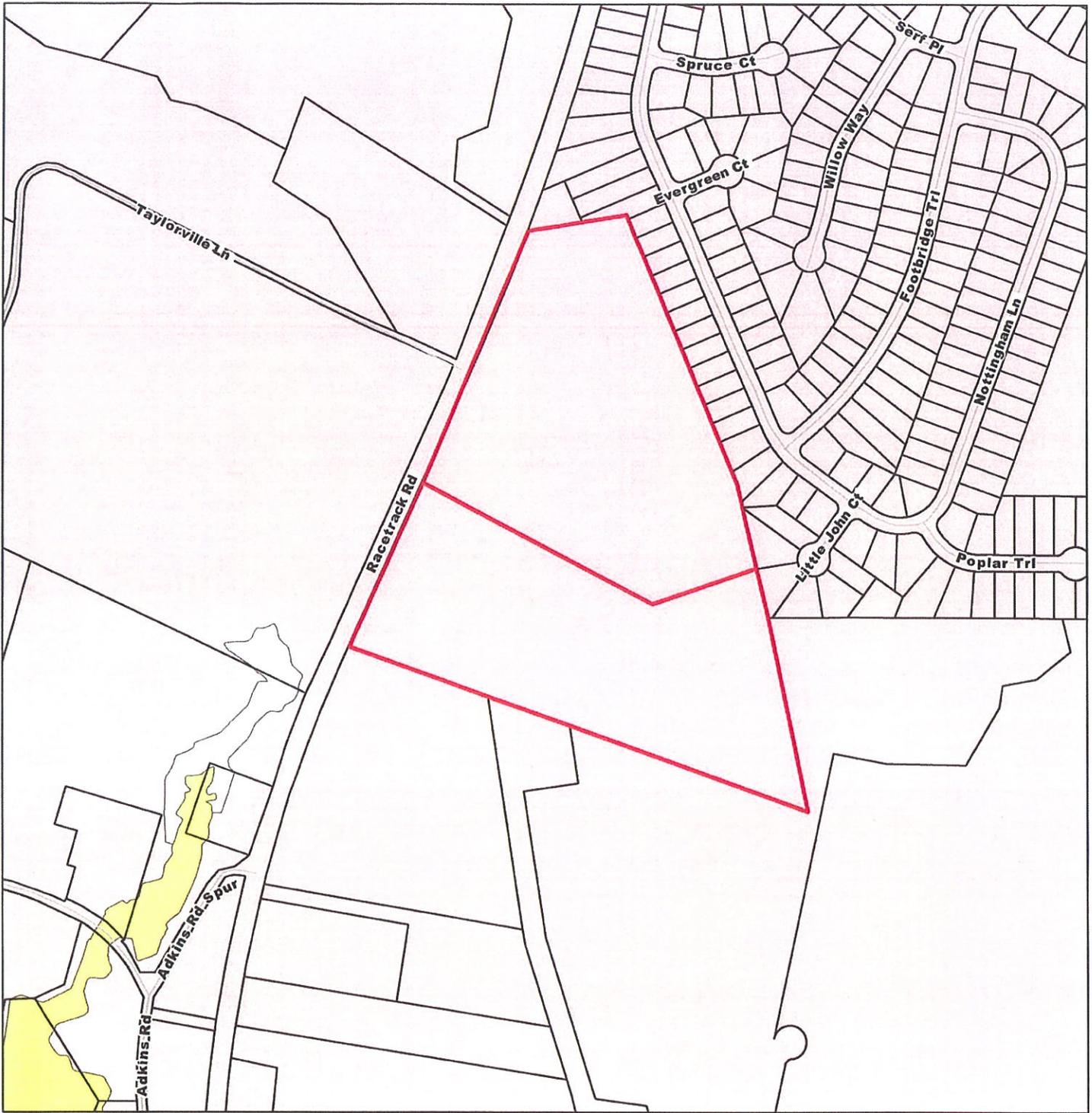
Tax Map: 21
 Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
 S-1, W-1 Proposed
 Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 25, 2018
 Parcel boundaries are approximate.
 This map is for planning purposes only.
 Aerial imagery 2106.
 Critical Area data: MD DNR/Worcester County.





Legend

- Property Boundary
- 100 Year Floodplain
- 500 Year Floodplain

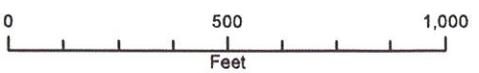
Floodplain

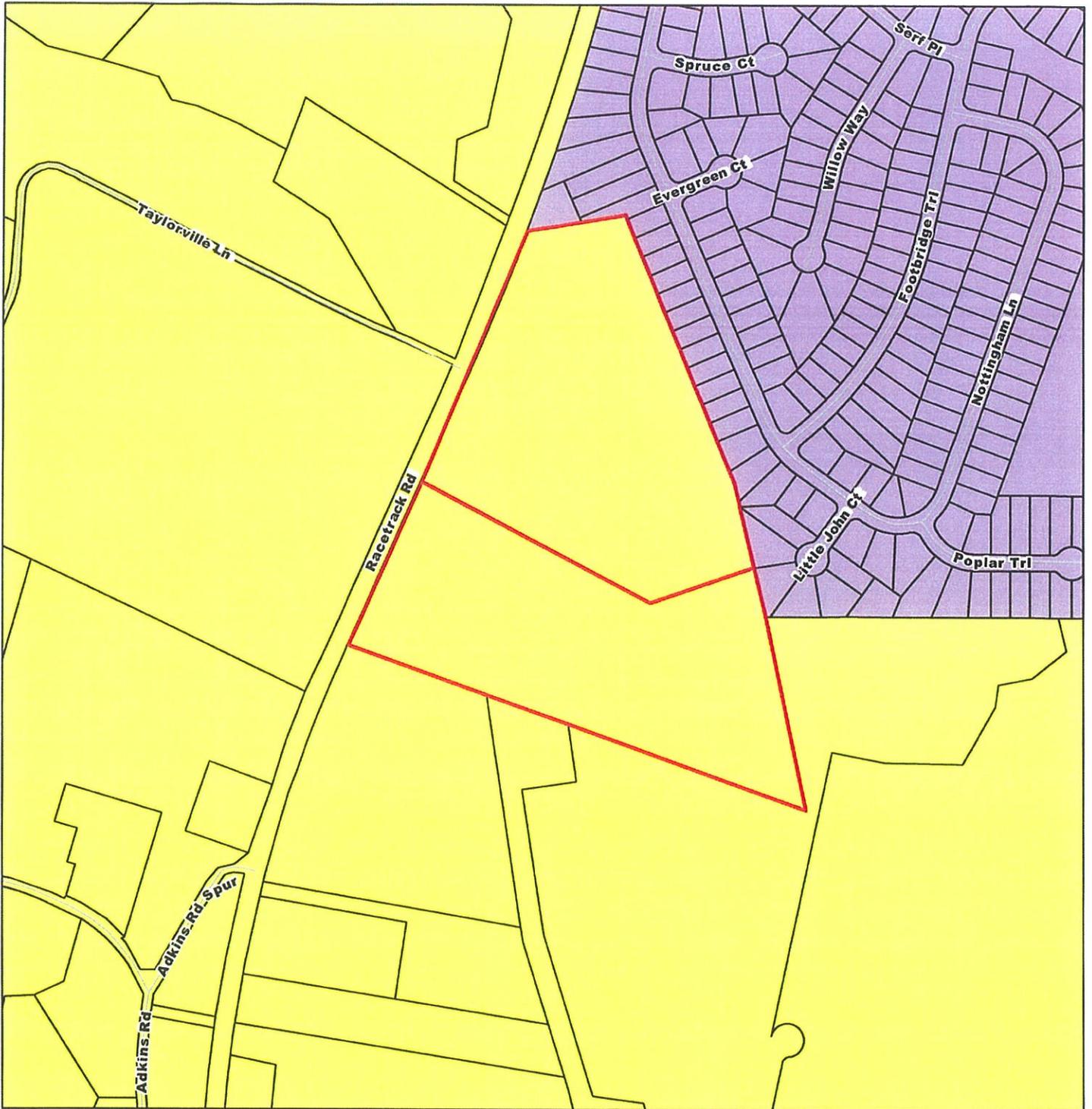
Tax Map: 21
Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
S-1, W-1 Proposed
Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 25, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.
Data: FEMA





Legend

-  Property Boundary
-  Priority Funding Area

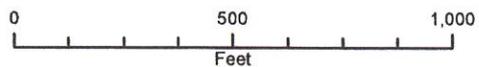
Priority Funding Area

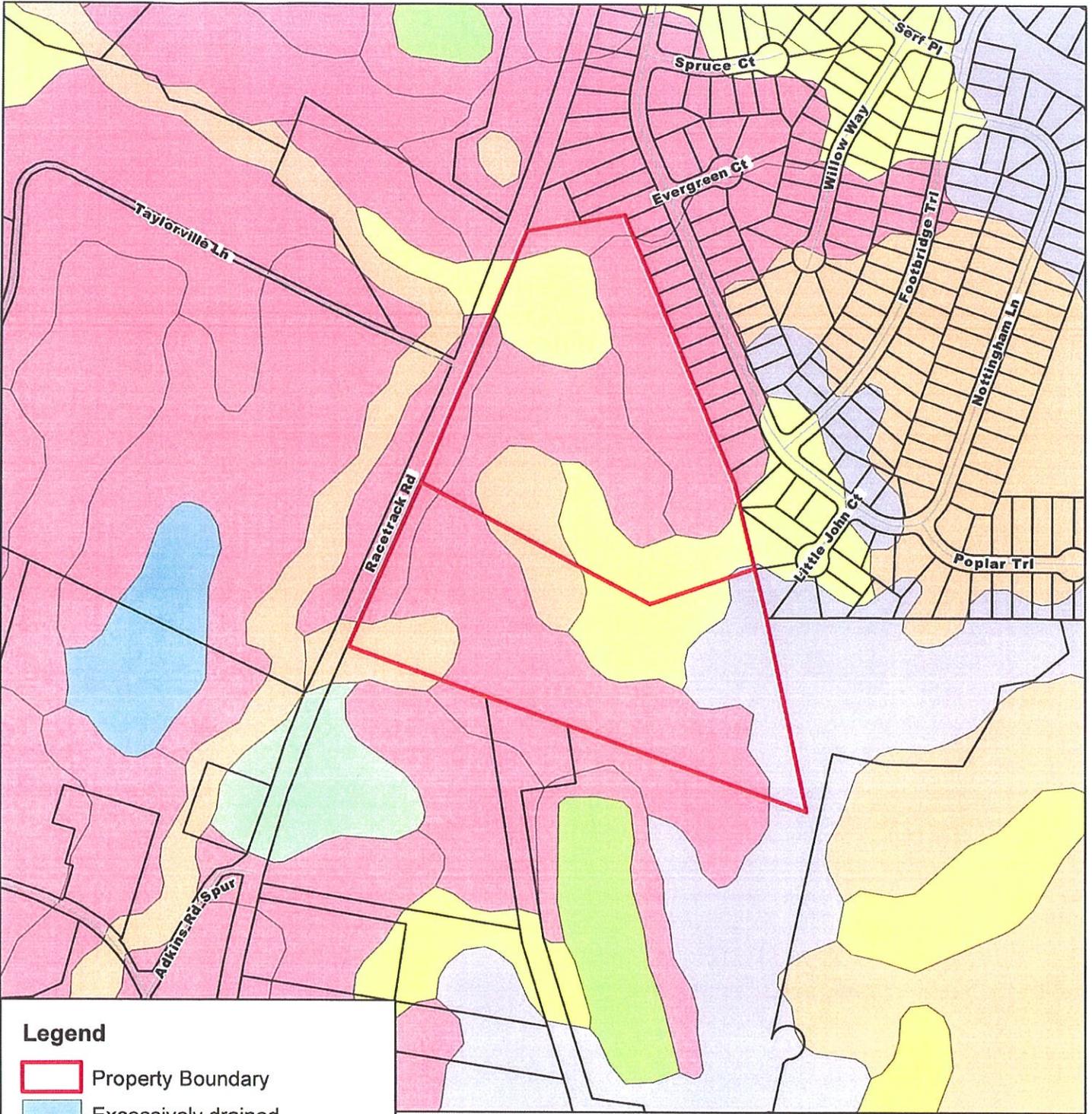
Tax Map: 21
Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
S-1, W-1 Proposed
Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 25, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.





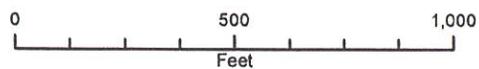
Legend

-  Property Boundary
-  Excessively drained
-  Moderately well drained
-  Poorly drained
-  Somewhat excessively drained
-  Very poorly drained
-  Well drained

Soils: Drainage

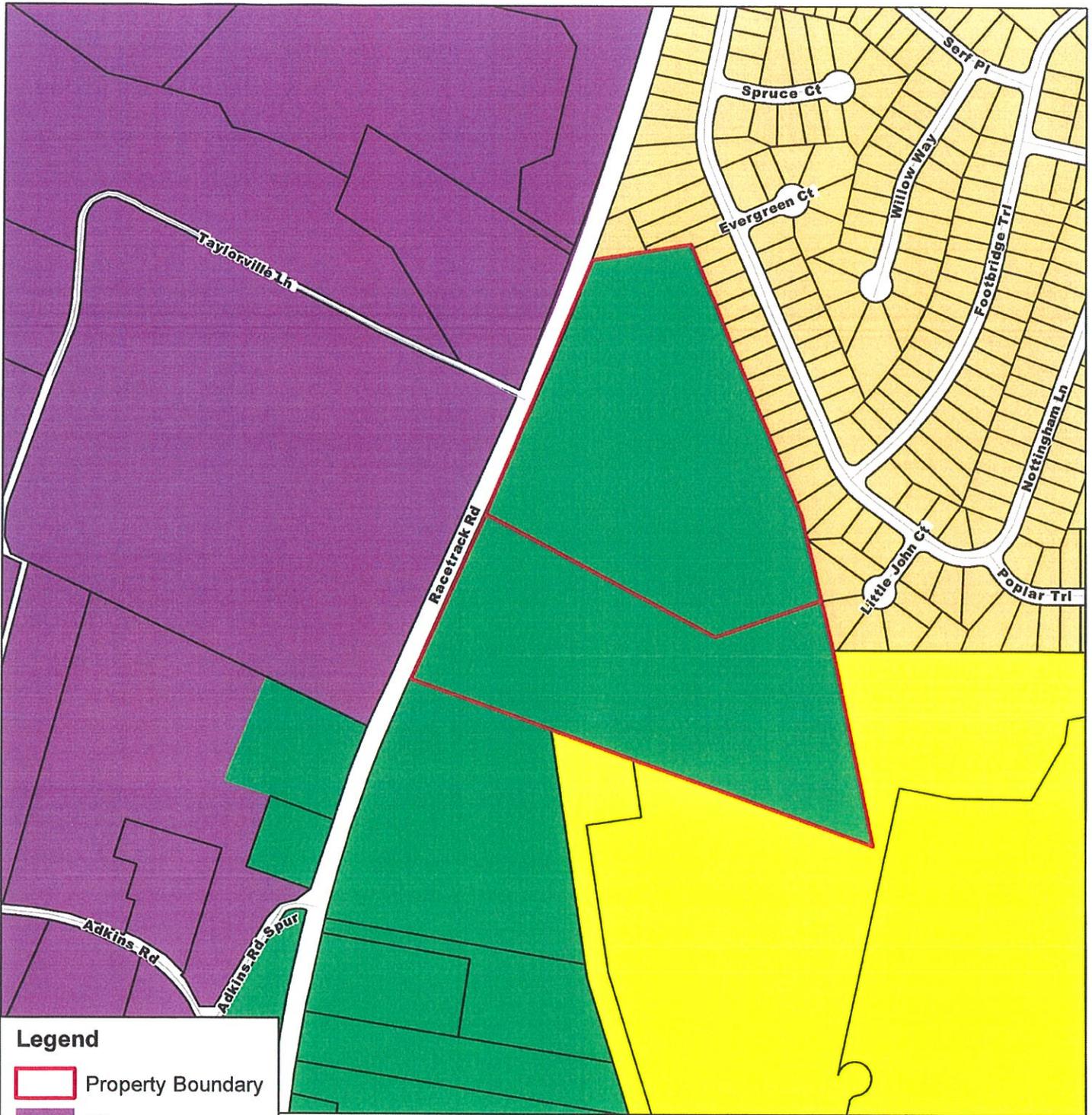
Tax Map: 21
Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
S-1, W-1 Proposed
Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 25, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.
Data: MDA/NRCS





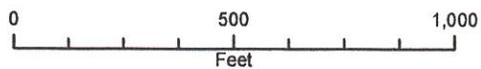
Legend

-  Property Boundary
-  A2
-  R1
-  R2
-  C1
-  C2

Zoning

Tax Map: 21
Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
S-1, W-1 Proposed
Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 25, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.
Aerial image 2016.



23



Legend

- Wetlands
- Property Boundary

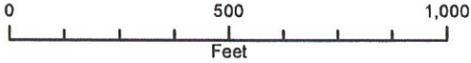
Wetlands Guidance Map



Tax Map: 21
Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
S-1, W-1 Proposed
Case # SW - 2018 - 05

Prepared by Worcester County Environmental Programs, October 25, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.
Aerial image 2016.
Wetlands data: MD DNR





Legend

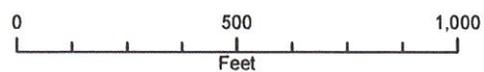
- Proposed S-1 Expansion
- Ocean Pines Sewer Service Area - S-1

Sewer Service Areas



Tax Map: 21
Parcel: 66-A & 66-B

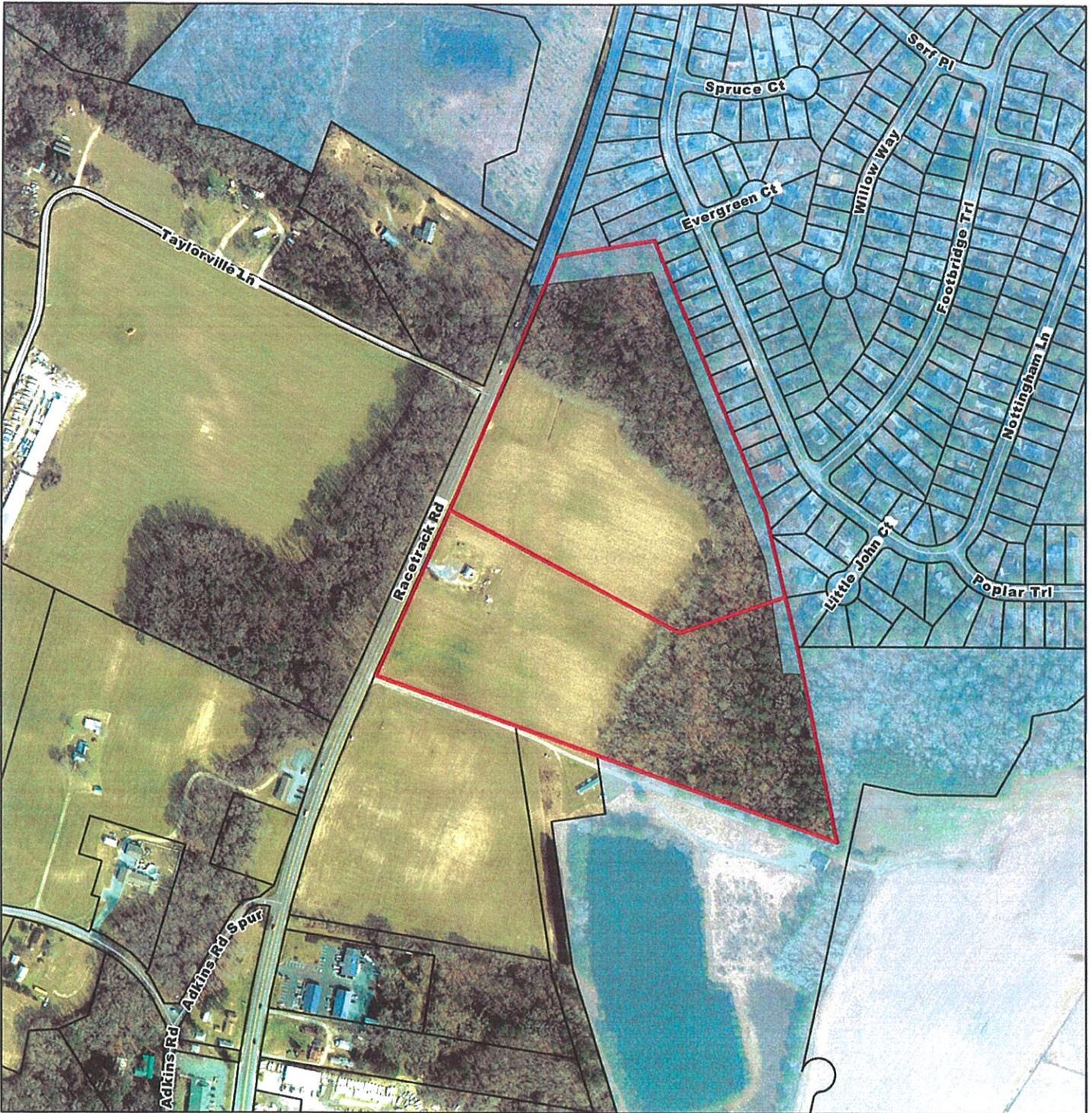
Expansion of Water and Sewer Planning Areas
S-1, S-1 Proposed
Case # SW - 2018 - 05



Prepared by Worcester County Environmental Programs, October 26, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.
Aerial image 2016.



