

AGENDA

WORCESTER COUNTY COMMISSIONERS

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

August 20, 2019

Item

- 9:00 AM - Vote to Meet In Closed Session in Commissioners' Conference Room - Room 1103
Government Center, One West Market Street, Snow Hill, Maryland
- 9:01 - Closed Session: Discussion regarding hiring two Accounting Clerk II's for the Treasurer's Office, a Correctional Officer Trainee for the Jail, and two Communications Clerk I's for Emergency Services; Revising a Job Title in the Sheriff's Office - Animal Control Division; posting to fill vacancies for a Plant Operator Trainee, Recreation Program Manager II, and future vacant positions which are budgeted; discussing a Negotiating Strategy for Sale of the former Liquor Control Warehouse in Snow Hill; 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
- 10:10 - Chief Administrative Officer: Administrative Matters 1-12
(Sheriff's Office Cooperative Reimbursement Agreement with Social Services - Child Support Administration - 2020-2022; Property Tax Credit - Ocean City Chamber of Commerce; FY20 Certification for Cooperative Local-State Library Aid Programs; Proposed Annual Maintenance Contract with Skyline Technology Solutions for Shared Communications Network; Bid Specifications for Custodial Services; Small Project Agreement for waterline to Dumser's in West Ocean City; Name Correction on Glen Riddle Spray Irrigation and Small Project Wastewater and/or Water Agreement; Proposal for 2019 Keep Worcester Clean - Litter Campaign; Scheduling a Public Hearing for Rezoning Case No. 418 - Moore Boat, LLC on North Piney Point Road; Selection of Consultant for Records Retention Program Update; Pending Board Appointments; Worcester County Youth Council Annual Report and Nominations; and potentially other administrative matters)
- 10:20 -
- 10:30 - Public Hearing - Proposed Increase in Hotel Rental Tax Rate from 4.5% to 5.0% 13
- 10:40 -
- 10:50 -
- 11:00 - Legislative Session - Public Hearings - Countywide Rental License Program bills including:
- Bill 19-3 (Zoning - Boarding and Lodging Rentals) 14
- Bill 19-4 (Taxation and Revenue - Rental Licenses) 15
- Bill 19-5 (Taxation and Revenue - Hotel Rental Tax) 16
- Bill 19-6 (Taxation and Revenue - Mobile and Manufactured Home Park Licenses) 17
- 11:10 -
- 11:20 -
- 11:30 - Public Hearing - Standard Sewer Flow Calculations for Public Sewer Systems 18
- 11:40 -
- 11:50 -
- 12:00 - Questions from the Press; County Commissioner's Remarks
- Lunch
- 1:00 PM - Chief Administrative Officer: Administrative Matters (If Necessary)
- 1:10 -
- 1:20 -
- 1:30 - **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

August 6, 2019

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

Following a motion by Commissioner Mitrecic, seconded by Commissioner Bunting, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1) and (7) of the General Provisions (GP) Article of the Annotated Code of Maryland and to perform administrative functions, permitted under the provisions of Section GP 3-104. Also present at the closed session were Chief Administrative Officer Harold L. Higgins, Assistant Chief Administrative Officer Kelly Shannahan, County Attorney Maureen Howarth, Public Information Officer Kim Moses, Human Resources Director Stacey Norton; and Recreation and Parks Director Tom Perlozzo. Topics discussed and actions taken included: hiring Dorney Thornton and John Hatfield as part-time Welcome Center Greeters within Tourism, John "Alex" Webb as a Database Administrator/Programming Trainee within Information Technology, Haley Parisi as an Environmental Intern within Environmental Programs, Eric Strauss as a Roads Worker II and Kevin Timmons as a Roads Worker III and transferring Tyler Hall from Grounds Worker II within the Maintenance Division to Roads Worker III within the Roads Division of Public Works; transferring Danielle Miller from Communications Clerk II within Emergency Services to Office Assistant III within Development Review and Permitting, Kortney Kellogg from Accounting Clerk II within the Treasurer's Office to License Permit Clerk I within Environmental Programs, and Kelly Brittingham from Grounds Worker II to Custodian II within the Maintenance Division of Public Works; promoting Peggy Baldwin from Corporal to Sergeant within the County Jail, and Joe Serman, Jr. from Plant Operator IV to Water System Supervisor for the Water and Wastewater Division of Public Works; acknowledging the hiring of Brian Cardamone as a Lieutenant and the promotion of Vicki Martin from part-time Deputy Sheriff to full-time Deputy First Class within the Sheriff's Office; reviewing personnel changes within the Circuit Court; posting to fill vacancies for a Landfill Operator II for Solid Waste and a Communications Clerk Trainee for Emergency Services; receiving legal advice from counsel; and performing administrative functions, including: reviewing upcoming employee events scheduled for FY20 and ranking of proposed agricultural easements.

Following a motion by Commissioner Elder, seconded by Commissioner Bertino, the Commissioners unanimously voted to adjourn their closed session at 10:00 a.m.

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After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order, and following a morning prayer by Arlene Page and pledge of allegiance, announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their July 16, 2019 meeting as presented.

The Commissioners presented a proclamation to Mary Beth Quillen of Worcester County Department of Social Services (DSS) and other staff members recognizing August as National Child Support Awareness Month and urged citizens to learn more about the importance of the financial support parents provide to their children and the child and parental support services that are available locally through DSS.

Economic Development Director Kathryn Gordon updated the Commissioners on the success of the 2019 STEP UP and Reach for the Stars STEM (science, technology, engineering, and math) Summer Program, which ran July 22-25, 2019 and concluded with a recognition ceremony July 26 at the Engineering and Aviation Science Building at the University of Maryland Eastern Shore (UMES). Ms. Gordon thanked the Commissioners for their ongoing support, which included increasing the program budget from \$77,000 to \$100,000 to reorganize the summer camp and increase the number of interns with NASA Wallops Flight Facility. In response to a question by Commissioner Bertino, Program Manager Fawn Mete stated that beginning next summer she will be able to provide statistics regarding prior campers and interns who accept STEM positions in the County after completing their education. The Commissioners thanked Ms. Gordon and Ms. Mete for their efforts to make this beneficial program so successful.

The Commissioners conducted a public hearing to receive public comment on the progress of a Community Development Block Grant (CDBG) for the Diakonia shelter renovation project. Senior Budget Accountant Kim Reynolds reviewed the status of the project, noting that parking lot paving was completed by N.R. Harrison at a cost of \$17,400; laundry equipment was purchased and installed by Palmers Appliances at a cost of \$1,598; Royal Plus Electric, Inc. is completing electrical work in building one and two at a total cost of \$19,987.41; and a start-date is pending with Robert's Coastal Construction, Inc. to replace the roof and siding on building one at a total cost of \$33,006. She noted that the following work needs to be rebid: signage; decking and ramp; roofing and siding for building two; bathroom, flooring and lockers; and kitchenettes.

Commissioner Purnell opened the public hearing.

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

Upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the progress report.

The Commissioners reviewed a letter from Craig Kuhn, Program Manager for the Maryland Department of Agriculture (MDA) Office of Forest Pest Management (FPM), advising that his office plans to conduct a cooperative gypsy moth population survey in fall 2019, which will include conducting approximately 105 surveys on non-State land in Worcester County to

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predict the level of gypsy moth caterpillar populations the following spring. This would allow the FPM to identify developing gypsy moth infestations and respond appropriately before significant damage occurs. He further noted that, if the Commissioners agree to participate in the survey, the County's estimated portion of the 50/50 cost share would be \$1,575. This cost estimate does not include the cost of aerial spraying if determined to be necessary. Following some discussion and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the 50% local cost share of approximately \$1,575 for the gypsy moth population survey to be conducted in Worcester County.

Pursuant to the request of Housing Program Administrator Jo Ellen Bynum and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to table rehabilitation work on a house in the Snow Hill area, as only two (rather than the required State minimum of three) bids were received, and both bids exceeded the project estimate by more than 30%. Ms. Bynum advised that she will rebid this project in the November-December time-frame, when the County receives FY20 Community Development Block Grant (CDBG) funding.

Pursuant to the request of David M. Beach, II of the Health Department and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized Commission President Purnell to sign the FY20 Core Public Health Services Funding Agreement between the Department of Health and Mental Hygiene (DHMH) and Worcester County from July 1, 2019 through June 30, 2020, which certifies that Worcester County will contribute \$5,616,844 or 73.2713% and the State will contribute \$866,810 or 26.7287% of the FY20 Worcester County Health Department budget of \$6,483,654, for core public health services in Worcester County.

The Commissioners conducted a public hearing to consider petitions to sell agricultural easements to the Maryland Agricultural Land Preservation Foundation (MALPF) in FY20 on properties in Worcester County at no cost to the County. Also present at the meeting were Environmental Programs Director Bob Mitchell and Katherine Munson, Environmental Programs Planner V. Mr. Mitchell reviewed the eleven properties, which are listed in their entirety in the Commissioners' meeting minutes of July 2, 2019. He stated that the applications have been reviewed by both the Worcester County Agricultural Land Preservation Advisory Board, which recommended submitting the top seven applications to MALPF for appraisal, and the Worcester County Planning Commission, which found all 11 applications to be consistent with the 2006 County Comprehensive Plan.

Commissioner Purnell opened the floor to receive public comment.

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

Following some discussion and upon a motion by Commissioner Nordstrom, the Commissioners voted 6-0-1, with Commissioner Elder abstaining, to approve the recommendation of the Worcester County Agricultural Land Preservation Advisory Board, which recommended submitting the top seven applications to MALPF for appraisal and further consideration for purchase of agricultural easements.

Pursuant to the request of Warden Donna Bounds and upon a motion by Commissioner Elder, the Commissioners unanimously authorized Commission President Purnell and Warden

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Bounds to sign the Worcester County Local Behavioral Health Authority Agreement for Maryland Community Criminal Justice Treatment Program Services between the Worcester County Health Department (the Local Behavioral Health Authority) and the County Commissioners for grant funds not to exceed \$20,000 annually for behavioral health programs for the County Jail inmate population. In response to a question by Commissioner Nordstrom, Warden Bounds confirmed there will be no cost to the County to administer these programs.

Pursuant to the request of State's Attorney Kristin Heiser and upon a motion by Commissioner Bertino, the Commissioners unanimously authorized the State's Attorney's Office to apply for a \$227,700 grant from the Governor's Office of Crime Control and Prevention to purchase, implement, maintain, and train staff to utilize case management software. Ms. Heiser advised that the current software is over 15 years old, with limited functionality.

Pursuant to the request of Board of Elections Supervisor Patti Jackson and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized the Board of Elections to utilize the training rooms in the Worcester County Government Center in Snow Hill as an alternate early voting site in the event of a disaster or crisis at the designated early voting site, Gull Creek Senior Living Center in Berlin, from April 15-23, 2020 for the Primary Election and October 21-29 for the General Election, which includes one day for setup before each election period.

Pursuant to the request of Recreation and Parks Director Tom Perlozzo and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized Commission President Purnell to sign a License Agreement between the County Commissioners and Thrive Engineering, LLC (licensee), allowing the licensee to use and occupy dock space of approximately 75 feet in length and running along the bulkhead from the West Ocean City (WOC) boat ramp to the Governor's Dock from August 6 to September 25, 2019 at a total cost of \$1,239, to dock their catamaran, "Alyosha," so they may continue offering day trips along the Ocean City coastline to Delaware and back two to three times each day.