25



Legend

- Proposed W-1 Expansion
- Ocean Pines Water Service Area - W-1

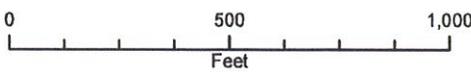
Water Service Areas



Tax Map: 21
Parcel: 66-A & 66-B

Expansion of Water and Sewer Planning Areas
W-1, W-1 Proposed
Case # SW - 2018 - 05

Prepared by Worcester County Environmental Programs, October 26, 2018
Parcel boundaries are approximate.
This map is for planning purposes only.
Aerial image 2016.



Attachment 2

Planning Commission Minutes

**Worcester County Planning Commission
Meeting Minutes**

Meeting Date: November 1, 2018

Time: 1:00 P.M.

Location: Worcester County Government Office Building, Room 1102

Attendance:

Planning Commission

Mike Diffendal, Chair

Jay Knerr, Vice Chair

Marlene Ott

Brooks Clayville

Betty Smith

Jerry Barbierri

Staff

Ed Tudor, Director, DDRP

Phyllis Wimbrow, Deputy Director, DDRP

Jennifer Keener, Zoning Administrator

Bob Mitchell, Director, Dept. of Env. Programs

I. Call to Order

II. Administrative Matters

A. Review and approval of minutes, October 4, 2018 — As the first item of business, the Planning Commission reviewed the minutes of the October 4, 2018 meeting. Following the discussion it was moved by Mr. Knerr, seconded by Ms. Smith and carried unanimously to approve the minutes as submitted. Ms. Ott was not present for the review of this item.

B. Board of Zoning Appeals agenda, November 8, 2018 — As the next item of business, the Planning Commission reviewed the agenda for the Board of Zoning Appeals meeting scheduled for November 8, 2018. Mrs. Keener was present for the review to answer questions and address concerns of the Planning Commission. No comments were forwarded to the Board.

III. Text Amendment

As the next item of business, the Planning Commission reviewed a proposed text amendment application to modify §ZS 1-318(c)(3)B – Campgrounds – Pull-Through Campsites. Mark Cropper, Esquire and Bob Ewell were present for the discussion. Mr. Cropper stated that Mr. Ewell is the owner of Island Resort Campground and has a number of pull-through campsites within his development. Mr. Cropper noted that the current configuration of those sites does not conform to the angle requirement currently in the code, but they do not cause any issues with access to or from the campsites. Mr. Cropper stated that Mr. Ewell wouldn't design something that would not meet the need of his customers, and that this code requirement is a detriment. Mr. Diffendal asked how it was determined that they were not in compliance, and Mr. Cropper provided an explanation.

Following the discussion, a motion was made by Mr. Barbierri, seconded by Ms. Smith, and carried unanimously to forward a favorable recommendation to the County Commissioners.

Ms. Ott was in attendance for the remaining items.

IV. Residential Planned Community

As the next item of business, the Planning Commission reviewed Sea Oaks Village - Step I Residential Planned Community – Request for Establishment of the RPC Floating Zone - Proposed 59 unit townhouse development with 24,570 square feet of mixed commercial use, West side of MD Route 611 (Stephen Decatur Highway), north of Sinepuxent Road, Tax Map 26, Parcel 274, Lot 3A, Tax District 10, R-3 Multi-Family Residential and C-1 Neighborhood Commercial Districts. Hugh Cropper, IV, Esquire, Bob Hand, land planner, and Chris Reida, owner, were present for the discussion. Mr. Cropper explained the RPC process requirements. He outlined the previous favorable recommendation of the Planning Commission that was a result of a larger, more intense project on this site. Since then, the development has been scaled down and the commercial area has been tweaked by Mr. Hand to provide a better commercial mix of uses. Mr. Cropper noted that the Planning Commission reviewed a Water and Sewerage Plan Amendment last month and found the request consistent with the Comprehensive Plan. He addressed the standards that were in the TRC Report on page 16, and went through the Zoning Division comments that were provided at the TRC review. Mr. Knerr asked Mr. Cropper to clarify the commercial modifications that had been made.

Following the discussion, Mr. Diffendal explained what the Planning Commission needed to address. A motion was made by Mr. Knerr, seconded by Ms. Ott, and carried unanimously to find that the applicants have addressed the seven standards contained in §ZS 1-315 for the establishment of the floating zone as presented in the Technical Review Committee Report, to find the application consistent with the Worcester County *Comprehensive Plan*, and to provide a favorable recommendation to the Worcester County Commissioners.

V. Water and Sewerage Plan Amendment

As the next item of business, the Planning Commission reviewed an application associated with the addition of certain informational items in *The Plan* for the Mystic Harbour Sanitary Area (SW 2018-5). Mr. Knerr recused himself from this review. Robert Mitchell, Director of Environmental Programs, presented the staff report to the Planning Commission. Hugh Cropper, attorney, was present on behalf of the applicant, the Worcester County Commissioners.

Mr. Mitchell explained that the applicant is requesting a revision of the Ocean Pines water and sewer planning areas designations in *The Plan* from S-6/W-6 to W-1/S-1 for two adjacent properties located south of the Ocean Pines Community on Racetrack Road/MD Rt 589. This revision is to provide public sewer and water to serve a proposed outpatient center for Atlantic General Hospital.

Mr. Mitchell reviewed the staff report noting the consistencies found for such a development within the Comprehensive Plan and land use designations, and that the proposed improvements

would be permitted in accordance with existing zoning classification for the properties. He noted that the connections to the Ocean Pines Sanitary Area's sewer collection system and the water distribution system would be in accordance with Department of Public Works' (DPW) design approval and any installed infrastructure would be turned over to the County upon inspection and acceptance by DPW staff. He also noted that the properties were previously tested for onsite sewage and that the connection to public sewer was much more preferable than developing the property on septic.

Mr. Cropper introduced Michael Franklin, CEO of Atlantic General Hospital, who was in attendance for the hearing. Mr. Cropper argued that the Comprehensive Plan Commercial Center land use designation area for these properties should probably be much more extensive than is shown on the adopted Comprehensive Plan maps, but acknowledges that they are the official maps today and that there is no conflict with the majority designation (Existing Developed) for what is being proposed in this project.

He also introduced John Salm, an engineer, from J.W Salm Engineering, Inc., who testified on the project. Mr. Salm testified that in his opinion the public sanitary capacity was present to serve the development and that it was economically and technically feasible to do so.

Following the discussion, a motion was made by Ms. Ott, seconded by Mr. Barbierri and carried unanimously to find this application consistent with the Comprehensive Plan and recommended that they forward a favorable recommendation to the County Commissioners.

VI. Adjourn – The Planning Commission adjourned at 1:34 P.M.

Betty Smith, Secretary

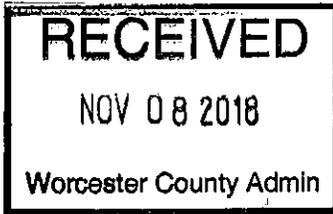
Jennifer K. Keener



Worcester County
Department of Recreation & Parks

Tom Perlozzo, Director

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



14

MEMORANDUM

TO: Harold Higgins, Chief Administrative Officer
FROM: Tom Perlozzo, Director of Recreation and Parks
DATE: November 8, 2018
SUBJECT: Board of Education Land Use Agreement

Please find attached the "Joint Use Agreement" between The Worcester County Board of Education and the Worcester County Commissioners.

As you are aware, in order to meet the State Program Open Space requirements for Land Use through the Land Preservation Parks and Recreation Plan (LPPRP), we need to address/include the existing county school board facilities in the amended LPPRP. By doing this, the County will continue to ensure **the 90/10 match** for all the development project funding through future Program Open Space projects.

Please keep in mind this affects every jurisdiction in the county receiving Program Open Space funds (Ocean City, Berlin, Snow Hill and Pocomoke City).

Please feel free to reach out at your earliest convenience should you have any questions.

Attachment

Joint Use Agreement

AGREEMENT BETWEEN THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND ("COUNTY") AND THE WORCESTER COUNTY BOARD OF EDUCATION ("BOARD") FOR USE OF RECREATION FACILITIES

Recitals

WHEREAS, the County and the Board desire to organize, promote, and conduct community recreation programs and activities to promote the health and general welfare of the community; and

WHEREAS, the Board is the owner of real property in the County, including facilities and active use areas that are capable of being used by the County for community recreational purposes; and

WHEREAS, the County is the owner of real property in the County, including facilities and active use areas that are capable of being used by the Board for school recreational purposes; and

WHEREAS, under appropriate circumstances, these publicly held lands and facilities should be used most efficiently to maximize use and increase recreational opportunities for the community; and

WHEREAS, both bodies are authorized to enter into agreements with each other to promote the health and general welfare of the community and contribute to enhance the recreational opportunities afforded to the community; and

NOW, THEREFORE, the Board and the County agree to cooperate with each other as follows:

1. Term

This Agreement will begin November 15, 2018, and end on November 14, 2019. The Agreement however shall automatically be renewed each year unless terminated as provided for hereinafter in Section 16 or by one party providing the other party written notice of its intention not to have the Agreement renewed on or before September 15th of each year.

2. Effective Date

This Agreement shall be effective upon the arrival of November 15, 2018.

3. Cooperative Agreement

As provided herein, the Board and the County hereby agree to cooperate in coordinating programs and activities conducted on all their respective recreational fields and facilities. As used in this Agreement, "Owner" shall mean the party to this Agreement that owns or controls a particular property and/or facility covered by this Agreement, and "User" shall mean the other party (but only the County and/or the Board and any third-party permitted by the County. Any such third party shall be the County's sole responsibility as if it was the County itself) using the Owner's property and/or facility under the terms of this Agreement.

4. Permitted Uses

a. Board Property

i Board Use

The Board shall be entitled to priority use of Board Property for public school and school-related educational and recreational activities, including summer school, and at such other times as Board Property is being used by the Board or its agents.

ii County Use

Subject to the schedule developed by the County and the Board or its agents, the County and third parties authorized by the County shall be entitled to use Board Property without charge for community recreational and educational purposes for the benefit of Board students, the Board and the County at large. The County's obligations under this Agreement shall apply to third parties using Board Property. The County shall be responsible for ensuring that third parties comply with all obligations under this Agreement when using Board Property. The County shall be solely responsible for any third-party user and all obligations of the County herein for its use shall apply to both the County and the County's third-party users. The County shall enforce all Board rules, regulations, and policies provided by the Board while supervising community recreational activities on Board Property. In planning programs and scheduling activities on school grounds, the security, academic, athletic, and recreational needs and opportunities of school-aged children will be the highest priority and be adequately protected.

b. County Property

i The County shall be entitled to priority use of County Property for the regular conduction of park, recreation, and community service activities and/or programs sponsored by the County.

ii Subject to the schedule developed by the County and Board, the Board shall be entitled to use County Property, without charge, for Board educational and recreational activities and/or programs.

5. Compliance with Law

All use of Board and County Property shall be in accordance with State and local law. In the case of a conflict between the terms of this Agreement and the requirements of State or local law, the State or local law shall govern. Any actions taken by the Board or the County that are required by State or local law, but are inconsistent with the terms of this Agreement, shall not be construed to be a breach or default of this Agreement.

6. Communication

a. Designation of Employees

The Board and the County shall respectively designate an employee with whom the other party, or any authorized agent of the party, may confer regarding the terms of

this Agreement. For purposes of this Agreement, County and Board's agent/designee shall be as follows:

- (1) **Tom Perlozzo**
Director of Recreation and Parks
6030 Public Landing Rd.
Snow Hill, MD 21863
Office - 410.632.2144 x 2505

- (2) **Lou Taylor**
Superintendent, Worcester County
6270 Worcester Highway
Newark, Maryland 21841

The agents shall meet as needed to effectuate this Agreement.

7. Scheduling Use of Property

a. Master Schedule

If so requested by either party, the Board and County shall develop a master schedule for joint use of Board and County Property to allocate property use to the Board, County and third parties.

b. Scheduling of County Property

The County shall have the responsibility for scheduling the use of County Property when the County is not using the Property.

c. Scheduling of Board Property

The County shall be responsible for scheduling its and any third-party use of Board Property and shall do so through the designated agent of the Board.

d. Tracking Use of Facilities

The Board and the County shall each track use of their respective properties under this Agreement.

e. Documentation of Costs

The Board and the County shall maintain records of costs associated with the Agreement.

8. Fees and Charges

The County shall timely reimburse the Board for expenses which are incurred by the Board outside normal working hours in providing staff or other personnel as the Board deems necessary to monitor and/or be present during the County's (or any third-party) use of the Board property. The Board shall timely reimburse the County for expenses which are incurred by the County outside normal working hours in providing staff or other personnel as the County deems necessary to monitor and/or be present during the Board's use of County property.

9. Improvements

- a. The Board shall obtain prior written consent of the County to make any alterations, additions, or improvements to County Property; the County shall obtain prior written consent of the Board to make any alterations, additions, or improvements to Board Property.
- b. Any such alterations, additions, or improvements shall be at the expense of the requesting party, unless otherwise agreed upon.
- c. Each party may, for good cause, require the demolition or removal of any alterations, additions, or improvements made by the other party at the expiration or termination of this Agreement. "Good cause" includes reasons of health, safety, or the Board's need to use the Board Property for educational purposes or the County's need to use County Property for governmental purposes.

10. Supervision , Security, and Inspections

a. Supervision and Enforcement

Each User shall train and provide an adequate number of competent personnel to supervise all activities on the Owner's Property. The User shall enforce all of the Owner's rules, regulations, and policies while supervising activities or programs on the Owner's Property.

b. Security

The Owner shall provide the User with access to the Owner's Property. The Owner shall provide keys, security cards, and training as needed to the User's employee(s) responsible for opening and locking the Owner's Property while supervising activities or programs.

c. Inspection and Notification

The User shall inspect the Owner's Property after use to ensure these sites are returned in the condition they were received. The User shall ensure the Owner is notified in the event that Owner's Property suffers damage during User's use. Such notification shall consist of sending written notification by letter, and email to the Owner's designated agent identifying the damaged property, date of detection, name of inspector, description of damage, and estimated or fixed costs of repair or property replacement.

d. Supplies

The User shall furnish and supply all expendable materials necessary to carry out its programs while using the Owner's Property.

e. Maintenance, Custodial Services, and Toilet Facilities

Maintenance

The User agrees to exercise due care in the use of the Owner's Property. The User shall during the time of its use keep the Owner's Property in neat order.

The Board shall be responsible for maintenance, repair and upkeep of Board property. The County shall be responsible for maintenance, repair and upkeep of County Property

Custodial

The Owner shall make its trash receptacles available during the User's use of Owner's Property. The User shall encourage community users to dispose of trash in the trash receptacles.

Parking

Parking shall be in designated areas.

11. Restitution and Repair

The User shall be wholly responsible to repair, remediate, or fund the replacement or remediation of any and all damage or vandalism to the Owner's Property during the User's use of that Property. This shall be coordinated by the designated agents and approved by the County and /or Board as required.

12. Liability and Indemnification

- a. The County shall defend, indemnify, and hold the Board, its officers, employees and agents, harmless from and against any and all liability, loss, or claims for injury or damages, arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, or claims for injury are caused by or result from the negligent or intentional acts or omissions of the County, its officers, agents, or employees.
- b. The Board shall defend, indemnify, and hold the County, its officers, employees and agents, harmless from and against any and all liability, loss, or claims for injury or damages, arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, or claims for injury are caused by or result from the negligent or intentional acts or omissions of the Board, its officers, agents, or employees.
- c. Nothing herein or any related agreement or any amendment hereto shall under any circumstances constitute or be construed as a waiver of immunities or limitations of liability that the County Commissioners and/or members of the Board of Education and or Superintendent, their officers, employees, agents, or servants, may have in by virtue of and in accordance with any law, including sovereign, statutory, qualified, official, common law, public general law or public local law immunity. No action may be brought with respect hereto other than in the appropriate State Court in Worcester County, Maryland. County Commissioners, as a body politic, has become a party hereto only in the capacity stated herein. No individual elected County Commissioner, member of Board of Education, contractor, employee, agent, or servant of County shall have any personal liability hereunder. Any indemnity herein or arising out of this Agreement, on the part of the County Commissioners or Board of Education, shall be only to the extent permitted by law and shall be subject to the non-waiver of immunity, limitations of liability and all other provisions of this Agreement.

13. Insurance

The Board and the County shall provide the following insurance in connection with this Agreement.

- a. Commercial General Liability for bodily injury and property damage, including Personal Injury and Blanket Contractual, with limits of \$1,000,000 per occurrence, \$2,000,000 aggregate.
- b. Workers' Compensation. Workers' compensation coverage as required by Maryland law.
- c. Documentation of Insurance. The Board and the County shall provide to each other a certificate of insurance each year this Agreement is in effect showing proof of the above coverage upon request.

14. Termination

This Agreement may be terminated at any time prior to its expiration, upon 45 days written notice.

15. Entire Agreement

This Agreement constitutes the entire understanding between the parties with respect to the subject matter and supersedes any prior negotiations, representations, agreements, and understandings.

16. Amendments

This Agreement may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved in the same manner as this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement all as of the day and year first herein written.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Diana Purnell, President

ATTEST:

WORCESTER COUNTY BOARD
OF EDUCATION

William Gordy, President



15

BILLY BIRCH
DIRECTOR

EMERGENCY SERVICES
Worcester County
GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1002
SNOW HILL, MARYLAND 21863-1193
TEL: 410-632-1311
FAX: 410-632-4686

To: Harold Higgins, Chief Administrative Officer

From: Billy Birch, Director of Emergency Services *JB*

Re: Local Government Insurance Trust

Date: 9 November 2018

The Department of Emergency Services is seeking permission to apply to the Local Government Insurance Trust for a grant to send two people to the National Hurricane Conference in New Orleans, 22 April to 25 April 2019. The total amount of the request to LGIT is \$3,914.00. This amount will cover all cost associated with the conference including hotel, meals, lodging, air fare and transportation costs. Copies of the application, which will require an Elected Official or Designee's signature is attached with this memo.

Travel to the conference will be contingent on LGIT's approval of the entire package. No direct county funds will be expended for the training.

I am available to answer any questions at your convenience.

Training Grant FY19

TRAINING GRANT APPLICATION - FISCAL YEAR 2019

The Training Grant Program was developed to provide assistance to members of the Trust who wish to assist their employees with obtaining education and training to reduce liability claims and property damage. Please refer to Training Grant Program Information available on www.lgit.org for detailed application information. **NOTE:** All information requested **MUST** be accurately completed. Failure to do so could result in grant denial.

Name of Local Government*

Worcester County, Maryland

Grant Cycle*

- Fall
- Winter
- Spring

Submission Deadline

- Fall - August 31, 2018
- Winter - December 21, 2018
- Spring - April 19, 2019

Expected Distribution Date

- September 21, 2018
- January 11, 2019
- May 10, 2019

Operating Budget of Local Government*

County: \$190,030,719 / Department: \$2,784,976

Population*

Year: 51,454, summer:400,000, Annual Visitors: 8,000,000

Contact First Name*

Christina

Contact Last Name*

Vickers

Title*

Emergency Management Planner

Address*

One W. Market St. Room 1002, Snow Hill, MD 21863

Email*

tvickers@co.worcester.md.us

Phone Number*

410-632-3080

Title of proposed training (Please provide a brief overview of the training/event you would like to attend.)*

To attend the 2019 National Hurricane Conference in New Orleans, Louisiana, April 22 to April 25, 2019. Travel days are April 21 and April 26, 2019. The primary goal of the National Hurricane Conference is to improve hurricane preparedness, response, recovery and mitigation in order to protect lives and property in the United States and the tropical islands of the Caribbean and the Pacific. In addition, the conference serves as a national forum for federal, state and local officials to exchange ideas and recommend new policies to improve Emergency Management. To accomplish these goals, the annual conference emphasizes: Lessons learned from hurricane strikes, state of the art programs worthy of emulation, new ideas being tested or considered, information about new or ongoing assistance programs, the ABC's of hurricane preparedness, response, recovery, and mitigation, in recognition of the fact there is a continued turnover of emergency management leadership and staff.

Training Expense Summary (Please itemize by including the cost per person to reflect the total amount of grant request.)

Seminar	Travel	Meals	Lodging
\$350.00	\$442.00	\$260.00	\$905.00

# of Attendees	In-kind/Other Contribution
2	misc. taxes and fees

Total Amount of Grant Request*
\$3914.00

PROBLEM (Explain why attending this training/event helps you and your organization. State how this training fits into your overall safety program.)*

As Maryland's only county on the Atlantic Shore, Worcester holds a prominent geographic position in the state. Obviously, it has association for many state residents with Ocean City as a yearly destination. But while the beach, boardwalk, and the sea at Ocean City may be the County's most familiar images, the County's other waterways, the bays behind the sandy barrier islands, various inlets and inlet bays, and rivers have played vital roles throughout the County's eventful past. Worcester County realizes the effects of hurricanes and nor'easter's each season require a SMART objective (Specific, measurable, action oriented, realistic, and time sensitive). Planning for the effects of these storms is paramount to both the safety of residents and visitors, and safeguarding of county property in the event that a major disaster should occur. Attending the 2019 National Hurricane Conference will allow Worcester County the opportunity to learn how to safeguard its citizens and County property, which may result in a reduction of claims from the county to LGIT. The 2019 National Hurricane Conference will have many lessons learned from the effects of Hurricanes Michael and Florence and other storms that have impacted the United States and will aid our Emergency Management Division in applying these lessons into the County's Hazard Mitigation Plan and Emergency Operations Plan, which both have major impacts on the preservation of life and property. Worcester County would like to send two (2) County representatives to the 2019 National Hurricane Conference in New Orleans, Louisiana. We feel these decision makers will guide Worcester County toward an overall safety and awareness campaign due to the knowledge gained from this 2019 National Conference.

If you have any questions, please contact me at 410-632-3081. Thank you for your consideration.
 John W. Birch, Jr., Director of Emergency Services

INNOVATIVE SOLUTION (Describe how obtaining the training/education outlined above will provide a creative and resourceful solution to the problem you have. Also, please explain how the training will reduce claims and affect the line(s) of insurance coverage provided to your local government by LGIT.)*

With the Atlantic Ocean and Coastal Bays at our eastern boundary, Worcester County enjoys a natural bounty of recreational and aesthetic benefits. Thirty miles of coastline provide visitors and residents with many recreational activities. This has proven such an allure that many visitors become permanent residents. Census 2010 revealed that Worcester County had an increase of 10.6% in population from the 2000 census and during the summer months the County's population may increase from 51,454 to nearly 400,000 people. There are ten (10) municipalities within Worcester County and all have some sort of connections to the coastline or its tributaries. According to the tourism departments of these local municipalities, they estimate that as many as 8 million people pass through Worcester County annually. Wind, flooding, and coastal erosion are of concern for Worcester County as development along the shoreline continues. Population and property are increasingly vulnerable. The County's Emergency Operation Plan and Hazard Mitigation Plan each identify ways to reduce this vulnerability and improve disaster response. Lessons learned from the Hurricane Conference will be incorporated in both the Emergency Operations Plan, which was recently revised and will also be applied to the County's Hazard Mitigation Plan, which looks at preventative measures and rebuilding methods to prevent future damages to property and infrastructure.

The Worcester County Department of Emergency Services and Worcester County Commissioners would like to send two (2) personnel to the 2019 National Hurricane Conference in New Orleans, Louisiana. By allowing our personnel to attend the 2019 Hurricane Conference, essential training in hurricane preparedness and the reduction of property loss will be learned from training classes and from experiences of the 2018 Hurricane Season. Emergency Management, under the Department of Emergency Services, is responsible for coordination of all Public Safety Departments during incidents and planned events. Due to budget cuts over the last several years, limited funding for positions has been incorporated in the budget to attend this very beneficial conference. With storms impacting the United States this year, Michael and Florence, this would be an ideal opportunity to obtain current training and lessons to update the County's plans. The updating of these plans will assist the County in taking steps to be better prepared and prevent loss of life and property through better planning. With County property being insured by LGIT, this training will help provide necessary information to accomplish this mission and reduce possible claims.

Eligibility (Notice: Please refer to the Training Grant Program Information sheet available on LGIT's website.)

Please check all that apply to your grant submission.*

- Intended to reduce the risk of losses covered by LGIT such as general liability, auto liability, auto physical damage, public official liability, law enforcement liability and property damage.
- Will have a bearing on the Member's insurance coverage held with LGIT.
- Allows other LGIT member local governments to attend the training.
- One-page summary attached describing how the training will assist the applicant in performing his/her job duties and contribute to the reduction of claims with LGIT.
- Description attached detailing training/event including costs, duration, qualifications of the instructor/speaker, etc.
- Does not include requests for equipment or materials unless directly related to the education/training.
- Does not include requests for videos.
- Will be limited to one per local government per fiscal year.
- Applications for each grant cycle must be received by the deadline indicated above.
- Recipients agree to provide follow-up questionnaire on the use and effectiveness of the grant received.*

IMPORTANT

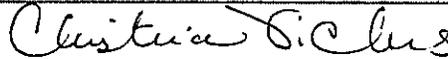
Failure to return the completed questionnaire within 120 days of the training's implementation may result in a forfeiture of the grant funds and possible ineligibility for future grant awards for up to two years.

Upload Supporting Documentation (single pdf)

Local Government Insurance Trust GS.docx

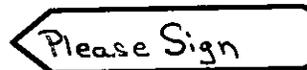
Applicant's Full Name and Title*

Christina Vickers, Emergency Management Planner



Authorized Official's Name and Title*

Diana Purnell, President - Worcester County Commissioners



For further information regarding LGIT Grant Programs, please contact:
Larry Bohlen, Director of Field Services at 443.561.1700 or lbohlen@lgit.org.

Local Government Insurance Trust (LGIT)

Training Grant Application – Fiscal Year 2019

Grant Summary

Worcester County, Maryland is located on the eastern coast of Maryland and is bordered by Sussex County, Delaware, to the north; Accomack County, Virginia to the south; Somerset and Wicomico Counties, Maryland to the west; and the Atlantic Ocean to the east. The eastern coast of Worcester County contains all of Maryland's Atlantic Ocean beach along a 31-mile strip of barrier islands and has a total shoreline , including bays, ocean, and tidal inlets, of approximately 200 miles. It is the seventh largest county in Maryland and comprises an area of 586 square miles. Flooding in Worcester County is aggravated by wide flat plains, predominately low ground elevations and tidal influences on the coastal inlets and lower reaches of major drainage ways. Worcester County reached its 276th year in 2018.

In An Assessment of Maryland's Vulnerability to Flood Damage, August 2005, Worcester County was listed as number one (1) for Repetitive Loss Properties in Maryland County's for total of FEMA Mitigated and Non-Mitigated Repetitive Losses. In addition, in the same publication, Worcester County was listed third (3) for the Total Percentage of Land in Flood Zones. The first two spots were other Eastern Shore County's, Dorchester and Somerset, of which Somerset borders Worcester to the south. Flooding due to **storm surge** is the real threat as evidenced by Super Storm Sandy.

A routine investment in training almost always shows a positive return on investment , in a variety of ways, with increased productivity through improved accuracy and efficiency, improved work quality and satisfaction by the refreshment of new information an when the information is relevant to their interests these new skills or information are applied to practical situations. Another purpose of this learned and improved planning from attending the Hurricane Conference would also be the increased ability to avoid interruptions in Worcester County Government functions. This would allow our COOP, Continuity of Operations, to function more efficiently.

Personnel employed with the Emergency Services Department must remain available during any major emergency or disaster within the County. They assist to ensure the safety and welfare of citizens, visitors, workers, first responders, and help coordinate evacuations, traffic control, communications, search and rescue operations and infrastructure mitigation to prevent future damages. After the storm Emergency Services coordinates the initial damage assessments, debris removal operations, re-entry, recovery and restoration for the County. Lessons learned are then incorporated into the Emergency Operations Plan, and the Hazard Mitigation Plan. From there we initiate training activities and exercises to prevent losses in the future.

The experiences and ideas presented at the 2019 National Hurricane Conference from Federal, States, Local and private agencies are important learning tools and will allow the County to learn about various disaster plans and take those experiences into consideration. As the various departments in Worcester County become well educated and prepared to safeguard the County, there will be an opportunity to reduce claims which will help prevent losses and result in a savings to LGIT.



2019 National Hurricane Conference
April 22 - April 25, 2019
HILTON NEW ORLEANS RIVERSIDE

1 6 4 2 0 4 7 0 2
 Days Hours Minutes Seconds

- [HOME](#)
- [ONLINE REGISTRATION](#)
- [MAIL-FAX REGISTRATION](#)
- [EXPO NHC](#)
- [HOTEL](#)
- [CALL FOR IDEAS](#)
- [CONTACT US](#)

2018 National Hurricane Conference Overview

← *To be Revised For 2019*

Sunday March 25, 2018			
Event Start	Event End Time	Description	Location
1:00 pm	5:00 pm	Conference Registration Desk Open	Lake Foyer Registration

Monday March 26, 2018			
Event Start	Event End Time	Description	Location
7:30 am	4:30 pm	Conference Registration Desk Open	Lake Foyer Registration
7:30 am	4:30 pm	Internet Cafe Open (if sponsored)	Clear Lake
8:00 am	12:00 pm	Media Rooms Open	Ruby Lake and Sand Lake
8:30 am	12:00 pm	Training Sessions, including EMI Courses	Lake Meeting Rooms
12:00 pm	1:30 pm	Lunch on your own	
12:00 pm	5:00 pm	Media Rooms Open	Ruby Lake and Sand Lake
12:00 pm	5:00 pm	Exhibitor Setup	Orlando Ballroom
1:30 pm	5:00 pm	Training Sessions, including EMI Courses	Lake Meeting Rooms

Tuesday March 27, 2018			
Event Start	Event End Time	Description	Location
7:30 am	4:30 pm	Conference Registration Desk Open	Lake Foyer Registration
7:30 am	4:30 pm	Internet Cafe Open (if sponsored)	Clear Lake
8:00 am	12:00 pm	Media Rooms Open	Ruby Lake and Sand Lake
8:30 am	12:00 pm	Training Sessions	Lake Meeting Rooms
12:00 pm	1:30 pm	Lunch on your own	
9:30 am	5:00 pm	Exhibit Hall Open	Orlando Ballroom
1:00 pm	5:00 pm	Media Rooms Open	Ruby Lake and Sand Lake
1:30 pm	5:00 pm	Training Sessions, including EMI Courses	Lake Meeting Rooms
5:30 pm	6:30 pm	Welcome Reception	Orlando Ballroom

Wednesday March 28, 2018			
---------------------------------	--	--	--

7

Event Start	Event End Time	Description	Location
7:30 am	4:30 pm	Conference Registration Desk Open	Lake Foyer Registration
7:30 am	4:30 pm	Internet Cafe Open (if sponsored)	Clear Lake
8:00 am	12:00 pm	Media Rooms Open	Ruby Lake and Sand Lake
8:30 am	10:00 am	RAP Sessions	Lake Meeting Rooms
9:30 am	3:30 pm	Exhibit Hall Open	Orlando Ballroom
10:30 am	1:00 pm	Dedicated Time to Tour Exhibit Hall	Orlando Ballroom
12:00 pm	1:00 pm	Lunch on your own	
1:00 pm	5:00 pm	Media Rooms Open	Ruby Lake and Sand Lake
1:00 pm	5:30 pm	General Session and Annual Awards Presentation	Orange Ballroom

Thursday March 29, 2018

Event Start	Event End Time	Description	Location
7:30 am	4:30 pm	Conference Registration Desk Open	Lake Foyer Registration
8:30 am	4:30 pm	Internet Cafe Open (if sponsored)	Clear Lake
8:00 am	12:00 pm	Media Rooms Open	Ruby Lake and Sand Lake
8:30 am	12:00 pm	Concurrent Workshops	Lake Meeting Rooms
12:00 pm	1:30 pm	Lunch on your own	
1:00 pm	5:00 pm	Media Rooms Open	Ruby Lake and Sand Lake
1:30 pm	5:00 pm	Concurrent Workshops	Lake Meeting Rooms
5:00 pm		Conference Adjourns	

Coffee Breaks will be held daily at 8:00 am, 10:00 am and 3:00 pm

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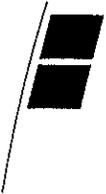
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2019 NATIONAL HURRICANE CONFERENCE

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- Onsite (payment received after 4/5/19)\$450
- Daily\$150 per day
Please check all that apply Monday Tuesday Wednesday Thursday

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2952 Wellington Circle, Tallahassee, FL 32309

We accept these credit cards: Amex • MasterCard • VISA • Discover

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Cardholder Name _____ CVR# _____

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REFUND POLICY

Cancellations received by March 8, 2019 will receive a full refund, less a \$50 cancellation fee. Cancellations received by March 9 and on or before April 5, 2019 will receive a 50% refund. No refunds will be made for cancellations received after April 5, 2019. NHC must receive cancellation requests in writing, by email or regular mail. Telephone requests will not be honored. Send requests to NHC Cancellations, 2952 Wellington Circle, Tallahassee, FL 32309 or email: Lisa@HurricaneMeeting.com No refunds will be made for cancellations received after April 5, 2019.

National Hurricane Conference, Inc. * Federal ID # 20-2105613
2952 Wellington Circle, Tallahassee, FL 32309 * (850)906-9224 Phone/Fax
Lisa@HurricaneMeeting.com



2019 National Hurricane Conference

April 22 - April 25, 2019

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2019 Hotel

Hilton New Orleans Riverside



2 Poydras Street
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 (504) 561-0500
 \$181.00 Single/Double

[Online Reservations](#)

Hotel at a Glance Not only is the Hilton New Orleans Riverside a family-friendly hotel that sits close to the Audubon Aquarium of the Americas, but it also has extra amenities for travelers who enjoy being pampered. Start off with a swim in one of the two heated outdoor pools, or schedule some time in the on-site beauty salon. Kids can release energy with a few games in the video arcade, while parents workout in the fully-equipped fitness facility. Another option for staying in shape is to take advantage of the tennis, racquetball, and squash courts. Corporate guests will also have plenty of amenities to make their jobs a bit easier. There's a business center, 130,000 square feet of banquet and meeting space, and a notary public. You'll never have a chance to get hungry with several in-house restaurants that are ready to serve you a delicious meal. A full breakfast is available at Le Croissant, while Drago's Seafood Restaurant is the place to go for lunch and dinner. Stop by the River Blends Cafe throughout the day for a hot cup of coffee and a place to browse the Internet using the free Wi-Fi service, or wait until the evening to get a drink from Spirits Bar. Guests are welcome to order from the room service menu, or purchase a few groceries from the City Marketplace, the hotel's very own supermarket. After you've had your fill, visit the recreation desk to plan a few activities. The staff can even arrange for local transportation if you need it.

Guest Rooms One of the area's non-smoking hotels, the Hilton New Orleans Riverside on 2 Poydras Street offers impressive views of either the Mississippi River, or the surrounding city from its comfortable guest rooms. Vacationers can unwind with a show on the 37-inch high-definition LCD television, which also has On Demand movies and video games, or relax with some soft music playing on the clock radio with MP3 connection. Head to the bathroom to enjoy complimentary toiletries, a hair dryer, and a curved shower rod. Corporate guests can get some work done on the desk with extra lighting and an ergonomic chair, or upgrade to one of the executive rooms. These rooms have extra benefits, such as a complimentary breakfast, free wireless Internet in the guest rooms, and plenty of hors d'oeuvres in the afternoon.

Nearby Attractions Simply walk next door from the Hilton New Orleans Riverside and you'll discover Harrah's Casino for an evening of slots and poker games. When you're ready to explore the area, you'll find that the Audubon Butterfly Garden & Insectarium, the St. Louis Cathedral, and New Orleans Zoo are just around the corner. When it comes to shopping, travelers can stop by the Outlet Collection at Riverwalk for some unique finds at affordable prices.