Pursuant to the request of Emergency Services Director Billy Birch and upon a motion by Commissioner Elder, the Commissioners unanimously adopted Resolution No. 19-25 eliminating a private lane off of Whiton Crossing Road, which was previously known as Lark Lane. Mr. Birch explained that at one time there were five inhabitable structures on a property on this private lane, but that all five structures have been removed, the property has been re-subdivided, and the owner has requested that the lane be officially terminated.

Pursuant to the written recommendation of Development Review and Permitting (DRP) Director Ed Tudor and upon a motion by Commissioner Bertino, the Commissioners unanimously agreed to schedule a public hearing on September 3, 2019 to receive public comment on an application submitted by Hugh Cropper, IV on behalf of Evergreen Village, LLC to establish a Residential Planned Community (RPC) floating zone on the property known as Evergreen Village, located on the northwesterly side of Beauchamp Road, north of MD Rt. 589 (Racetrack Road), and more specifically identified on Tax Map 15 as Parcels 127 and 259, which

consists of a proposed 90-lot, single-family-dwelling subdivision. In his memo, Mr. Tudor stated that the proposal received a favorable recommendation from the Planning Commission on July 3, 2019.

Pursuant to the request of Public Works Director John Tustin and upon a motion by Commissioner Elder, the Commissioners unanimously approved bid specifications for the purchase of six replacement 20-cubic-yard recycling containers for the homeowners convenience centers (HOCCs) in the Solid Waste Division of Public Works, with funds of \$45,000 available within the FY20 budget for this expense.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the proposal from EA Engineering to perform methane gas sampling at the Central Landfill at a total cost of \$7,641.94 to attempt to identify the source of methane in the soils along the southerly perimeter of Cell 5. Mr. Tustin stated that there is no reason to believe the source of the methane is caused by landfill activities. He stated that funds are available within the FY20 budget for this expense.

In response to a question by Commissioner Nordstrom, Mr. Tustin advised that the County has mitigated similar issues in the past, and the gases are at low levels, posing no danger to the public.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners agreed to schedule the next Household Hazardous Waste Day on Saturday, September 28, 2019, at Showell Elementary School (SES), with funding of \$20,000 available within the FY20 budget for this event.

The Commissioners met with Mr. Tudor to review and discuss a draft resolution establishing local amendments to the Maryland Building Performance Standards for Worcester County, Maryland. Mr. Tudor stated that, pursuant to the regulations concerning the Maryland Building Performance Standards (MBPS) as contained in COMAR 09.12.51.06, the County must begin enforcing the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IEC) by March 25, 2020 (within twelve months of the March 25, 2019 effective date of the adoption of the regulations at the State level). He stated that there is one small change at the State level that makes it beneficial to adopt the Codes sooner rather than later. He stated that this change is with regard to the number of air exchanges per hour as limited by the Energy Code. He stated that the standards allow local jurisdictions to make limited local amendments to the Codes, which are generally necessary to align the provisions of the Building Codes with other provisions of the County's Zoning Ordinance for things like permit expiration times and submittal requirements, and which staff has done at the beginning of each three-year Code cycle for many years. He stated that other local amendments are necessary to establish in writing from the maps contained in the Codes things such as frost depth, wind design speeds, and snow loads. One amendment deletes the flood resistant construction requirements, which are already provided for in the County's Floodplain Management Ordinance. Mr. Tudor concluded that none of the information included in the local amendments is new, and the draft resolution is proposed to take effect upon its passage and shall

apply to all building permit applications accepted for submittal on or after September 30, 2019.

In response to a question by Commissioner Bertino, Mr. Tudor stated that the IBC is developed in the United States and is made available for use internationally. Commissioner Elder noted that he could not support the draft resolution, as Worcester County has a reputation of being harder to build in than any of the surrounding counties. Regarding the air exchange provisions, Commissioner Mitrecic stated that the reduced exchanges would require other mitigating factors, so the new regulation is more of a push than a reduction.

Following some discussion, a motion by Commissioner Nordstrom to adopt the draft resolution failed 2-5, with Commissioners Nordstrom and Purnell voting in favor of the motion and Commissioners Bertino, Bunting, Church, Elder, and Mitrecic voting in opposition. The Commissioners agreed to consider the matter further prior to the March 25, 2020 deadline to adopt the revised standards.

The Commissioners met with Mr. Tudor to discuss the Town of Berlin's proposed annexation and zoning reclassification. Mr. Tudor informed the Commissioners that the Town of Berlin is proposing to annex approximately 6.10 acres of land located on the northerly side of MD Rt. 346 (Old Ocean City Road) and the southerly side of U.S. Rt. 50. and more specifically identified on Tax Map 25 as Parcel 395, and Lots 3 through 13 of Parcel 86 (the site of the I.G. Burton auto dealership). Mr. Tudor stated that the property proposed for annexation is zoned C-2 General Commercial District under County zoning, and the town is proposing to rezone the property to B-2 General Business District zoning upon annexation, which is not substantially different from the uses currently permitted on the site. He explained that pursuant to the provisions of Section 4-416 of the Land Use Article of the Annotated Code of Maryland the annexed land cannot allow uses substantially different than those in the zoning category of the County for a period of five years after the annexation, unless the County consents to the proposed rezoning upon annexation. Mr. Tudor noted that the proposed annexation is consistent with the current uses, and the annexation constitutes a logical extension of the growth area. However, there is one issue of concern. Barrett Road, a County-owned and maintained road, bisects the subject properties and provides access to Old Ocean City Road, and the Town of Berlin did not indicate whether this roadway would be taken into the town's jurisdiction. He stated that it is imperative that this matter be satisfactorily resolved before the annexation is approved.