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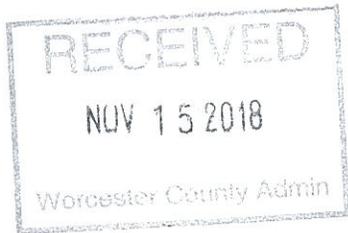
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16

BILLY BIRCH
DIRECTOR

EMERGENCY SERVICES
Worcester County
GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1002
SNOW HILL, MARYLAND 21863-1193
TEL: 410-632-1311
FAX: 410-632-4686

To: Harold Higgins, Chief Administrative Officer

From: Billy Birch, Director of Emergency Services 

Re: Harris Radio Update

Date: 14 November 2018

No significant issues have been reported regarding the P25 radio system since our last report. Staff have been working with Harris personnel to complete punch list tasks related to the migration of the VHF fire department paging system. Staff and Harris personnel have also been working on routine maintenance items related to the system.

Federal Engineering has completed their review of the CATP testing results. Their summary of this review is attached to this memo and indicates that all data that they have reviewed suggests that Harris has met their contractual obligations related to the second CATP covering 14dB and 20dB bound areas. FE does still have concerns regarding certain other areas of performance related to discrepancies between the purchase agreement, CATP and other contractual documents.

Additionally, staff have been working with Harris to identify a path toward project closure that accommodates the County's desire, in support of the Town of Ocean City, to delay decommissioning of the EDACS system until such time that the Town of Ocean City has fully migrated all of their users to the new P25 system. To that end, Harris has proposed a draft concept for the removal of EDACS decommissioning and one additional reprogramming effort from the contract scope in exchange for an account credit for this work to be performed at a later date. Harris has also included in this correspondence those punch list items that they foresee remaining to complete final system acceptance.

At this time, the Department requests the Commissioner's consider the following actions:

- Concurrence for the execution of the attached CATP document affirming acceptance of test results presented
- Concurrence for the execution of acknowledgement that the Mystic Harbour tower site has entered warranty status

1a

- Agreement in principle to removing EDACS decommissioning and radio software updates from the contractual scope of work in exchange for a monetary credit.
- Concurrence for Department staff to work with Federal Engineering, County Administration and the County Attorney to ensure that contractual concerns raised by Federal Engineering are negotiated with Harris Corporation prior to the final acceptance of the system.

I'm available to answer any questions you may have.

James Hamilton

From: Travis C. LePage <tlepage@fedeng.com>
Sent: Wednesday, November 14, 2018 2:47 PM
To: James Hamilton
Subject: 2018 CATP Test Results Determination

James,

Below is a statement that you may use in the Commissioner's briefing packet. As discussed, we have a "master" document currently in draft form that details our document review, findings, requirements tracking matrix, and our other findings that we will deliver after we conclude our investigation of the potential interference issues and coverage improvements that may be necessary.

To be clear, this statement reflects **FE's** analysis of the 14 and 20 dB CATP performed in September 2018 and as reviewed with the County via teleconferences. Overall, we still have concerns about inconsistencies contained within the Purchase Agreement, Amendments, and CATPs that we will need to address before reviewing final acceptance.

~~~~~  
Federal Engineering, Inc. (**FE**) reviewed the 14 dB and 20 dB Bit Error Rate (BER) test data along with the 14 dB Delivered Audio Quality (DAQ) data provided by Harris from the second Coverage Acceptance Test Plan (CATP) conducted in September 2018. Based on the data provided by Harris in relation to the CATP approved by the County, we have not found any significant factors that suggest Harris has not met their contractual obligations as it relates to the second CATP.

However, the second CATP did not require Harris to conduct a BER test for the County's jurisdictional area, which according to the Purchase Agreement, is to have a portable outdoor coverage guarantee of 98%. The data provided by Harris for the first CATP shows DAQ testing passing at 99.7% for the 6 dB Boundary Area and the BER at 95.2% for the 6 dB Boundary Area. This variance may indicate that the subjective DAQ test scores may vary by at least 4% in relationship to BER, which could suggest that the BER test for the County's jurisdictional area may fall below the 95% guarantee.

**FE** has discovered a number of discrepancies in the Purchase Agreement and its associated documents that will need to be addressed prior to the County proceeding with final acceptance of the System.

~~~~~  
Let me know if you need anything else.

Regards,
Travis

Travis C. LePage
Director
Federal Engineering, Inc.
MBA, PMP, PMI-ACP, CSM
585-507-9731



HARRIS CORPORATION

RF Communications Division
221 Jefferson Ridge Parkway
Lynchburg, VA 24501

www.harris.com

Date: November 7, 2018

To: James E Hamilton, JR
Assistant Director
Department of Emergency Services
Worcester County, MD

Re: Mystic Site Warranty Start

James,

As discussed previously, Harris has placed the Mystic Site into warranty as of November 1, 2018 for a 1-year period per section 16 of the agreement. The remainder of the system entered the 1-year warranty period in February 2018 per Amendment 4 of the Agreement.

The Mystic site was constructed in March 2018 and placed into service in August 2018,

Sincerely,

Brian Blacketer
Program Manager

Acknowledgement:

James E. Hamilton, JR
Assistant Director
Department of Emergency Services



HARRIS CORPORATION

RF Communications Division
221 Jefferson Ridge Parkway
Lynchburg, VA 24501

www.harris.com

Date: November 14, 2018

To: James E Hamilton, JR
Assistant Director
Department of Emergency Services
Worcester County, MD

Conditions of Final System Acceptance

Harris proposes the following conditions for Final System Acceptance on the P25 Radio Project with Worcester County.

Conditions:

1. Harris will complete the generator replacement at Mystic and Pocomoke as soon as replacement generators are received
2. Harris will upgrade the Ice Bridge at Mystic from a 12" to 24" wide span
3. Harris will tighten bolt on tower identified in Inspection report
4. Harris will work with County to transition legacy paging system from EDACS network to P25 Network
5. Both parties agree to complete the above Items by 12/31/18 based upon delivery of necessary equipment
6. Harris will provide the County a credit toward Harris products and services in the amount of \$36,000.00 to cover the decommissioning of EDACS equipment and software update to Mobile radios. Work to be completed by Worcester County at their discretion.

Upon acceptance of the attached conditions, Harris and the County will initiate a change order to formalize the conditions above. Upon completion, Harris will forward the County a "Notice of Final System Acceptance" as well as the final invoice on the program.

Sincerely,

Brian Blacketer
Program Manager



Worcester County Coverage Design
Testing Results

Prepared By:
Oyetunde Daniel Jolaoye
System Engineer
Harris Corporation

Report Generated:
September 14, 2018

Table of Contents

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1. SUMMARY OF RESULTS- 6 Site Test Result (Recently concluded)

Below are tables summarizing the BER, DAQ and In-building results:

Table 1.1: BER results of various county bounded area

Service Area Definition	Body Loss (dB)	Building Loss (dB)	Required BER	% Guarantee/PASS RATE	Verdict
14dB County Boundary	7 dB	14 dB	2.4%	95.0% / 95.04%	Pass
20dB County Boundary	7 dB	20 dB	2.4%	95% / 97.8%	Pass

Table 1.2: DAQ results of various county bounded area

Service Area Definition	Grid Size	Possible Tested Grids	Inaccessible Grids	Tested Grids	Pass Grids	Fail Grids	Pass Rate
14dB Boundary	0.25mi x 0.25mi	2203	740	1463	1437	26	98.2%

1.1 SUMMARY OF RESULTS- 5 Site Test Result (Previously tested)

Table 1.3: BER results of various county bounded area

Service Area Definition	Body Loss (dB)	Building Loss (dB)	Required BER	% Guarantee/PASS RATE	Verdict
6dB County Boundary	7 dB	6dB	2.4%	95% / 95.20%	Pass
14dB County Boundary	7 dB	14 dB	2.4%	93% / 81.5%	Fail
20dB County Boundary	7 dB	20 dB	2.4%	92% / 92.20%	Pass

Table 1.4: DAQ results of various county bounded area

Service Area Definition	Grid Size	Possible Tested Grids	Inaccessible Grids	Tested Grids	Pass Grids	Fail Grids	Pass Rate
The County + 3-Miles into Neighboring Counties (tested at 6dB),	1mi x 1mi	760	46	714	713	1	99.9%
County's Jurisdictional boundary (tested at 6dB)	1 mi x 1 mi	649	33	616	615	1	99.8%
6dB Boundary (supplied by the County)	1mi x 1mi	424	33	390	389	1	99.7%
14dB Boundary (supplied by the County)	0.25mi x 0.25mi	392	47	345	328	17	95.1%
20dB Boundary (supplied by the County)	0.125mi x 0.125mi	1108	154	954	936	18	98.1%

Table 1.3 In-building Results

Critical Building List for testing:	Number of Tiles tested	Pass	Fail	Pass Rate
1. Worcester County Courthouse Snow Hill	60	58	2	96.67%
2. Worcester County Government Center Snow Hill	60	57	3	95.00%
3. Pocomoke High School	24	24	0	100.00%
4. Worcester Technical High School	41	41	0	100.00%
5. Atlantic General Hospital	41	41	0	100.00%
6. Ocean Pines Fire Department North Station	40	40	0	100.00%
7. Bishopville Fire Department	21	21	0	100.00%
8. Pocomoke Police Department	20	20	0	100.00%
9. Snow Hill Middle School	32	32	0	100.00%
10. Ocean City Elementary School	20	20	0	100.00%

2. BIT ERROR RATE (BER) TEST

Automated BER testing was tested by categorizing the county into three grids; 6dB, 14dB and 20dB. The grids were driven while the BER measurements were automatically recorded and calculated. Table 3.2 below shows the contracted guarantee and service area definition for the BER testing. The BER map for each BER zone is shown in this report as well as tables showing the result.

Table 2.1: Guaranteed Coverage Service Area, Signal Level, and Acceptance Criteria

Service Area Definition	Description	Guaranteed Body Loss	Guaranteed In-building Loss	% Validated Coverage Area Reliability Acceptance Criteria
6dB Bounded Area (provided by the County)	Portable Indoor	7dB	6dB	95/95%%
14dB Bounded Area (provided by the County)	Portable Indoor	7dB	14dB	95/95%%
20dB Bounded Area (provided by the County)	Portable Indoor	7dB	20dB	95/95%%

*Composite attenuator value to be finalized to account for actual test set-up used.

2.1 Results Presentation

The data recorded are plotted on a map showing the test grids, the areas tested and the test results. Different colors are used to show ranges of measured BER. Table 3.2 below shows the test results. The 6dB boundary is shown with red in figure 3.1 below.

6dB Coverage Boundary:

3201 data points were collected
95.2% have a BER not greater than 2.4%
4.8% have a BER greater than 2.4%

Table 2.2 – BER Testing Results

Service Area Definition	Body Loss (dB)	Building Loss (dB)	Required BER	Measured BER	Verdict
6dB County Boundary	7 dB	6 dB	2.4%	95.2%	PASS

Refer to the map below for the areas that have been driven as part of the automated BER testing.

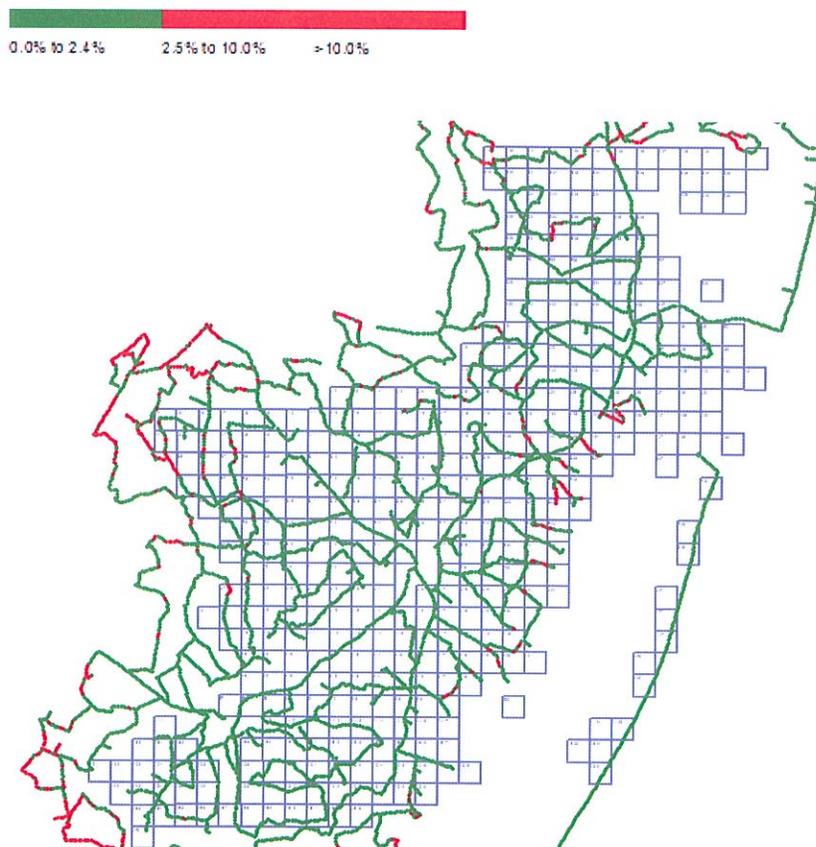


Figure 2.1: 6dB BER drive collected points

14dB Coverage Boundary:

3872 data points were collected
95% have a BER not greater than 2.4%
5% have a BER greater than 2.4%

Table 2.3 – BER Testing Results

Service Area Definition	Body Loss (dB)	Building Loss (dB)	Required BER	Measured BER	Verdict
14dB County Boundary	7 dB	14 dB	2.4%	95.04%	Pass



Figure 2.2: 14dB BER drive collected points

20dB Coverage Boundary:

1023 data points were collected
97.8% have a BER not greater than 2.4%
2.2% have a BER greater than 2.4%

Table 2.4 – BER Testing Results

Service Area Definition	Body Loss (dB)	Building Loss (dB)	Required BER	Measured BER	Verdict
20dB County Boundary	7 dB	20 dB	2.4%	97.8%	PASS

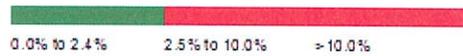


Figure 2.3: 20dB BER drive collected points

3. MANDATORY BUILDING BER TEST, WITH MAXIMUM BUILDING LOSS

The inbuilding BER testing was conducted in 10 critical buildings chosen by the county. Each floor of a building was divided into 20 grids and each grid tested using the automated BER setup.

Table 4.1 below shows the automated in-building BER result for each of the tested building.

3.1 Results Presentation

A test report is provided that includes:

- the name of each mandatory building
- the PASS/FAIL score for each building

Table 3.1 BER results of critical building

Critical Building List for testing:	Number of Tiles tested	Pass	Fail	Pass Rate
1. Worcester County Courthouse Snow Hill	60	58	2	96.67%
2. Worcester County Government Center Snow Hill	60	57	3	95.00%
3. Pocomoke High School	24	24	0	100.00%
4. Worcester Technical High School	41	41	0	100.00%
5. Atlantic General Hospital	41	41	0	100.00%
6. Ocean Pines Fire Department North Station	40	40	0	100.00%
7. Bishopville Fire Department	21	21	0	100.00%
8. Pocomoke Police Department	20	20	0	100.00%
9. Snow Hill Middle School	32	32	0	100.00%
10. Ocean City Elementary School	20	20	0	100.00%

All the selected building passed the required 95% BER rate.

4. INDOOR VOICE QUALITY TEST (DAQ)

The DAQ coverage testing was performed by dividing the county into five zones; County wide + 3 mile, County's jurisdictional boundary, 6dB, 14dB and 20dB. The entire county +3 mile and County's jurisdictional boundary were tested with the 6dB attenuation during the DAQ drive testing. If a grid failed a 6dB DAQ test, the test was repeated with the attenuation changed to 0dB if the grid was outside the 6dB zone. With this setup, only one grid failed the DAQ test using the 6dB attenuation and the failed grid was in a 6dB zone.

Table 5.1 below shows the scale of definition for the DAQ testing. A dispatcher and a Harris representative were stationed at the EOC to grade communication, while a team comprising of a county driver and Harris representative were performing the drive testing and also grading the communication.

Table 5.2 below shows the different grids, size of the grids and attenuation attached to each grid. The number of tested grids at times surpass the number of grids in table 5.2 because grids that were accessible were tested even if they are not labeled on the grid map.

Table 4.1 - Delivered Audio Quality Scale Definitions

Delivered Audio Quality	Subjective Perception of Reception
DAQ 5.0	Speech easily understood.
DAQ 4.5	Speech easily understood. Infrequent Noise/Distortion.
DAQ 4.0	Speech easily understood. Occasional Noise/Distortion.
DAQ 3.4	Speech understandable with repetition only rarely required. Some Noise/Distortion.
DAQ 3.0	Speech understandable with slight effort. Occasional repetition required due to Noise/Distortion.
DAQ 2.0	Understandable with considerable effort. Frequent repetition due to Noise/Distortion.
DAQ 1.0	Unusable, speech present but unreadable.

Table 4.2: Grid Patterns for Worcester County

Boundary Area	Grid Size	Number of Grids
The County + 3-Miles into Neighboring Counties	1mi x 1mi	258
6dB Boundary (supplied by the County)	1mi x 1mi	424
14dB Boundary (supplied by the County)	0.25mi x 0.25mi	382
20dB Boundary (supplied by the County)	0.125 mi x 0.125	850

Table 4.3 - Coverage Service Area and Acceptance Criteria

<i>Coverage Service Area Definition</i>	<i>Description</i>	<i>Attenuator Portable Class (dB)</i>	<i>Attenuator Building Class (dB)</i>	<i>% Validated (CR) Service Area Reliability Acceptance Criteria Success Rate</i>
The County's jurisdictional boundary + 3-miles into neighboring Counties	Digital Voice	7dB		95/95%
The County's jurisdictional boundary	Digital Voice	7dB		95/95%
6dB indoor boundary (supplied by the County)	Digital Voice	7 dB	6dB	95/95%
14dB indoor boundary (supplied by the County)	Digital Voice	7 dB	14dB	95/95%
20dB indoor boundary (supplied by the County)	Digital Voice	7 dB	20dB	95/95%

*Composite attenuator value to be finalized to account for actual test set-up used.

4.1 Results Presentation

A test report is provided that includes:

- the number of test grids
- the location tested within each grid
- the PASS/FAIL score for each test grid/location for each call direction
- the % PASS calculation for the service area

Green = Passed DAQ 3.4

Blue = Inaccessible grids

Red = Failed grids

The 6dB boundary and County's jurisdictional boundary were all tested together for an efficient drive testing route. The 6dB result shown below is also the result of the county's jurisdictional boundary because the 6dB boundary is county wide.

Table 4.4 – DAQ Testing Results (Previous test)

Refer to the attached results map and test data sheets for the specific grids results.

Service Area Definition	Grid Size	Possible Tested Grids	Inaccessible Grids	Tested Grids	Pass Grids	Fail Grids	Pass Rate
The County + 3-Miles into Neighboring Counties (tested at 6dB)	1mi x 1mi	760	46	714	713	1	99.9%
County's Jurisdictional boundary (tested at 6dB)	1 mi x 1 mi	649	33	616	615	1	99.8%
6dB Boundary (supplied by the County)	1mi x 1mi	424	33	390	389	1	99.7%
14dB Boundary (supplied by the County)	0.25mi x 0.25mi	392	47	345	328	17	95.1%
20dB Boundary (supplied by the County)	0.125mi x 0.125mi	1108	154	954	936	18	98.1%

Table 4.5 – DAQ Testing Results (recently concluded test)

Service Area Definition	Grid Size	Possible Tested Grids	Inaccessible Grids	Tested Grids	Pass Grids	Fail Grids	Pass Rate
14dB Boundary	0.25mi x 0.25mi	2203	740	1463	1437	26	98.2%

DAQ Grade Report showing the 6dB county boundary

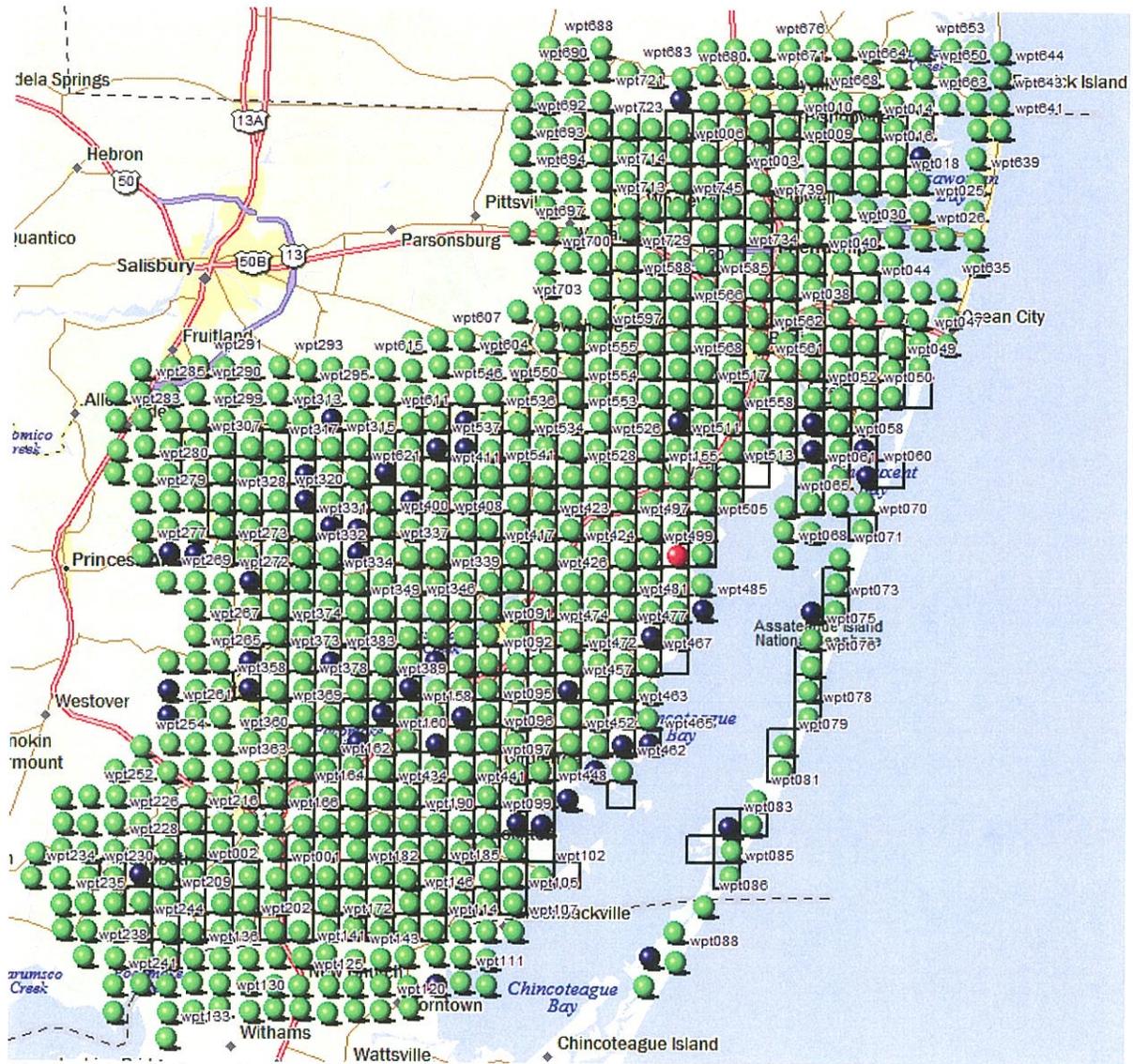


Figure 4.2: 6dB boundary DAQ grid test

14dB DAQ Grade Report

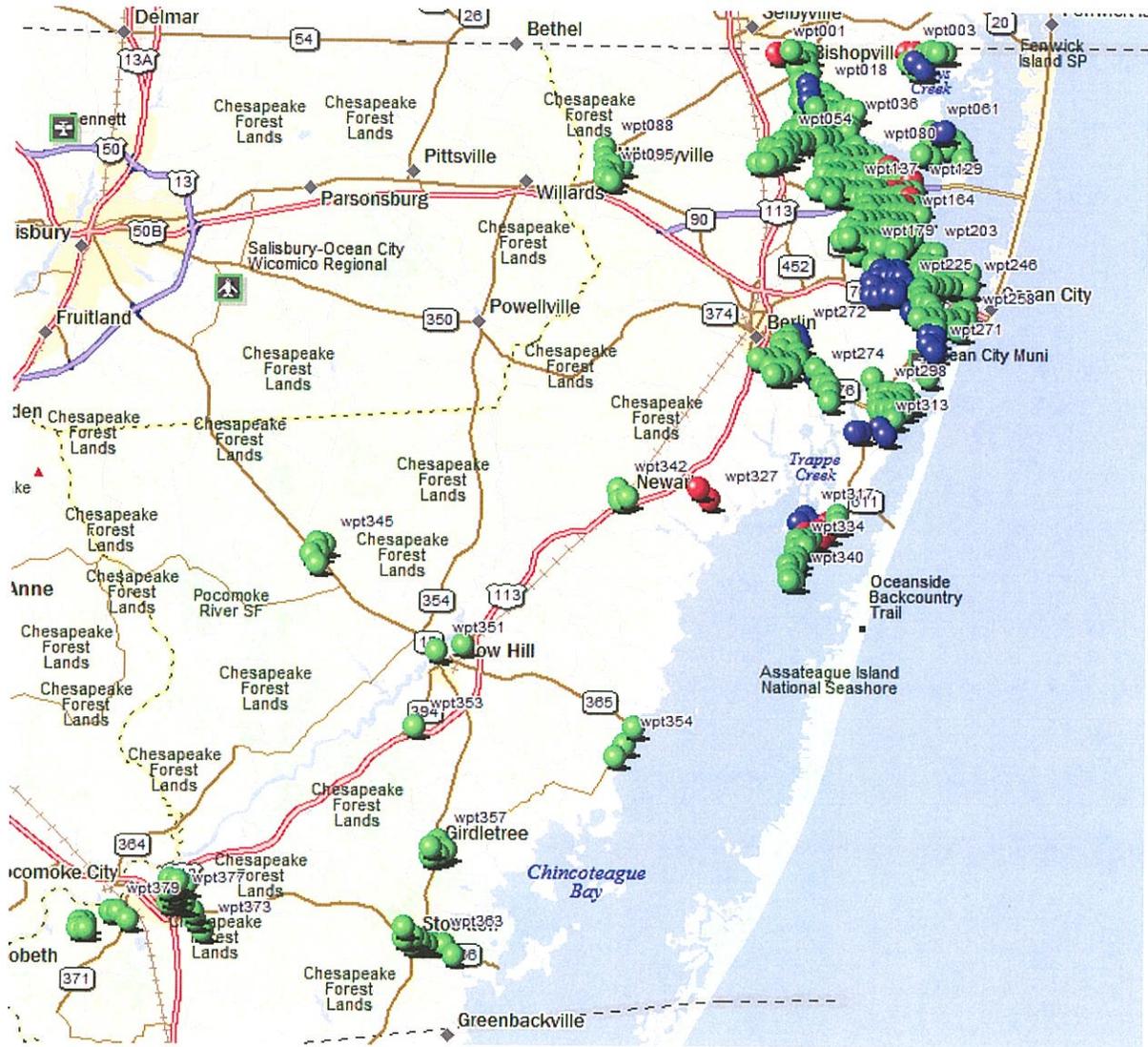


Figure 4.3: 14dB DAQ grid test

Modified 14dB DAQ Report

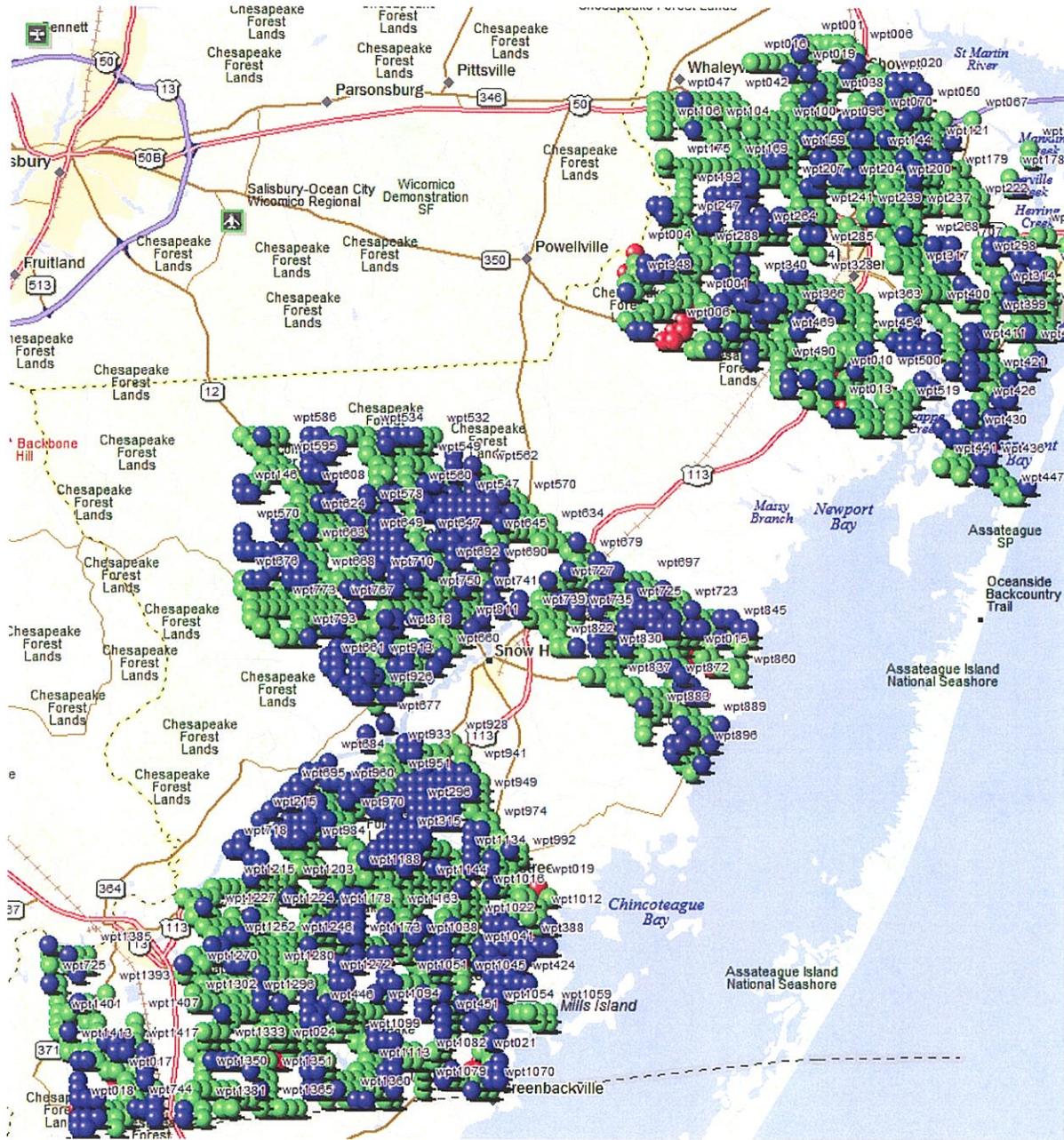


Figure 4.4: 14dB DAQ grid test

20dB DAQ Grade Report

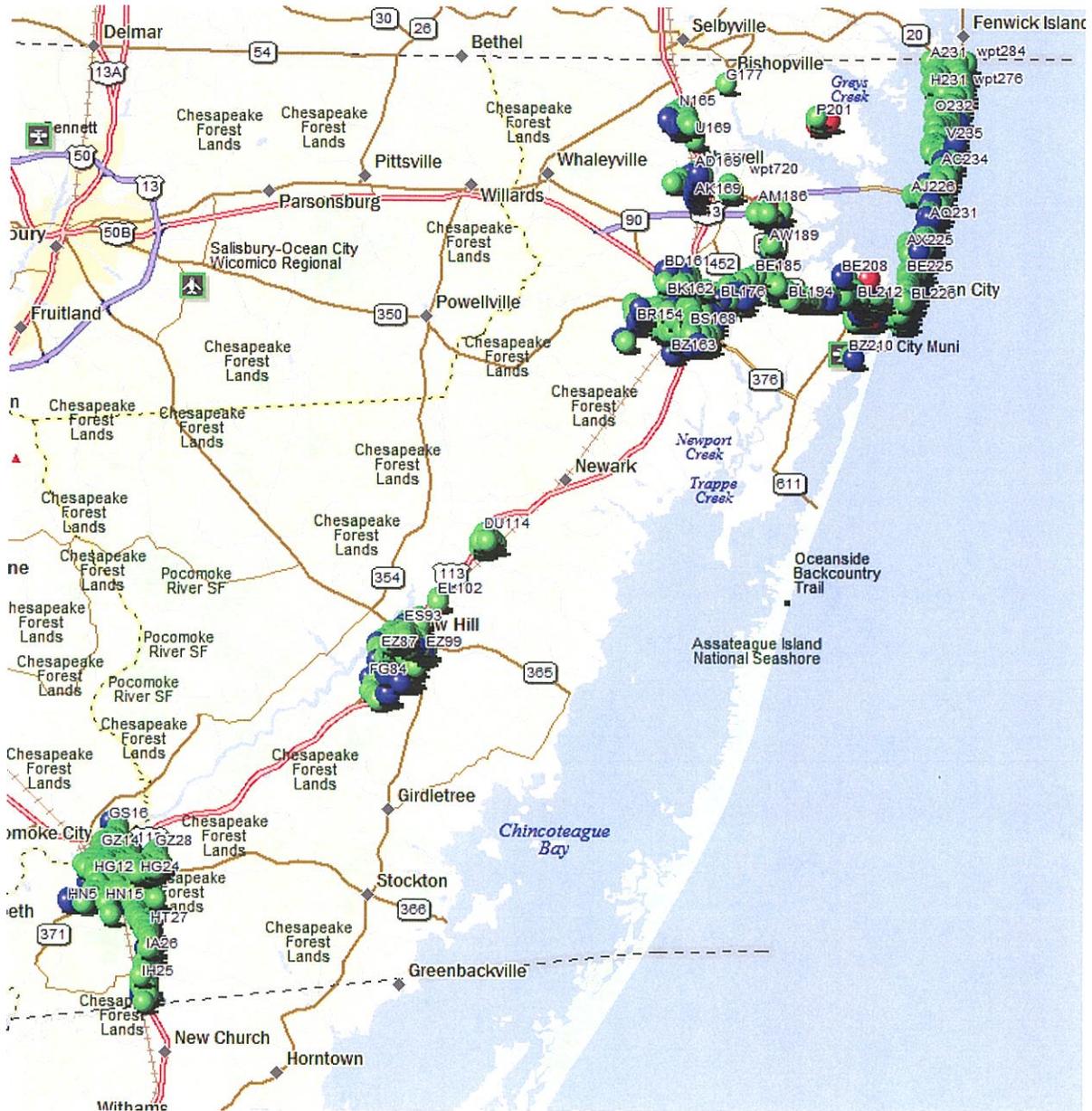


Figure 4.5: 20dB DAQ grid test

5. HOSPITAL ROUTE RSSI TEST

Hospital Route:

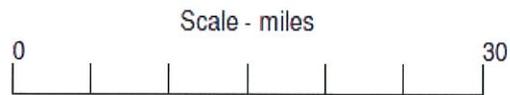
A route was mapped from highway 50 to Peninsula Regional Medical Center and then down to Pocomoke. Typhon software was used to collect RSSI values on this route.

The route and results are shown below.

165 total data points were taken of which were no failures, pass rate is 100%

Map type - 1:686,443

-30.0 to -110.0 dBm -111.0 to -140.0 dBm



38° 32' 48"
-75° 56' 03"

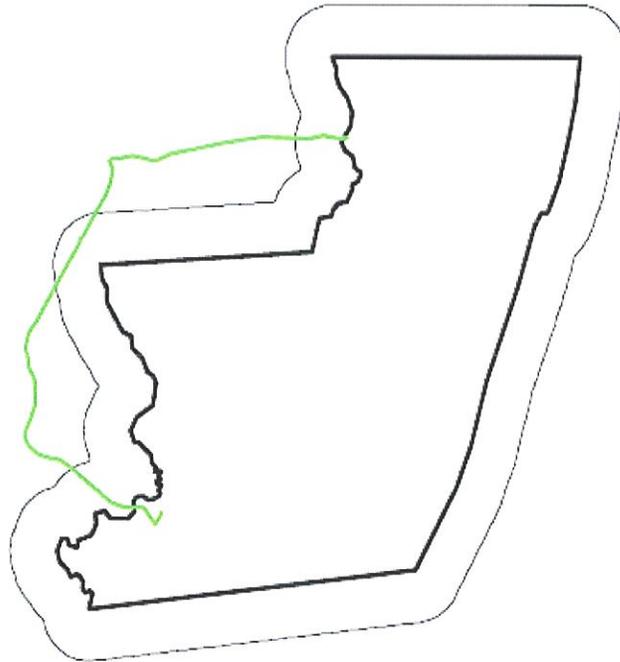


Figure 5.1: Hospital route RSSI result



17

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

COMMISSIONERS
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THEODORE J. ELDER, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
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JOSEPH M. MITRECIC

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

November 14, 2018

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
SUBJECT: Resolution Confirming Worcester County State's Attorney Salary - 2018-2022

At the direction of County Attorney Maureen Howarth I have drafted the attached resolution confirming the salary of the Worcester County State's Attorney for the 2018 through 2022 term. As you are aware, in accordance with Section 15-424 of the Criminal Procedure Article of the Annotated Code of Maryland, the salary of the Worcester County State's Attorney is 90% of the salary of a judge of the District Court of Maryland. The Maryland Legislature established earlier this year that the salary of a judge of the District Court of Maryland is \$146,333 beginning July 1, 2018 and is scheduled to increase by \$5,000 each year through 2021 to \$151,333 as of July 1, 2019, \$156,333 as of July 1, 2020, and \$161,333 as of July 1, 2021. As a result, the Worcester County State's Attorney's salary is therefore set at \$131,700 and will increase to \$136,200 as of July 1, 2019, to \$140,700 as of July 1, 2020 is \$140,700, and to \$145,200 as of July 1, 2021. The attached resolution reflects this new salary and also specifies that the salary shall automatically increase in subsequent years as the salary of a judge of the District Court of Maryland increases, and shall be fixed at 90% of the salary of a judge of the District Court of Maryland.