Following some discussion and upon a motion by Commissioner Elder, the Commissioners unanimously agreed to send a letter to the Town of Berlin, concurring with the rezoning upon annexation subject to the inclusion of Barrett Road into the corporate limits of the Town of Berlin upon annexation of the subject property.

Pursuant to the request of Mr. Tudor and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved bid specifications for the demolition of nuisance structures located at 5492 and 5496 Stockton Road in Stockton. Mr. Tudor stated that the Stockton Fire Company never provided a firm response to a request from the County to assist in the abatement, nor did an offer from an individual interested in acquiring the property in return for abating the nuisance come to fruition.

In a related matter and upon a question by Commissioner Mitrecic, Mr. Tudor advised that the property owners in Bishopville had removed the dilapidated portion of the structure on

their property on St. Martin's Neck Road, but still needed to do more work to satisfy Nuisance Abatement Order No. 18-4. He further advised that he will still continue to work with the owner to ensure compliance with the County Code.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Nordstrom, the Commissioners unanimously approved bid specifications for the purchase of two dump trucks for the Roads Division of Public Works, with funds of \$145,000 available within the FY20 budget for this expense.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Church, the Commissioners unanimously approved bid specifications for the purchase of a shop service truck with a hydraulic crane and hoist for the Roads Division of Public Works, with funds of \$135,000 available within the FY20 budget for this expense.

Pursuant to the recommendation of Mr. Tustin in response to a request by Harold B. "Chip" Gordy, Jr., on behalf of SonRise Church, and upon a motion by Commissioner Elder, the Commissioners unanimously approved the proposed quitclaim deed for the southerly one-half of an abandoned, 30-foot County road bed off MD Rt. 818 that adjoins the church property. Mr. Tustin stated that this paper street is not listed within the Inventory of Public Roads of Worcester County, has never been improved, and the County has no plans to make improvements to it. In response to a question by Commissioner Bunting, Mr. Tustin stated that the remaining portion of the road bed will remain a County-owned paper street.

Pursuant to the annual request of Mr. Tustin and upon a motion by Commissioner Bunting, the Commissioners unanimously approved bid specifications for the purchase of metal and plastic pipe for the Roads Division of Public Works, with funds of \$40,000 available within the FY20 budget for this expense.

The Commissioners met with Mr. Tustin to review the three bids for the proposed Newark spray irrigation project, with the lowest bid at \$2,315,130. Mr. Tustin stated that all of the bids submitted exceeded the available project funding and the engineer's estimate by 44%, making the project unaffordable as currently designed. He reviewed the items identified as costs exceeding the engineer's estimate and suggested a revised design, which included the following: avoiding the railroad right-of-way; revising the pump station screening; redesigning the berm for winter storage; and considering a center pivot unit for spraying rather than fixed sprinklers. He recommended redesigning the project for rebidding in fall 2019.

In response to a question by Commissioner Elder, Mr. Tustin stated that the County has total funding of roughly \$2 million available for the project through a United States Department of Agriculture (USDA) grant and loan, and he expects to see significant savings once they redesign and rebid the project. However, the County is under a consent order with the Maryland Department of the Environment (MDE) to complete the project. He confirmed that currently 100 residents would be responsible for shouldering all project costs over a 30-year period. Enterprise Fund Controller Jessica Wilson advised if total loan costs can be reduced to \$1.3 million that will equate to a cost of roughly \$65 per equivalent dwelling unit (EDU) per quarter.

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Following some discussion and upon a motion by Commissioner Elder, the Commissioners unanimously rejected all bids for the Newark spray irrigation system and authorized staff to redesign the project as suggested, authorized an income study of the Newark Service Area to determine if additional grant funds may be secured for the project, agreed to remind ratepayers of the potential project costs once better information is available, and authorized rebidding in the fall when more contractors may be available to do the work.

Pursuant to the request of Paul Carlotta and upon a motion by Commissioner Church, the Commissioners unanimously approved his request for a 60-day extension of the six-month requirement to complete condition no. 1 to complete and record the Assateague Island Farm, LLC subdivision plat as specified in the Commissioners' approval of his request dated January 22, 2019 to allocate six sewer EDUs to his property on Stephen Decatur Highway and more specifically identified on Tax Map 33 as Parcel 29.

The Commissioners met with Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan to review a request from Attorney Hugh Cropper, IV on behalf of Sun TRS Frontier, LLC for allocation of 38 EDUs of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve a proposed Phase II expansion of the Frontier Town Campground to serve an additional 112 campsites. Mr. Shannahan reviewed the history of campground expansions, including amending the Water and Sewer Plan to add Frontier Town Campground to the Mystic Harbour SSA in 2014 to receive public sewer service and thus remove a septic system serving the 584 existing campsites; expanding the Mystic Harbour SSA in 2016 to provide 166 additional EDUs to the campground; adopting the EDU Allocation Policy in 2017 to reflect 166 EDUs for Frontier Town upon adoption of the EDU Allocation Policy to ensure compliance with the Water and Sewerage Plan; denying a request in 2017 for additional allocation of 71 EDUs for 213 new campsites at the campground, since such an allocation would have required amending the Allocation Table and Map in the Water and Sewerage Plan, which was required by the Maryland Department of the Environment (MDE) as a condition to their approval of the Mystic Harbour SSA expansion, and as approving the request would eliminate all EDUs in the South and diminish available EDUs in the North, and since the Allocation Table only allocated 160 EDUs to Frontier Town for the existing campground, and none had been allocated for future expansion of the campground; and in 2018 the Commissioners approved a revised application for 34 EDUs to serve Phase I of the proposed Frontier Town Campground expansion to serve an additional 101 campsites; and in 2019 the County received a request for an additional allocation of 38 EDUs for the Phase II expansion of Frontier Town campground to serve an additional 112 new campsites. Mr. Shannahan reviewed the background regarding the Mystic Harbour Wastewater Treatment Plant (WWTP) expansion and EDU allocation table. He then explained that approval of this request would result in a total of 238 EDUs (or 35.7% of the new capacity) from the Mystic Harbour SSA expansion being allocated to a single user (Frontier Town Campground), which is contrary to the primary purpose of this expanded capacity to provide for infill and intensification of properties along the Route 50 commercial corridor and vicinity north of the airport, which is continuing to grow and redevelop as planned. He then advised that there are 31 remaining EDUs available in Area 2 (south of the airport) as follows: 1 EDU - Vacant or Multi-Lot Properties (to replace septic); 6 EDUs -

Assateague Greens Executive Golf Course (to replace septic); 5 EDUs - Church (to replace septic); and 19 EDUs - Single Family Dwellings (to replace septic). Furthermore 109 remaining EDUs are available in Area 1 (north of the airport) as follows: 33 EDUs - Infill and Intensification; 50 EDUs - Vacant or Multi-Lot Properties; 17 EDUs - Single Family Dwellings (to replace septic); and 9 EDUS - Commercial. He advised that reallocation of EDUs from the north area to the south area to serve new development should be carefully considered in accordance with the established priorities of the original allocation of the sewer capacity, and it would require an amendment to the Water and Sewerage Plan approved by MDE since the EDU Allocation Table was officially adopted as part of the Plan as required by MDE. He then reviewed the three available options, to approve all EDUs, approve a portion of the EDUs, or deny the request for EDUs.

In response to a question by Commissioner Nordstrom, Mr. Shannahan stated that the Sewer Committee does not take a position on any of the available options, but that he personally recognized that there is a very limited number of remaining EDUs north of the airport for new and infill development, and reallocating these to south of the airport detracts from future growth on the Rt. 50 corridor as planned.

In response to a question by Commissioner Bunting, Environmental Programs Director Bob Mitchell stated that further expansion of the Mystic Harbour WWTP is contingent upon whether the County can identify a suitable site to spray treated effluent from the Mystic Harbour SSA, noting that currently there are no usable lands west of MD Rt. 611 for this purpose. However, it might be possible for the Ocean City Golf Course to accept some additional flow.

A motion by Commissioner Elder to deny the request failed 3-4, with Commissioners Bertino, Elder, and Purnell voting in favor of the motion and Commissioners Bunting, Church, Mitrecic, and Nordstrom voting in opposition.

The Commissioners recognized Mr. Cropper who reviewed the history of park expansion and advised that Phase II is the last section to be completed. He noted that the campground owners have been good neighbors, removing 584 campsites from a septic system that drained into the Coastal Bays Critical Area and built a \$1.2 million pump station that was later deeded to the County. Furthermore, he noted that the campground provides needed jobs and revenue to the County, and he urged the Commissioners to approve his request.

Following much discussion and upon a motion by Commissioner Mitrecic, the Commissioners voted unanimously to table further discussion on this request until after the adoption of standard sewer flow calculations in Worcester County for which the public hearing is scheduled on August 20, 2019.

Pursuant to the recommendation of Mr. Shannahan and upon a motion by Commissioner Bertino, the Commissioners unanimously accepted the proposal from Maynard Essender of Frankford Cabinet Shop, Inc. in Frankford, Delaware at a total cost of \$5,825 for the construction and installation of an additional gate in the Commissioners' Meeting Room. At their meeting of June 4, 2019, following the tragic shooting at the Virginia Beach government building where 12 government employees were killed, Commissioner Bertino requested that staff investigate the feasibility of adding an emergency exit on the right side of the Commissioners' meeting room table. In response to a question by Commissioner Bertino, Public Works Director John Tustin stated that the work should be completed in six months due to Mr. Essender's current project

schedule.

The Commissioners reviewed and discussed various board appointments.

Upon a nomination by Commissioner Nordstrom, the Commissioners unanimously agreed to appoint Wayne Ayer to the Social Services Board for the remainder of a three-year term expiring June 30, 2021 to fill the vacancy created by the resignation of Ronnie White.

Pursuant to the request of Superintendent of Public Schools Louis Taylor and upon a motion by Commissioner Bertino, the Commissioners unanimously approved the purchase of mobile Emergency radios instead of handheld radios for 69 school buses at an estimated cost of \$207,000 with FY20 funding of \$130,000 and grant funding of \$87,000. Chief Administrative Officer Harold Higgins advised that the lower-cost handheld units were tested, but will not suffice.