Please present this draft resolution to the County Commissioners for their review and adoption. If you should have any questions or concerns with regard to this matter, please feel free to contact me.

DRAFT

RESOLUTION NO. 18 - ____

RESOLUTION ESTABLISHING SALARY AND ALLOWANCES FOR THE WORCESTER COUNTY STATE'S ATTORNEY FOR THE 2018-2022 TERM

WHEREAS, Section 15-424 of the Criminal Procedure Article of the Annotated Code of Maryland provides that salary of the Worcester County State's Attorney is 90% of the salary of a judge of the District Court of Maryland; and

WHEREAS, beginning July 1, 2018, the salary of a judge of the District Court of Maryland is \$146,333 and said salary is scheduled to increase by \$5,000 each year through 2021 as follows:

- District Court Judge's salary as of July 1, 2019 is \$151,333,
- District Court Judge's salary as of July 1, 2020 is \$156,333,
- District Court Judge's salary as of July 1, 2021 is \$161,333; and

WHEREAS, given that the salary of the Worcester County State's Attorney is 90% of the salary of a judge of the District Court of Maryland, the Worcester County State's Attorney's salary is:

- Worcester County State's Attorney's salary as of July 1, 2018 is \$131,700,
- Worcester County State's Attorney's salary as of July 1, 2019 is \$136,200,
- Worcester County State's Attorney's salary as of July 1, 2020 is \$140,700,
- Worcester County State's Attorney's salary as of July 1, 2021 is \$145,200.

WHEREAS, the salaries of elected officials may not be changed during their term in office and must be established for said term prior to the filing deadline of said term; and

WHEREAS, 2018 is an election year for all local elected officials and the terms of said elected officials shall commence after November 2018.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that the Worcester County State's Attorney shall receive such compensation and allowances for the term of office commencing after the election of November 2018 as indicated below:

1. The salary of the Worcester County State's Attorney shall be:
 - \$131,700 annually as of July 31, 2018, increasing to
 - \$136,200 annually as of July 31, 2019, increasing to
 - \$140,700 annually as of July 31, 2020, increasing to
 - \$145,200 annually as of July 31, 2021.
2. The salary of the Worcester County State's Attorney shall increase as of July 31, 2022 and thereafter as the salary of a judge of the District Court of Maryland increases, and shall be fixed at 90% of the salary of a judge of the District Court of Maryland.
3. The Worcester County State's Attorney may also be entitled to receive an allowance or reimbursement for such other specific extraordinary expenses incurred in the course of their official duties as may have been specifically authorized and approved by the County Commissioners.

DRAFT

AND, BE IT FURTHER RESOLVED that this Resolution shall take effect upon the commencement of the 2018-2022 term.

PASSED AND ADOPTED this _____ day of _____, 2018.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Merrill W. Lockfaw, Jr.

Joseph M. Mitrecic

(vii) may wear or display appropriate metallic badges that the State's Attorney authorizes; and

(viii) is not subject to Title 3, Subtitle 1 of the Public Safety Article.

(4) The State's Attorney may designate a criminal investigator as a peace officer if the criminal investigator meets the selection and training standards of the Maryland Police Training and Standards Commission as set forth in Title 3, Subtitle 2 of the Public Safety Article.

(5) A criminal investigator designated as a peace officer may not be subject to Title 3, Subtitle 1 of the Public Safety Article.

(6) In addition to the authority, duties, and limitations described under paragraph (3) of this subsection, a criminal investigator designated as a peace officer may:

- (i) arrest a person who commits a crime in the county or in a municipal corporation in the county;
- (ii) serve a warrant, summons, or subpoena that the District Court of Maryland in the county or a circuit court issues; and
- (iii) possess and carry a firearm, including a handgun, or other weapon that the State's Attorney requires.

(e) *Restriction on practice.* — (1) The State's Attorney shall serve full time and may not engage in the private practice of law.

(2) An attorney appointed as a special assistant State's Attorney under subsection (c)(2) of this section may not be precluded from the private practice of criminal law. (An. Code 1957, art. 10, § 40(v); 2008, ch. 15, § 2; ch. 36, § 6; 2016, ch. 8, § 5; 2018, ch. 12, § 6.)

Editor's note. — Pursuant to § 5, ch. 8, Acts Pursuant to § 6, ch. 12, Acts 2018, "Maryland" was substituted for "Police Training Commission" in (d)(4).

§ 15-422. Washington County.

(a) *Scope.* — This section applies only in Washington County.

(b) *Salary.* — The State's Attorney's salary is 90% of the salary of a judge of the District Court of Maryland.

(c) *Deputy and assistant State's Attorneys.* — (1) The State's Attorney shall appoint:

- (i) at least one but not more than two deputy State's Attorneys; and
- (ii) as many assistant State's Attorneys that are approved by the county commissioners and provided for in the county budget.

(2) The county commissioners shall set the salaries of the deputy and assistant State's Attorneys.

(3) The deputy and assistant State's Attorneys shall serve at the pleasure of the State's Attorney.

(4) Under the direction of the State's Attorney or in the State's Attorney's absence, the deputy and assistant State's Attorneys shall have the same legal powers as the State's Attorney to:

- (i) perform acts and duties in relation to all criminal proceedings; and

(ii) represent the State in all proceedings in relation to the grand jury, circuit court, District Court of Maryland, and units of the State or a political subdivision of the State.

(d) *Restriction on practice.* — The State's Attorney may not engage in the private practice of law. (An. Code 1957, art. 10, § 40(v); 2008, ch. 15, § 2.)

§ 15-423. Wicomico County.

(a) *Scope.* — This section applies only in Wicomico County.

(b) *Salary; expenses; office.* — (1) The State's Attorney's salary is 90% of the annual salary of a judge of the District Court of Maryland.

(2) After receiving a voucher submitted by the State's Attorney, the County Council shall pay all expenses that the State's Attorney considers necessary for the conduct of the office, including clerical and secretarial expenses, telephone charges, office supplies, postage, and premiums on official bonds.

(3) The State's Attorney shall maintain and staff an office in the Wicomico County courthouse.

(c) *Assistant State's Attorneys.* — (1) Subject to the terms, conditions, and salaries as approved by the County Council, the State's Attorney may appoint assistant State's Attorneys who shall:

- (i) serve at the pleasure of the State's Attorney; and
- (ii) have the same legal powers as the State's Attorney to represent the State before the grand jury and in criminal proceedings.

(2) In addition to the assistant State's Attorneys appointed under paragraph (1) of this subsection, the State's Attorney may appoint special assistant State's Attorneys to serve for one or more cases:

- (i) with the prior approval of the resident judge of the circuit court and the County Council; and
- (ii) subject to the terms, conditions, and salaries that the County Council approves.

(d) *Restriction on practice.* — The State's Attorney shall serve full time and may not engage in the private practice of law. (An. Code 1957, art. 10, § 40(w); 2008, ch. 15, § 2.)

§ 15-424. Worcester County.

(a) *Scope.* — This section applies only in Worcester County.

(b) *Salary.* — (1) Subject to paragraph (2) of this subsection, the State's Attorney's salary is 90% of the salary of a judge of the District Court of Maryland.

(2) By enacting an ordinance before the election filing deadline for the next term of office for the State's Attorney, the county commissioners may set the salary at an amount exceeding 90% of the salary of a judge of the District Court of Maryland.

(3) (i) All other salaries, compensation, employee benefits, and expenses of the Office of the State's Attorney are subject to the annual budget process and approval of the county commissioners in accordance with the budget and fiscal policies and purchasing laws of the county.

(ii) Processing the payroll of the Office of the State's Attorney as part of the payroll of the county does not make employees of the Office of the State's Attorney the employees of the county.

(c) *Deputy and assistant State's Attorneys.* — (1) The State's Attorney may appoint the number of full-time or part-time deputy State's Attorneys and assistant State's Attorneys that the county commissioners approve.

(2) The deputy and assistant State's Attorneys appointed under paragraph (1) of this subsection shall:

(i) serve at the pleasure of the State's Attorney; and

(ii) have the same legal powers as the State's Attorney to present cases to the grand jury, represent the State in criminal proceedings, and perform necessary duties in relation to the grand jury and operation of the office that the State's Attorney requires.

(d) *Special investigators.* — If authorized by an ordinance enacted by the county commissioners, the State's Attorney may appoint special investigators who:

(1) shall serve at the pleasure of the State's Attorney; and

(2) shall perform work as directed by and under the supervision of the State's Attorney.

(e) *Restriction on practice.* — The State's Attorney shall serve full time and may not engage in the private practice of law.

(f) *Support staff.* — On approval of the county commissioners, the State's Attorney may hire the clerical, secretarial, and office employees that the State's Attorney determines are needed.

(g) *Designation of personnel, benefits, rules and regulations.* — All employees of the Office of the State's Attorney, including deputy State's Attorneys, assistant State's Attorneys, investigators, clerical workers, secretaries, and office employees:

(1) are employees of the Office of the State's Attorney and not of the county commissioners;

(2) shall receive the same insurance, retirement, and leave benefits as county employees; and

(3) are under the control of the State's Attorney, subject to this section and the personnel rules and regulations that the county commissioners adopt by resolution for county employees.

(h) *Managerial functions.* — The State's Attorney shall perform the appointment, disciplinary, termination, and managerial functions for all employees of the Office of the State's Attorney who are covered by the personnel rules and regulations that the county commissioners adopt.

(i) *Office procedures.* — The State's Attorney may adopt office practices, manuals, rules of conduct, and other procedures to serve as conditions of employment for employees of the Office of the State's Attorney.

(j) *Discipline or termination for cause.* — (1) Except for members of the State Bar who serve as deputy or assistant State's Attorneys, employees of the Office of the State's Attorney may be disciplined or terminated for cause only in accordance with this section and the personnel rules and regulations that the county commissioners adopt.

(2) When a new State's Attorney takes office or at the beginning of a new term of a State's Attorney, all clerical, secretarial, office, and other employees except for deputy and assistant State's Attorneys shall remain in their positions and shall be considered rehired.

(k) *In-kind support.* — On request of the State's Attorney, the county commissioners may provide in-kind support to the State's Attorney for personnel matters. (An. Code 1957, art. 10, § 40(x); 2008, ch. 15, § 2; ch. 36, § 6; ch. 511.)

HOUSE JOINT RESOLUTION 3

D1

8r1619
CF SJ 5

By: **The Speaker (By Request)**

Introduced and read first time: January 24, 2018

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2018

RESOLUTION NO. _____

1 A House Joint Resolution concerning

2 **Judicial Compensation Commission – Recommendations**

3 FOR the purpose of establishing the compensation of the members of the Judiciary in this
4 State in accordance with Section 1-708 of the Courts and Judicial Proceedings
5 Article of the Annotated Code of Maryland.

6 WHEREAS, Section 1-708(b)(2) of the Courts and Judicial Proceedings Article of the
7 Annotated Code of Maryland establishes a seven-member Judicial Compensation
8 Commission appointed by the Governor with two members appointed on nomination of the
9 President of the Senate, two members appointed on nomination of the Speaker of the House
10 of Delegates, one member appointed on nomination of the Maryland State Bar Association,
11 and two members appointed at large. The Judicial Compensation Commission is
12 constituted as follows: appointments made on the nomination of the President of the
13 Senate: Elizabeth Buck and Joshua Schmerling; appointments made on the nomination of
14 the Speaker of the House of Delegates: Norman Conway and Van Mitchell; appointment
15 made on the nomination of the Maryland State Bar Association: Edward Gilliss; and
16 appointments at large: John Suit II and Alice Pinderhughes. The Commission members
17 elected Elizabeth Buck to serve as the chair of the Commission. The Commission is charged
18 with reviewing the salaries of the judges of the Judiciary of Maryland and making written
19 recommendations to the Governor and the General Assembly on or after September 1, 2011,
20 September 1, 2013, and every 4 years thereafter; and

21 WHEREAS, Section 1-708(d) of the Courts and Judicial Proceedings Article of the
22 Annotated Code of Maryland provides as follows: the General Assembly may amend this
23 Joint Resolution to decrease any of the Commission's salary recommendations, but no
24 reduction may diminish the salary of a judge during the judge's continuance in office. The
25 General Assembly may not amend this Joint Resolution to increase these recommended

EXPLANATION:

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken by amendment.



1 salaries. Should the General Assembly not adopt or amend this Joint Resolution within 50
2 days of its introduction, the salaries recommended herein shall apply during fiscal years
3 2019 through 2022. Should the General Assembly reject any or all of the salaries herein
4 recommended, the salaries of the judges so affected shall remain unchanged during fiscal
5 years 2019 through 2022 unless modified under other provisions of the law; and

6 WHEREAS, The Judicial Compensation Commission held several meetings in 2017
7 (September and December) and considered many aspects and facets of judicial
8 compensation. The Commission, by a vote of five or more of its members as required by §
9 1-708(b)(7) of the Courts Article, has recommended an increase in judicial salaries for fiscal
10 years 2019 through 2022; now, therefore, be it

11 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That after
12 considering the recommendations of the Judicial Compensation Commission, beginning
13 July 1, 2018, judicial salaries shall be as follows:

14	Position	Current Salary	Proposed Salary
15	Court of Appeals		
16	Chief Judge	195,433	205,433 <u>200,433</u>
17	Associate Judge	176,433	186,433 <u>181,433</u>
18	Court of Special		
19	Appeals		
20	Chief Judge	166,633	176,633 <u>171,633</u>
21	Associate Judge	163,633	173,633 <u>168,633</u>
22	Circuit Courts		
23	Judge	154,433	164,433 <u>159,433</u>
24	District Court		
25	Chief Judge	163,633	173,633 <u>168,633</u>
26	Associate Judge	141,333	151,333 <u>146,333</u>

27 and be it further

28 RESOLVED, That beginning July 1, 2019, judicial salaries shall be as follows:

29	Position	Proposed Salary
30	Court of Appeals	
31	Chief Judge	215,433 <u>205,433</u>
32	Associate Judge	196,433 <u>186,433</u>
33	Court of Special	
34	Appeals	
35	Chief Judge	186,633 <u>176,633</u>
36	Associate Judge	183,633 <u>173,633</u>
37	Circuit Courts	
38	Judge	174,433 <u>164,433</u>
39	District Court	

HOUSE JOINT RESOLUTION 3

1 Chief Judge ~~183,633~~ 173,633
 2 Associate Judge ~~161,333~~ 151,333;

3 and be it further

4 RESOLVED, That beginning July 1, 2020, judicial salaries shall be as follows:

5	Position	Proposed Salary
6	Court of Appeals	
7	Chief Judge	222,933 <u>210,433</u>
8	Associate Judge	203,933 <u>191,433</u>
9	Court of Special	
10	Appeals	
11	Chief Judge	194,133 <u>181,633</u>
12	Associate Judge	191,133 <u>178,633</u>
13	Circuit Courts	
14	Judge	181,933 <u>169,433</u>
15	District Court	
16	Chief Judge	191,133 <u>178,633</u>
17	Associate Judge	168,833 <u>156,333</u> ;

18 and be it further

19 RESOLVED, That beginning July 1, 2021, judicial salaries shall be as follows:

20	Position	Proposed Salary
21	Court of Appeals	
22	Chief Judge	230,433 <u>215,433</u>
23	Associate Judge	211,433 <u>196,433</u>
24	Court of Special	
25	Appeals	
26	Chief Judge	201,633 <u>186,633</u>
27	Associate Judge	198,633 <u>183,633</u>
28	Circuit Courts	
29	Chief Judge	189,433 <u>174,433</u>
30	District Court	
31	Chief Judge	198,633 <u>183,633</u>
32	Associate Judge	176,333 <u>161,333</u> .

33 RESOLVED, That a copy of this Resolution be forwarded by the Department of
 34 Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the
 35 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and Honorable
 36 Michael E. Busch, Speaker of the House of Delegates.

RESOLUTION ESTABLISHING
SALARY AND ALLOWANCES FOR THE STATE'S ATTORNEY
FOR 1994-98 TERM

WHEREAS, Section 40 (x) of Article 10 of the Annotated Code of Maryland provides that the salary of the State's Attorney shall be as set by the County Commissioners; and

WHEREAS, the salaries of elected officials may not be changed during their term in office and must be established for said term prior to the commencement of said term; and

WHEREAS, 1994 is an election year for all local elected officials and the terms of said elected officials shall commence after November 1994; and

WHEREAS, the complexity and magnitude of the duties of these elected officials continue to increase substantially each year; and

WHEREAS, the cost of living has increased over the past four years and the County has granted cost-of-living increases for County employees each year;

NOW, THEREFORE, BE IT RESOLVED, by the County Commissioners of Worcester County that the State's Attorney shall receive such compensation and allowances for the term of office commencing after the election of November 1994 as indicated below:

1. The salary of the State's Attorney shall be \$45,000 per year. He may also receive an allowance for travelling and for use of his private business office and employees who may perform official County duties as authorized by the County Commissioners.
2. The State's Attorney may also be entitled to receive an allowance or reimbursement for such other specific extraordinary expenses incurred in the course of his official duties as may have been specifically authorized and approved by the County Commissioners.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon the commencement of the 1994-98 term.

PASSED AND ADOPTED THIS 10th DAY OF November, 1994.

WITNESS:

Deborah G. Byrd
Deborah G. Byrd
Acting Administrator

WORCESTER COUNTY COMMISSIONERS

Jeanne Lynch
Jeanne Lynch, President

Floyd F. Bassett, Jr.
Floyd F. Bassett, Jr.

John E. Bloxom
John E. Bloxom

Reginald T. Hancock
Reginald T. Hancock

George M. Hurley
George M. Hurley

18

TO: The Worcester County Commissioners
Room 1103 - Worcester County Government Center
One West Market Street
Snow Hill, Maryland 21863-1195

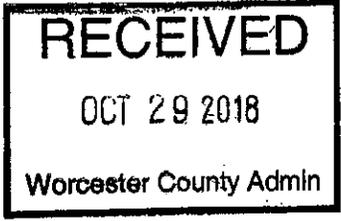
Having been served with Nuisance Abatement Order No. 18-2 of the Board of County Commissioners of Worcester County to abate a nuisance pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, I hereby request a hearing on the matter before the Board of County Commissioners.

Edward L. Cioffioni Jr.
Name (please print)

Address P.O. Box 253

Phone #: 302-841-1714

10-25-18
Date



TO: Edward L. Cioffioni, Jr.
P.O. Box 253
Bishopville, MD 21813-0253

BY CERTIFIED MAIL

Your request for a hearing on Nuisance Abatement Order No. 18-2 has been received.
The hearing on this matter has been scheduled for November 20, 2018, at 11:30 am, in Room 1101 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland 21863-1195.

*

for Kelly Shannahan (Kelly Shannahan)
Harold L. Higgins Assistant CAO
Chief Administrative Officer



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND
21863-1195

October 4, 2018

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

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

Edward L. Cioffioni, Jr.
P.O. Box 253
Bishopville, MD 21813-0253

BY REGULAR MAIL AND CERTIFIED MAIL

Nuisance Abatement Order #18-2

You are hereby notified pursuant to Section 1-102 of the Public Health Article of the Code of Public Local Laws of Worcester County, Maryland, that the County Commissioners of Worcester County have determined that a nuisance condition exists on property owned by you located at 10646 Bishopville Road, Bishopville, Maryland 21813, and identified on Worcester County Tax Map 9 as Parcel 194. The precise nature of the nuisance, as determined by the County Commissioners, being the following conditions which constitutes a nuisance under the provisions of Subsections PH 1-101(a)(3), (5), (8), (10) and (14) of the County Code. A copy of the law is enclosed for your reference.