Emergency Services Director Billy Birch and Deputy Director James Hamilton met with the Commissioners to request conceptual approval to re-band up to eight existing County radio frequencies for the public safety radio system, as part of recommendations made by Federal Engineering (FE) to address tropospheric ducting interference, which continues to affect the County radio system, causing communications to be severely affected and non-existent at times. Mr. Birch stated that they may not have to replace all eight. He explained the largest source of interference comes from Virginia Beach, which is only 96 miles away and shares seven of the eight radio frequencies that Worcester County Government possesses today. Commissioner Elder expressed concern regarding whether rebanding would indeed resolve the issue, and he stressed that the radio situation needs to be resolved before someone is harmed or killed. In response, Mr. Birch assured the Commissioners that the transmission issues are not due to the radio units, but rather, tropospheric ducting interference, a naturally-occurring phenomenon that plagues coastal areas across the country during the summer months when temperatures are high. Mr. Shannahan concurred, noting that the Commissioners are scheduled to meet with FE, Harris, and County staff on September 3, 2019 to discuss the overall radio system project; however, the County needs to begin the process of rebanding immediately to be prepared for a September 25 meeting with the Federal Communications Commission (FCC) to request the rebanding. He stated that this particular issue, tropospheric ducting, is an issue exclusive to the summer months when temperatures are high. He noted that the Town of Ocean City has dedicated staff to deal exclusively with this issue by moving the dials to assure available signals; however, the County lacks the staff to dedicate to this task. Mr. Birch noted that the County completed all short-term, mid-term, and long-term mitigation steps recommended by FE to mitigate interference prior to beginning this last step. He stated there are no other possibilities outside of tropospheric ducting for the interference taking place during high temperatures, and he cited one example of how rebanding will help to resolve this issue, noting that the County system experienced roughly 34,000 interference hits on the County's current channel 4, while the channel they propose to go to experienced 43 hits during that same period of time. He stated that this is not a hardware issue. Instead, all public safety organizations are fighting for a finite amount of frequency space, and they are trying to find clear channels.

In response to a question by Commissioner Nordstrom, Mr. Birch stated that the County

may be able to complete the rebanding process inhouse for less than \$5,000; however, reprogramming the radios and other adjustments to the system could be costly, either requiring additional dedicated County staff or assistance from an outside consultant.

Commissioner Mitrecic confirmed that Ocean City is dealing with the same interference issues the County is working to resolve, but stated that County staff knew this would be an issue again this summer and should have already applied to reband the radio frequencies. In response to a question by Commissioner Bertino, Mr. Birch stated that he has provided the fire chiefs with his email and cell and work phone numbers and explained the urgency for them to advise Emergency Services of transmission issues in real time, so the County can determine the cause of the interference. With regard to a recent fire in Ocean Pines, Mr. Birch explained that transmission issues at the scene were related to the high number of public safety officials using the radios at the same time. Mr. Hamilton confirmed that the County has an online reporting system for public safety agencies to report issues with the radios, and the last issue reported through that system was submitted roughly this time last year; however, the fire chiefs have been emailing and calling County staff to communicate their concerns. In response to further questions by Commissioner Bertino, Chief Deputy Mark Titanski advised that, during the recent fire in Ocean Pines, tropospheric interference limited Fire Marshal Jeff McMahon's staff, who were using the new radios, Motorola radios, and a generic radio, which confirmed that the problem is not due to the radio equipment, but rather interference during periods of high heat. He stated that the Sheriff's Office has experienced numerous transmission issues and has either attempted to relocate to obtain a better signal or had to wait out the interference. He advised that he works closely with Mr. Birch to address these issues.

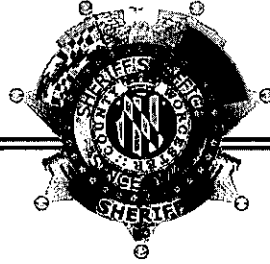
Following much discussion and upon a motion by Commissioner Nordstrom, the Commissioners unanimously authorized staff to begin the process to obtain the new frequencies, to include engaging FE to develop interference maps and assisting with submitting the request to the Federal Communications Commission (FCC) for licensing.

Commissioner Nordstrom thanked his fellow Commissioners and Development Review and Permitting (DRP) staff for addressing the nuisance property in Stockton that has posed health and safety risks to the community.

The Commissioners answered questions from the press, after which they adjourned to meet again on August 20, 2019.

Worcester County Sheriff's Office

Matthew Crisafulli
Sheriff



Mark C. Titanski
Chief Deputy

TO: Harold Higgins
FROM: Chief Deputy Mark Titanski, Program Supervisor
DATE: 08/12/19
REF: Cooperative Reimbursement Agreement 2020-2022

1

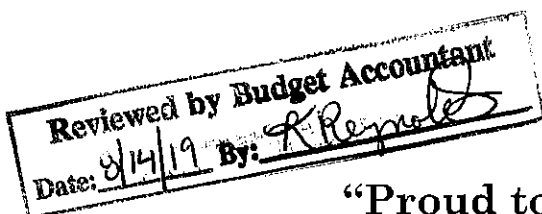
Attached you will find the original Agreement (plus two) between Department of Social Services (Child Support) and Worcester County Sheriff's Office.

The Cooperative Reimbursement Agreement is now a three year agreement. Enclosed please find agreement for 2020-2022. The documents have been signed by Sheriff Crisafulli and ,Roberta Baldwin, LCSW-C Director. The Agreement is awaiting your review and submission to the commissioners. Upon approval, and signature from Diane Purnell, President, Worcester County Commissioners, please return to my attention.

Please note that the original Agreement (plus two) must be signed in blue ink.

Should you have any questions, feel free to call.

Thank you for your attention.



"Proud to Protect, Ready to Serve"

Worcester County Sheriff's Office
One West Market Street, Room 1001
Snow Hill, MD 21863
410-632-1111- phone / 410-632-3070- fax
www.WorcesterSheriff.com

1a

STATE OF MARYLAND
DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT ADMINISTRATION
COOPERATIVE REIMBURSEMENT AGREEMENT

This Agreement is hereby made and entered into by and between the Department of Human Services' Child Support Administration (CSA) of the State of Maryland, hereinafter referred to as the "Department" or CSA and Worcester County, a body corporate and politic, and the Sheriff of Worcester County, hereinafter collectively referred to as the "Provider". The Provider agrees to operate a program to provide child support enforcement services in accordance with the federal Department of Health and Human Services (HHS) approved State Plan under Title IV-D of the Social Security Act and the Cooperative Reimbursement Agreement Application and Terms and Conditions, which are included herein and made a part of this Agreement.

This Agreement shall be effective from October 1, 2019 through September 30, 2020.

Total Cost:	\$ <u>49,220</u>
Less Administrative Fee Retained by the Department:	\$ <u>1,859</u>

This Agreement shall be effective from October 1, 2020 through September 30, 2021.

Total Cost:	\$ <u>49,220</u>
Less Administrative Fee Retained by the Department:	\$ <u>1,859</u>

This Agreement shall be effective from October 1, 2021 through September 30, 2022.

Total Cost:	\$ <u>49,220</u>
Less Administrative Fee Retained by the Department:	\$ <u>1,859</u>

COOPERATIVE REIMBURSEMENT AGREEMENT APPLICATION

<i>Name of Provider:</i> <u>Worcester County Sheriff Office</u>		
<i>Address:</i> <u>1 W. Market Street, Room 1001</u>		
<i>City:</i> <u>Snow Hill</u>	<i>State:</i> <u>Maryland</u>	<i>Zip Code:</i> <u>21863</u>
<i>Federal I.D. #:</i> <u>52-6001064</u>		
<i>Program Supervisor:</i> <u>Chief Deputy Mark Titanski</u>	<i>Phone No.:</i> <u>(410) 632-1111 ext. 2240</u>	
<i>Additional Phone No.:</i> <u>() -</u>	<i>Fax No.:</i> <u>(410) 632-5619</u>	
<i>Email address:</i> <u>tfulton@co.worcester.md.us</u>		

PART I - PROVIDER'S CERTIFICATION

Application is hereby made to the CSA for approval of a program to provide child support services in accordance with the HHS approved State plan under Title IV-D of the Social Security Act.

Diana Purnell, President Worcester County Commissioners

Typed Name and Title of Chief Executive

Signature of Chief Executive

Date _____

Matthew Crisafulli, Worcester County Sheriff

Typed Name and Title of Program Director (Sheriff or Designee)

Signature of Program Director

07-31-19

Date _____

PART II.

LOCAL CHILD SUPPORT AGENCY REVIEW

I have reviewed the contents of this Cooperative Reimbursement Agreement Application prepared by the Worcester County Office and certify that it meets the child support requirements for the Child Support Agency for Worcester County. (County/City)

Roberta Baldwin, Director for Worcester County DSS

Typed Name and Title



Signature



Date

PART III - PROGRAM NARRATIVE

Services Provided Requirements:

Listed below are the categories of services and participation required by the Sheriff's Office in providing services for the local child support office. The detailed requirements are included on Pages 5 through 7 and the supporting Addenda.

- A. Service of Process
- B. Execution of Writs, Warrants and Body Attachments
- C. Participation in Departmental Initiatives
- D. Staff Development and Training
- E. Collaboration and Coordination Meetings
- F. Customer Service
- G. Service of Administrative Subpoenas
- H. Location/Relocation Services
- I. Security Services

PART III - PROGRAM NARRATIVE (Cont.)

A. Service of Process

Process shall be served in conformity with the Maryland Annotated Code and the Maryland Rules of Court. If process is served on an incarcerated defendant, the Sheriff shall arrange for the defendant's presence at all required court hearings. If necessary, the Sheriff shall communicate with the local child support office so that a writ of habeas corpus is issued directing the relevant county to produce the defendant for court appearances. **The Sheriff's Office must maintain a copy of the Summons served to be forwarded with each quarterly expenditure report for verification of payment.**

Unless it is determined that the address provided is invalid, a minimum of three (3) attempts at service will be made prior to a disposition of non-est. The Deputy will return the disposition to the issuing authority within three (3) days after service or non-est. Non-est summons will include all information on location/relocation attempts.

B. Execution of Writs, Warrants and Body Attachments

Writs and warrants shall be executed in conformity with the Maryland Annotated Code and the Maryland Rules of Court. The Sheriff shall enter open or active writs/warrants into the Civil Maryland Interagency Law Enforcement System. The Sheriff will coordinate with any other foreign county's sheriff's office to effect the speedy execution of all writs, warrants, and body attachments.

If the subject is incarcerated in a local correctional facility and there is an outstanding child support writ, the writ will be executed and the subject taken for a bond hearing. All money collected will be turned over to the local child support office or the Clerk's Office.

The Sheriff shall forward copies of all warrants quashed by the court to the Child Support Unit of the Sheriff's Office, and the Sheriff shall keep a record of all such warrants at the Sheriff's Office. The Sheriff shall review all writs/warrants periodically in an attempt to locate the subject. **The Sheriff's Office must maintain a copy of all Warrants executed to be forwarded with each quarterly expenditure report for verification of payment.**

C. Participation in Departmental Initiatives

The Sheriff's Office shall participate in the Department initiatives described in Addendum A (attached) that are geared toward establishment and enforcement of support as negotiated between the local child support office and the Sheriff's Office.

In that Addendum, describe each initiative and include in the description the process that will be used for documenting and tracking activities.

D. Staff Development and Training

1. At the Sheriff's request, training will be provided. Please contact your CSA Contract Manager to arrange.

2. Child Support Program Policy and Child Support Enforcement System (CSES) System Releases: The Sheriff shall require employees who provide services under this contract to review all Circular letters, memoranda and other information released by the Child Support Administration related to child support program policy and automated system enhancements and changes, to include participation in all relevant statewide conference calls about releases of CSES enhancement migrations.
3. The provider shall forward documentation of completion of all required training to the CSA Contract Manager for this contract (i.e., certificate of completion or sign-in sheets).

E. Collaboration and Coordination Meetings

The Sheriff's Office shall participate in periodic meetings with the Worcester County, DSS and/or other partners for the purpose of collaboration and coordination. The Sheriff shall maintain copies of meeting agendas and minutes.

F. Customer Service

Provide in Addendum B (attached) the name(s) and contact information of person(s) who will serve as liaison(s) with CSA for Customer Service Issues.