- (3) Any placing, leaving, dumping or an accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation therein of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health.
- (5) The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hole or pit.
- (8) The accumulation or deposit of manure, human feces, garbage, cannery wastes or by-products, feathers and poultry offal, carcasses of animals or any form of filth.
- (10) Any premises having an unsafe sewerage system or facility, or that is not provided with a suitable toilet or sanitary privy for all persons gathering, working or living therein.
- (14) Such other similar conditions as the County Commissioners may determine to be prejudicial or dangerous to the health or safety of the people of the County or any of the above or similar conditions as may be determined by the County Commissioners to be prejudicial to property values in the County.

You are hereby ordered to abate such nuisance by October 28, 2018. Should you wish a hearing on the matter you must sign and deliver the enclosed request for a hearing to the Office of the County Commissioners, Room 1103 - Worcester County Government Center, One West Market Street, Snow Hill, Maryland, 21863-1195, **not later than fifteen (15) days from your receipt of this letter.** Should you fail to abate the nuisance condition prior to October 28, 2018 or request a hearing on the matter as described above, in accordance with the provisions of Subsection PH 1-102(d)(1) of the County Code the County Commissioners will enter upon the premises and cause such condition to be removed or otherwise remedied by such means as the County Commissioners may deem most appropriate and expedient.

Should you wish technical assistance with regard to the abatement of the nuisance you may contact Lisa Wilkens, Zoning Inspector, at the Worcester County Department of Development Review & Permitting at (410) 632-1200, extension 1135.

For the County Commissioners



Harold L. Higgins
Chief Administrative Officer

cc: Edward A. Tudor, Director of Development Review & Permitting
Jennifer Keener, Zoning Administrator, DRP
Lisa Wilkens, Zoning Inspector, DRP
Phil Thompson, Finance Officer
KS/Misc/Nuisance Abatement 18-1

Title PH1

HEALTH-RELATED NUISANCES

SUBTITLE I Environmental Health Hazards

§ PH 1-101. Nuisances.

§ PH 1-102. Abatement of nuisances.

§ PH 1-103. Tattoo establishments.

§ PH 1-104. Junk vehicles.

§ PH 1-105. Smoking in public buildings.

§ PH 1-106. Litter.

§ PH 1-107. Skin penetrating body
adornment.

§ PH 1-108. Nightclubs.

§ PH 1-109. Adult-oriented businesses,
entertainment, and material.

[HISTORY: Adopted by the Board of County Commissioners of Worcester County 8-25-1981 by Bill No. 81-5 as Title 1 of the Public Health Article of the 1981 Code. Amendments noted where applicable.]

SUBTITLE I Environmental Health Hazards

§ PH 1-101. Nuisances. [Amended 11-10-1987 by Bill No. 87-5; 4-25-1989 by Bill No. 89-2]

(a) Certain conditions to be declared nuisances. The existence of any of the following conditions in the County which are found to be dangerous or prejudicial to the maintenance of property values, health, safety or general welfare of the people of the County by the duly designated County department or official are hereby declared to constitute a public nuisance: [Amended 11-16-2004 by Bill No. 04-11]

(1) The uncontrolled growth of grass, weeds or other rank vegetation, including but not limited to ragweed, poison ivy, poison oak, poison sumac, and all other noxious weeds which are generally known to be either allergenic, a skin irritant, or toxic when ingested, to a height exceeding one foot. [Amended 5-18-2010 by Bill No. 10-4]

A. The above requirement shall not apply where the Department has determined, after an investigation which considers the physical characteristics or actual use of the property or other relevant factors, that the property qualifies as one of the following: properties utilized for a bona fide agricultural purpose, natural wooded areas, stream protection areas, habitat protection areas, steep slope and erodible soil protection areas, stormwater management facilities areas, unimproved areas of more than three acres in size, areas publicly owned and maintained as natural areas, and private open space areas covenanted with the County as recreational areas to be maintained in their natural state. In no case shall noxious weeds as described above be allowed to grow within sixty feet of any property line adjoining an occupied property zoned for residential, commercial or industrial purposes. In addition, the

above requirement shall not apply to wetlands, stream protection areas, habitat protection areas, steep slope and erodible soils protection areas, stormwater management facilities areas and nature study areas. Any uncontrolled growth as described in and subject to the provisions of this section shall be cut to a height not exceeding four inches.

- B. Where it is ascertained that the owner, occupant or person in control of any lot or lands within the County has allowed or maintained on such lot or lands any growth of weeds or other rank vegetation to a height over one foot or that noxious weeds, as defined herein, are growing on lands within the County, written notice shall be served upon the owner, lessee, agent, or tenant having charge of any lot or lands within the County that weeds or other rank vegetation have been allowed to grow to a height exceeding one foot and that such weeds or other vegetation must be cut to a height not exceeding three inches. If the owner or other person having charge of such lands is a nonresident, notice shall be sent by regular United States mail to his address as shown on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. Mailing by regular United States mail shall constitute adequate notice. In addition such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, posting of such notice on the lot or land shall constitute adequate notice.

- (2) Any accumulation of animal or vegetable matter or manure that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

- A. The provisions of this section pertaining to manure shall not apply to legitimate agricultural land use unless said use is immediately adjacent to a residential structure on another lot. In such cases, manure cannot be stored within one hundred feet of the residential structure.

- (3) Any placing, leaving, dumping or accumulation of rubbish, household trash or junk causing or threatening to cause a fire hazard, or causing the inhabitation therein of rats, mice, snakes, or vermin of any kind or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health.

- (4) Other than as provided in Subsections (a)(4)A and B below, the outdoor storage or accumulation of personal property occupying greater than one hundred square feet of land area per parcel or lot, including but not limited to the following: appliances, appliance parts, furniture, linens, household goods, lawn mowers, auto, truck, boat, recreational vehicle, motorcycle or bicycle parts, scrap metal, glass, scrap paper, bicycles, wire, electrical or plumbing parts and fixtures, tools, building

supplies and materials not in storage for existing permitted construction activity on the site.

A. When the storage or accumulation of personal property as described in Subsection (a)(4) above is visually screened from adjoining public road rights-of-way and adjoining properties or contained wholly within a completely enclosed structure, the storage or accumulation of personal property may occupy greater than one hundred square feet of land area per parcel or lot.

B. The provisions of this subsection shall not apply to properties utilized for bona fide agricultural purposes.

(5) The deposit or accumulation of any foul, decaying or putrescent substance or garbage, trash, rubbish or other offensive matter upon the ground surface or in or upon any groundwater, abandoned well, sewage system, bathing area, lake, pond, watercourse, ditch, drain, gutter or tidewater, hole or pit.

(6) The overflow of any foul liquids or sewage or the escape of any sewage or sewage gas from any privy, cesspool, septic tank, subsurface tile field or any other type of sewage system which is not connected to a municipal sewage system; or any open cesspool or unsafe sewage system. [Amended 7-26-2005 by Bill No. 05-8]

(7) A toilet or urinal in any public or quasi-public building which is maintained in an unsanitary condition.

(8) The accumulation or deposit of manure, human feces, garbage, cannery wastes or by-products, feathers and poultry offal, carcasses of animals or any form of filth.

(9) A polluted or unsafe water system, well or spring or the pollution of any well or spring. [Amended 7-26-2005 by Bill No. 05-8]

(10) Any premises having an unsafe sewerage system or facility, or that is not provided with a suitable toilet or sanitary privy for all persons gathering, working or living therein. [Amended 7-26-2005 by Bill No. 05-8]

(11) Any dilapidated, burned-out, fallen-down, ramshackled or decayed structure or remnant thereof which is unattended and uninhabitable or unusable for its intended purpose and is beyond reasonable hope of rehabilitation or restoration. The Commissioners, in making a determination of a nuisance condition under this subsection, shall consider the historical significance of the structure and its danger or potential danger to the public.

(12) Any unattended and unprotected man-made hole, cave, crater, cavity, pit or pool or similar surface condition which constitutes or has the potential of becoming a hazardous area to the public because of potential for cave-in, subsidence or collapse or because of an accumulation of water.

(13) The disposition of any animal carcass upon the surface of any land, road or highway.

- (14) Such other similar conditions as the County Commissioners may determine to be prejudicial or dangerous to the health or safety of the people of the County or any of the above or similar conditions as may be determined by the County Commissioners to be prejudicial to property values in the County.

(b) Procedure for determination of nuisance.

- (1) The County Commissioners shall, by resolution, designate County departments or officials to investigate, determine the existence of and issue citations for nuisances.
- (2) The County Commissioners or any department or official designated to enforce this Subtitle may require that nuisance complaints be in writing, signed by the complainant and contain such information as may be necessary to locate and investigate the condition.
- (3) No complaint shall be necessary to institute the investigation of a nuisance.
- (4) Departments and officials designated to enforce this Subtitle shall cooperate with each other in sharing information and making investigations.
- (5) The investigating department or official shall, after investigation, determine whether or not a nuisance exists.

(c) Violations.

- (1) Anyone permitting or maintaining a nuisance as determined hereunder shall be guilty of a civil infraction.
- (2) Each day that a nuisance is permitted or maintained shall constitute a separate infraction.
- (3) A property owner of property on which a nuisance exists, as well as the person causing the nuisance, shall be guilty of such civil infraction.
- (4) Nothing in this Subtitle shall prohibit the abatement of a nuisance under any other legal procedure or relieve a person charged with a civil infraction hereunder from liability under any other civil or criminal enactment.

- (d) Notice. In addition to the penalties contained in Subsection (c) hereof, where it has been determined pursuant to Subsection (b)(5) hereof that a nuisance exists, the Department or official making such determination shall cause written notice to be sent to the property owner, as well as the occupant or other person in possession of the property in question, said notice to describe the nature of the nuisance and the actions necessary for correction. Such notice shall be sent by registered mail to the owners address as identified on the tax assessment rolls as maintained by the Maryland Department of Assessment and Taxation. If the address of any owner or person having charge of such lot or lands which is the subject of the nuisance cannot be located after diligent search or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, posting of such notice on the lot or land shall constitute adequate notice. Such notice shall be posted on the lot or lands not less than seven days prior to taking any further action and shall contain information describing the nature of the violation, the required corrective action,

and whom to contact for further information. [Added 11-16-2004 by Bill No. 04-11; amended 5-18-2010 by Bill No. 10-4]

(e) Applicability.

- (1) This Subtitle shall apply only in the unincorporated areas of Worcester County and shall not apply to any disposal site operated by the County Commissioners or the Worcester County Sanitary Commission.²
- (2) This Subtitle shall not apply to any legal, bona fide, recognized agricultural practice, provided that such practice does not constitute a health hazard.

§ PH 1-102. Abatement of nuisances. [Amended 11-10-1987 by Bill No. 87-5; 8-2-1988 by Bill No. 88-6; 4-25-1989 by Bill No. 89-2]

(a) County Commissioners may abate. The County Commissioners may abate any nuisance so designated under this Subtitle.

(b) Procedure. Where necessary corrections have not been completed after the notice requirements as contained in § PH 1-101(d) hereof have been fulfilled, any Department or official charged with the enforcement of this subtitle may cause or request abatement of any nuisance condition in accordance with the following: [Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

- (1) Where the Department has ascertained there to be a violation of the provisions of § PH 1-101(a)(1) hereof and corrective actions have not commenced after notice as provided for in § PH 1-101(d) hereof, the Department may enter upon the premises and cut or otherwise remove the overgrowth of vegetation in accordance with the standards as set forth in § PH 1-101(a) hereof. All costs associated with cutting and or removal of the vegetation, and a service fee, shall be assessed in accordance with a fee schedule established by resolution of the County Commissioners. The Department shall mail a statement of charges promptly upon completion of the corrective action to the owner of the premises. All such statements shall be due and payable within thirty days of mailing and shall bear interest thereafter in the same percentage as a delinquent County tax bill. Any unpaid and delinquent statement shall become a lien upon all real estate and personal property of the subject in the same manner as delinquent taxes and a notation shall be made upon the tax records of the County Finance Officer.

- (2) For all nuisance conditions which remain uncorrected after notice as provided for in § PH 1-101(d) hereof, other than that described in Subsection (b)(1) hereof, the appropriate Department or official may request abatement of a nuisance.

(c) Notice, order, hearing. After the receipt of a request as described in Subsection (b)(2) hereof, the County Commissioners shall notify, in writing, the owner of the property on which the nuisance is located, as shown on the tax assessment rolls of the County as

1. Editor's Note: This bill also redesignated former Subsection (d) as Subsection (e).
2. Editor's Note: The Sanitary Commission was abolished by Bill No. 93-19.

maintained by the Maryland Department of Assessments and Taxation, as well as the occupant or other person in possession of the property in question, of the request for abatement and shall send to such person an order requiring the prompt abatement of such nuisance within a reasonable time, to be set in such order, which is to take into account the nature of the nuisance. The notice shall afford the owner, occupant or other person in possession of the premises the opportunity to be heard by the County Commissioners within a reasonable time, to be set in such order, which time shall take into account the nature of the nuisance. Such notice shall be sent to the owner's address as shown on the tax assessment rolls of the County as maintained by the Maryland Department of Assessments and Taxation by registered United States mail. If the address of any owner or person having charge of such lot or lands cannot be located after diligent search, or if the aforementioned notice by registered mail is not accepted or otherwise not deliverable, it shall be sufficient to post such notice on the lot or land. Such notice shall be posted on the lot or lands not less than fifteen days prior to taking any further action and shall contain information describing the nature of the violation, the anticipated corrective action, and whom to contact for further information. [Amended 11-16-2004 by Bill No. 04-11; 5-18-2010 by Bill No. 10-4]

(d) Abatement by County.

(1) In the event that such person does not abate any such nuisance as prescribed hereby within the prescribed period of abatement or does not appear before the County Commissioners and have such abatement order rescinded by the County Commissioners within the time prescribed, the County Commissioners may enter upon the premises and cause such condition to be removed or otherwise remedied by such means as the County Commissioners may deem most appropriate and expedient.

(2) Any person, upon receipt of an abatement notice as prescribed by this section, may, at any time up to the date on which such person might have been heard with regard to an order to abate, request the County, in writing, to abate such condition, provided that such request states an affirmative agreement on the part of the requesting party to pay the costs of such removal or abatement.

(e) Cost of abatement. Any actual costs incurred by the County in removing, abating or otherwise remedying any nuisance as herein prescribed, including reasonable attorney's fees, shall be charged to the owner of the land on which the nuisance existed as well as all subjects of the civil infraction citation and shall become a lien upon all real estate and personal property of the subject of the civil infraction citation in the same manner as delinquent taxes. In the case of a condominium or cooperative, the lien shall be upon all of the individual units proportionally. It shall be the duty of the County Finance Officer to mail a statement of such charges to the persons responsible at the address shown on the tax assessment rolls of the County or, in the case of no address on the assessment roll, to the last known address. All such statements shall be due and payable within thirty days from the date of receipt thereof and shall bear interest thereafter in the same percentage as a delinquent County tax bill. In the event that any such statement becomes delinquent, a notation of the delinquency shall be made upon the tax records of the County Finance Officer. [Amended 7-26-2005 by Bill No. 05-8]

- (f) Emergency nuisances. If, upon receipt of a report pursuant to Subsection (b) hereof, the Commissioners determine that a nuisance constitutes an emergency situation presenting a clear and present danger to the health or safety of the public, the Commissioners may abate the nuisance pursuant to Subsection (d) hereof without notice or hearing; provided, however, that the Commissioners shall make a good-faith effort to informally contact the property owner or occupant of the premises or person in possession and provide a reasonable opportunity to be heard. The cost of abatement pursuant to Subsection (e) shall not be assessed against the property owner until after the property owner has been given a notice and a reasonable opportunity to be heard.

§ PH 1-103. Tattoo establishments. [Added 12-10-1985 by Bill No. 85-4]

- (a) Legislative intent. The County Commissioners of Worcester County have determined:
- (1) That the coloration of the skin by the aid of needles or any other instruments designed to touch, puncture or penetrate the skin by improperly trained or unsupervised individuals or in unsanitary facilities is dangerous to the health and general welfare of the community.
 - (2) That the puncturing or penetrating of skin area that has rash, pimples, boils, infections or other skin disorders or diseases can cause a spread of the skin disorders or diseases which may result in the communication of such skin disorders or diseases to other persons.
 - (3) That the communication of disease poses a threat to the public health, safety and general welfare.
 - (4) That, in order to protect the public health, safety and general welfare, it is necessary to regulate tattoo establishments.
- (b) Definitions. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases as used in this section.

CERTIFICATE OF INSPECTION — The written approval from the Worcester County Health Department, Department of Health and Mental Hygiene of the State of Maryland or their designated representative that the tattooing establishment has been inspected and meets all the requirements of this section relating to physical facilities, equipment and layout for the operation of a tattoo establishment.

EMPLOYEE — Any person over eighteen years of age, other than an operator, who renders any service in connection with the operation of a tattoo establishment and receives compensation from the operator of the business or its patrons.

HEALTH DEPARTMENT — The Worcester County Health Department, Department of Health and Mental Hygiene of the State of Maryland, or its designated representative.

OPERATOR — Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed and any individual who performs or practices the art of tattooing on the person of another.

The Commissioners met with Development Review and Permitting Director Ed Tudor to review the Nuisance Abatement request for the old Bishopville movie theater, which is identified on Tax Map 9 as Parcel 194 and located at 10646 Bishopville Road. Mr. Tudor stated that for the last several years this property, which is posted with a No Trespassing sign, has been the source of numerous complaints about the alleged presence of rats on the property due to a variety of accumulated personal property. He stated that the property is fenced, and DRP has previously addressed issues regarding the quality of that fencing at times, and complaints of rats and vermin running off the site are handled by the Health Department. Mr. Tudor further advised that Environmental Programs Director Bob Mitchell contacted the property owner to address the accumulation of heavy personal property on top of the sewerage system, but he was not granted access to inspect the site. Mr. Tudor advised that Section PH 1-101(a)(4) of the Public Health Article of the County Code prohibits the outdoor accumulation of personal property unless it is visually screened from the public road and adjoining properties. He stated that the only alternative for a more permanent solution would be with regard to the provisions of Section PH1-1-1(a)(14), which is basically a catch-all provision that states, "Such other similar conditions as the County Commissioners may determine to be prejudicial to property values in the County." However, he cautioned the Commissioners that this determination should not be taken lightly, as without supporting evidence from the Health Department that the property is dangerous to public health, their decision could be challenged in court. With regard to the nuisance being detrimental to property values, Mr. Tudor stated that the County has no hard evidence to that effect. He further expressed concern about DRP's ability to manage multiple, complex abatements should there be a proliferation of complaints that other structures or properties are detrimental to property values in the County.

Bart Dorsh of the Health Department stated that he conducted a site visit to this property, which was posted with a "No Trespassing" sign, and no one answered the door. He stated that he visually inspected the property from the public right-of-way, and overall the property appeared to have been cleaned up since his last site visit in fall 2016, and there was no evidence of rats or a food source on the property. In response to a question by Commissioner Bunting, Mr. Dorsh confirmed that he could not view the conditions underneath the numerous, leaking tarps used to cover some of the personal property, so he could not say what activity may be taking place under those tarps.

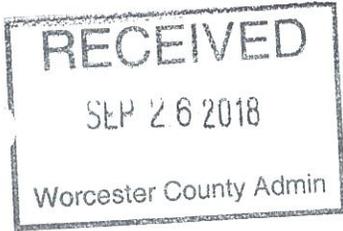
Commissioner Bunting stated that it would be wrong to permit this nuisance to remain unabated. He pointed out that he has received two to three complaints each month during the past two years from area residents concerned about the nuisance conditions on this property, including the accumulation of stagnant water, which serves as a breeding ground for mosquitos and runs into the Bishopville Pond, and sightings of rats running off the property. Furthermore, in follow up to these complaints, he had observed the property and seen rats traveling from the site. Therefore, he concluded that this property poses serious health and safety risks to the public. He also noted that the building itself is dilapidated, and the second story porch appears ready to fall into the street, which the County should address separately in the near future.

In response to a question by Commissioner Bertino, Mr. Mitchell stated, while staff's inspections are limited to what they can observe from the property line, it appears that heavy items, which are piled sideways and upside down, are sitting on top of the septic system.

However, the property owner will not permit them to sample his well, and the only way to assess the condition of the septic system would be to request that the owner have the system assessed or allow Environmental Programs staff to complete this task. In response to a question by Commissioner Bunting, Mr. Mitchell stated that the County would need to clear away the personal property before they could evaluate the well and septic. In response to an additional question by Commissioner Bunting, Mr. Tudor confirmed that the County Code does not permit junk yards in Village Zoning.

In response to a question by Commissioner Purnell, Mr. Mitchell stated that the drain field for the old septic system on this property comprises the entire backyard, so the heavy items piled up on the property are likely crushing the system and creating an impermeable surface. In response to a question by Commissioner Mitrecic, Mr. Mitchell confirmed that the damage caused to the drainfield could result in sewage flowing off the property, across the road, and into the Bishopville Pond.

Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously declared the property to be a public nuisance under the provisions of Subsections PH 1-101(a)(3), (5), (8), (10), and (14) of the County Code and agreed to send a letter to the property owner ordering the nuisance to be abated by October 28, 2018, with the property owner to contact the County no later than 15 days following receipt of said letter to request a hearing before the Commissioners on this matter.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

To: Harold Higgins, Chief Administrative Officer
From: Edward A. Tudor, Director, DRP *EAT*
Date: September 25, 2018
Re: Tax Map 9, Parcel 194, 10646 Bishopville Road

This memorandum is in follow-up to our recent conversation regarding the above referenced property which is commonly known as the old Bishopville movie theater. As you know this particular property has been the source of numerous complaints for the last several years. Most recently the complaints center on the presence of rats on the property as a result of the accumulated personal property. Specifically, you asked for my opinion with regard to what options may be available to the County Commissioners to effectuate a more permanent solution to the conditions on this property. I have conferred with County Attorney Maureen Howarth in the preparation of this memorandum.

The area of the property that is not occupied by the remnants of the old theater is entirely filled with a variety of personal property. Section PH 1-101(a)(4) address this issue. The code prohibits the outdoor accumulation of personal property occupying an area of greater than one hundred square feet per lot unless it is visually screened from the public road and adjoining properties or contained wholly within an enclosed structure or building. This property is over 100 sq. ft. While the suitability of the screening the owner has provided has been questioned in the past the owner has generally repaired the screen when requested. Nonetheless, this does nothing to address the alleged presence of rats on the property. Repairing gaps in a fence or raising its height will do nothing to address the vermin issue. For this reason those complaints have been investigated in the past by the Health Department.

Conditions regarding the presence of rats, mice or other vermin are addressed in Section PH1-101(a)(3) of the code. This section prohibits the accumulation of rubbish, household trash or junk threatening to cause a fire hazard, or causing the inhabitation of rats, mice, snakes or vermin or the accumulation of stagnant water causing or threatening to cause the breeding of insects which is or may be dangerous or prejudicial to the public health. To the best of my knowledge

the Health Department has been unable to make a determination in the past that the accumulated materials met this test. Even as I prepared this memo I received the latest inspection report from the Health Department prepared after their inspection this afternoon that states they found no evidence of rats nor could they find a food source for them. I have attached herewith a copy of their latest report and photographs taken just hours ago.

I am also aware that Environmental programs Director Bob Mitchell contacted the property owner regarding the accumulated materials potential impact on the sewerage system. Mr. Mitchell asked for permission to inspect the property to determine impacts on the system but was not granted access and has not heard from the property owner. In his latest email Mr. Mitchell says that he also sent a complaint to the Maryland Department of the Environment's (MDE) compliance division for assistance. I am not aware of any action on the part of MDE. In light of all the aforementioned information and after my discussion with the County Attorney I believe the only alternative for a more permanent solution would be for the County Commissioners to make a determination with regard to the provisions of Section PH1-101(a)(14). This is basically the catch-all provision and states: "Such other similar conditions as the County Commissioners may determine to be prejudicial or dangerous to the health or safety of the people of the County or any of the above or similar conditions as may be determined by the County Commissioners to be prejudicial to property values in the County." I caution however that this determination not be taken lightly. Without some backup from the Health Department making a finding that the property is dangerous to public health could be held to be arbitrary should we be challenged. I have the same concern with regard to being detrimental to property values. While anecdotally this may appear to be true we have no hard evidence to that effect and there are certainly others in the immediate area and all over the county for which the same claim could be made. I will leave the determination of a legally defensible determination in that regard to the County Attorney.

Additionally I fully anticipate that any nuisance abatement order to the property owner from the County Commissioners will result in a request for a hearing. No doubt this issue will be raised with regard to the dilapidated owner occupied house just a few hundred yards south on Saint Martin's Neck Road. In that case are we prepared to remove the family from their home and then raze the structure or have the County act as a general contractor to repair it? I am prepared to carry out whatever order the County Commissioners may determine appropriate in this case but I am concerned however with our ability to manage multiple complex abatements should there be a proliferation of complaints that other structures or properties are detrimental to property values in the County.

As always I will be available to discuss the matter in greater detail with you at your convenience.

Worcester County Complaint Intake Form

Log/Case #: 1,404

Date Received: 09/24/2018

Complaint Type: Rubbish, trash, junk, rats

Received By: BDORSCH

Complaint

The Commissioners have been getting complaints about rats on the property above.

Complainant Information

Complainant: Worcester County Commissioners

Address:

Phone:

Establishment Information

10646 Bishopville Rd
Bishopville, MD 21813

Environmental Health Information

EHS Assigned: Possident, Thomas

Date Assigned: 09/24/2018

Status: Closed

Results: Illness Resulted Valid Complaint Citations Issued

Investigation Record

First Investigation Date: 09/25/2018

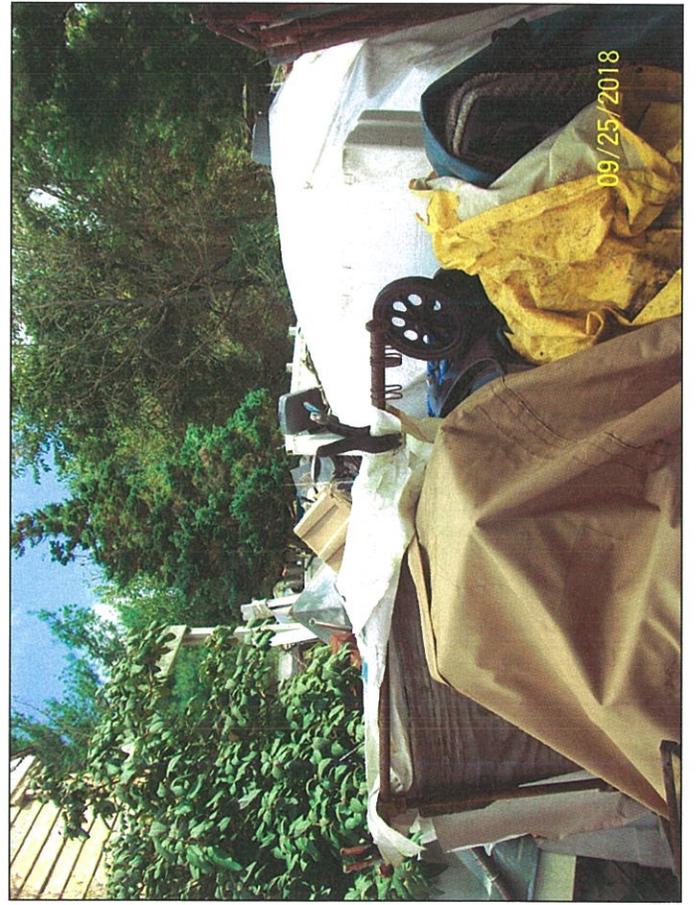
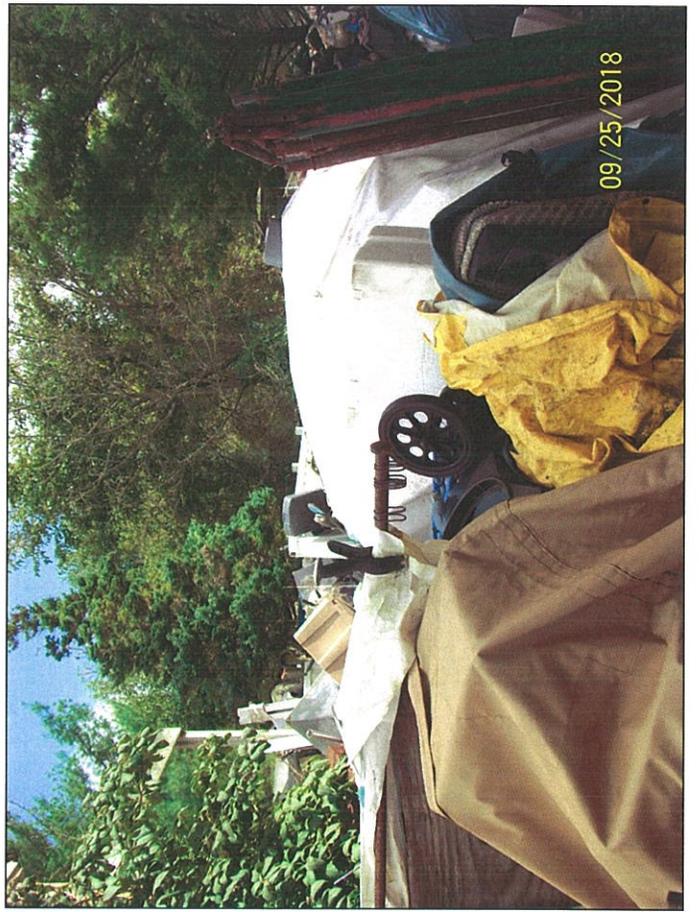
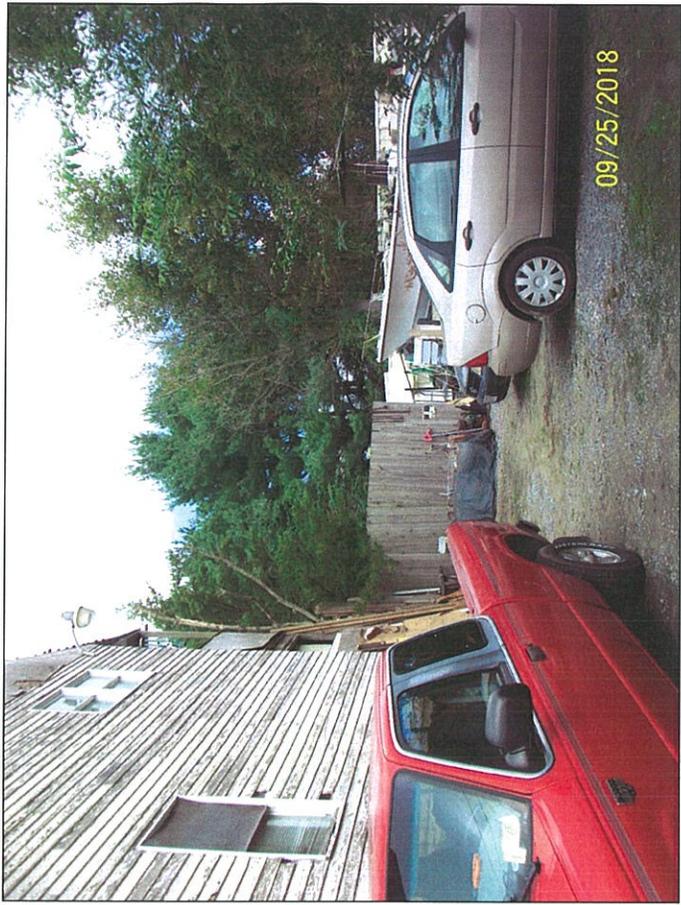
09/25/2018 (151) Nuisance Complaint Investigation

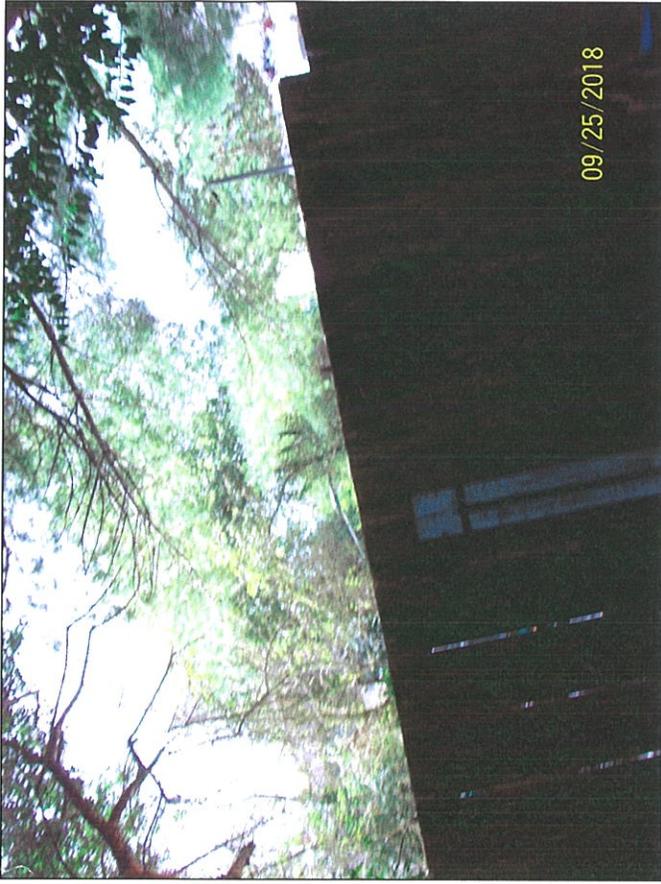
1:10 pm Bart Dorsch and Tom Possident conducted a site visit. No household trash was found from a common view inspection of the property. The property was posted with a "No Trespassing" sign and no one answered the door. Overall the property appears to have been cleaned up around the cars compared to the last nuisance complaint investigation completed fall of 2016. We did not see any evidence of rats nor could we find a food source.

Action Taken:

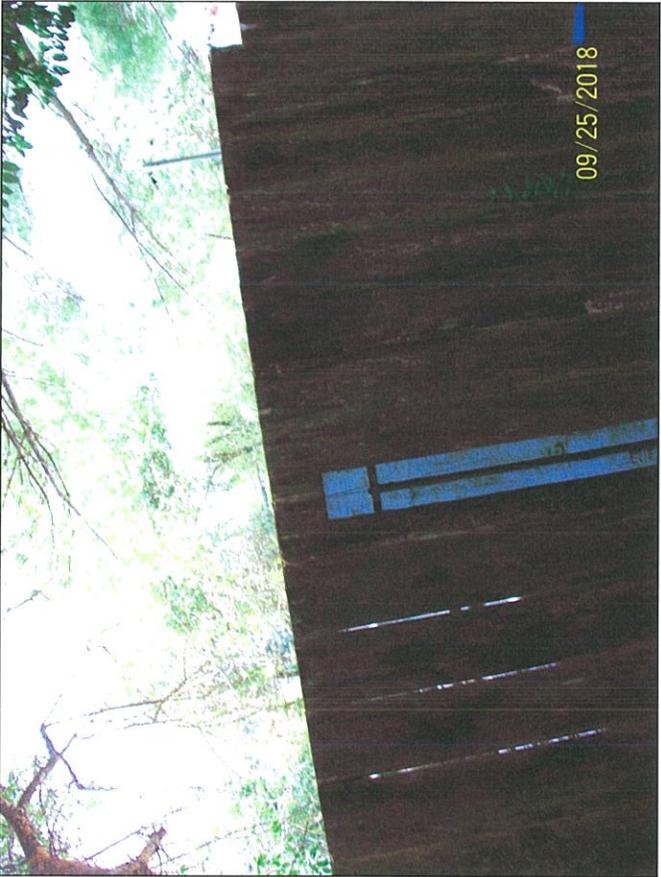
Date Notified: - ,

Completion Date: 09/25/2018

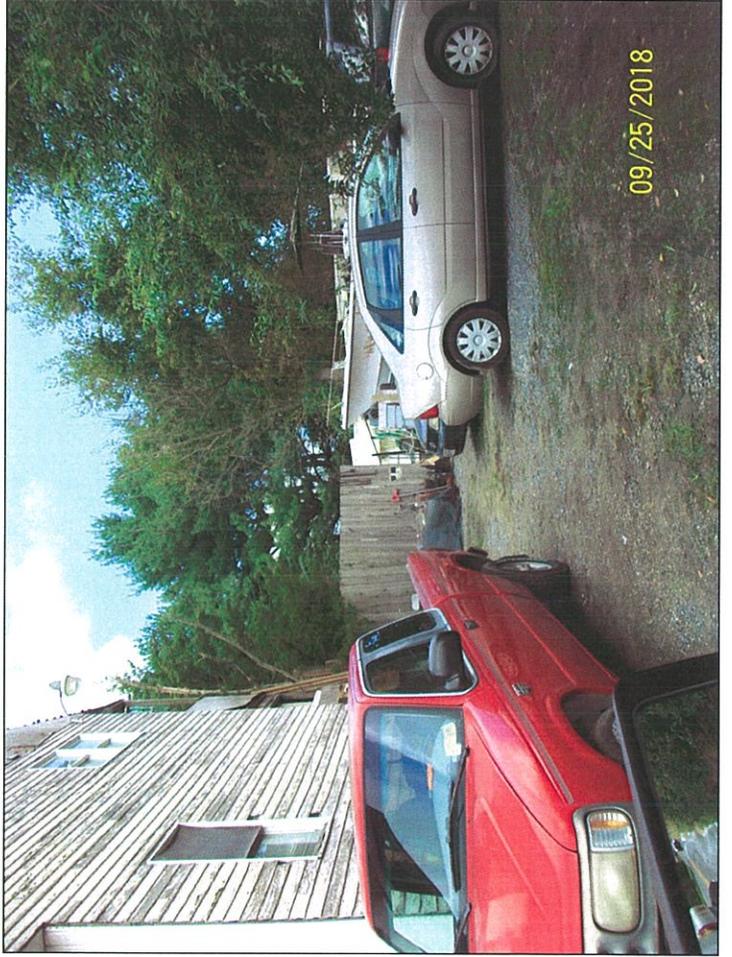




09/25/2018



09/25/2018



09/25/2018