OPTIONAL SHERIFF'S SERVICES: - Please check all that apply.

☒ **G. Service of Administrative Subpoenas**

Administrative subpoenas will be served in the same manner as service of process and in accordance with the rules, regulations and timeframes as outlined by local law enforcement practices, the Annotated Code of Maryland, and the Maryland Rules of Court.

☒ **H. Location Services/Relocation Services**

Upon request, the Office of the Sheriff will begin an investigation to locate the non-custodial parent's address, employment and/or assets in accordance with existing federal and CSA policy and procedures.

☒ **I. Security Services**

The Sheriff's Office shall provide security services to include but not be limited to the following (check all that apply):

- ☐ Provide security at the local Department of Social Services
- ☒ Provide security at the courthouse inside the courtroom
- ☐ Transport prisoners to and from local correctional facilities
- ☐ Provide security for local child support office employees when transporting funds from the courthouse to the local office

☐ Other (list): .

PART IV TRANSPARENCY ACT REPORTING

In Addendum C (attached), the Transparency Act reporting is to be completed by the Department's awarding Program when developing agreements, and one is to be completed by sub-awardees at the time of award. These forms are now required Department procurement documents for all federally-funded contracts and agreements of \$25,000 or more. The federal government enacted the Federal Funding Accountability and Transparency Act (FFATA) that requires reporting by prime awardees of first-tier sub-awards of \$25,000 or more. The Department is the prime awardee of various federal grants, and therefore the Department's procedures for FFATA reporting have been formulated and added to the Administrative Procedures Manual.

Actual Transparency Act reporting by the Department via the federal FFATA Subaward Reporting System (FSRS) will be performed centrally by Budget and Finance. Sub-award reporting is required by the end of the month following the month of award, and the information will be displayed on www.USASpending.gov associated with the prime award.

PART V Annual Internal Revenue Service (IRS) Employee Awareness

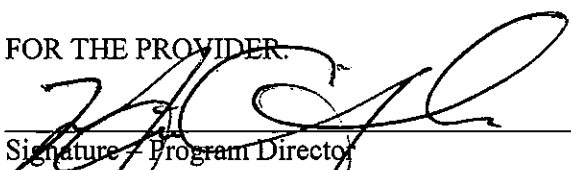
The Provider must comply with all IRS standards for safeguarding federal tax information and complete the required IRS Safeguarding training referenced in Addendum D (attached).

In witness whereof, the Parties have executed this Agreement on or before the date first set forth herein:

ATTEST:

Witness Signature

FOR THE PROVIDER



Signature – Program Director
Matthew Crisafulli, Worcester County Sheriff
Name and Title of Program Director

07-31-19 (Date Signed)

Witness Signature

Signature – Chief Executive
Diana Purnell, Worcester County Commissioners
President
Name and Title of Chief Executive

(Date Signed)

Witness Signature

Signature
Kevin P. Guistwite
Executive Director
Child Support Administration

(Date Signed)

This Agreement Approved as to Form and Legal Sufficiency by the Office of the Attorney General:

Assistant Attorney General

Date Signed

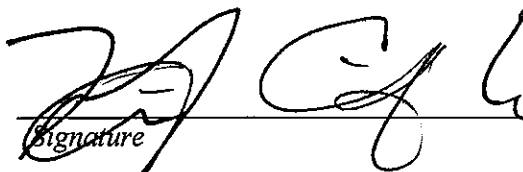
CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award document for sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.


Signature

Worcester County Sheriff's Office
Agency/Organization

Sheriff
Title

07-31-19

Date

STATE OF MARYLAND
DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT ADMINISTRATION
SHERIFF'S COOPERATIVE REIMBURSEMENT AGREEMENT APPLICATION

ADDENDUM A

Subject: Part III.

C. Participation in Departmental Initiatives:

This addendum is to provide information on the above referenced subject. This addendum is not to be merged into the main agreement:

The Sheriff's Office shall participate in the Department's initiatives described in this Addendum that are geared toward establishment and enforcement of support as negotiated between the Local Child Support Office and the Sheriff's Office. Describe each initiative in the space below. Include in the description the process that will be used for documenting and tracking activities:

The Worcester County Bureau of Support will continue working on the Warrant Resolution and Apprehension Program. (WRAP) The purpose of this program is to decrease the number of outstanding warrants and body attachments for non-custodial parents by heightening public awareness. The program will be assigned to child support staff members in charge of Special Projects.

Possible program activities may include posting non custodial parents information and/or photographs on bulletin boards, posters, newspapers, and television screens in the Child Support Office lobby. The child support employee will keep regular contact with the Worcester County Sheriff's Office to obtain additional information and/or photographs of non-custodial parents. The Sheriff's Office personnel will work with this child support employee to share information and provide any updates regarding these warrant cases.

Since the WRAP program was initiated in Worcester County, we have seen a decline in aging warrants and body attachments. The program has provided information which has lead to apprehension of individuals.

STATE OF MARYLAND
DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT ADMINISTRATION
SHERIFF'S COOPERATIVE REIMBURSEMENT AGREEMENT APPLICATION

ADDENDUM B

Subject: Part III.

F. Customer Service:

This addendum is to provide information on the above referenced subject.

Provide the name(s), direct access telephone number(s) and e-mail address(es) of employees responsible for serving as a liaison with the CSA for Customer Service issues:

Mary Beth Quillen, Assistant Director, Worcester County Department of Social Service, Bureau of Support Enforcement. (410) 677-6834 email-marybethquillen@maryland.gov

MARYLAND DEPARTMENT OF HUMAN SERVICES
Transparency Act Data Collection and Certification Form

ADDENDUM C

Contract/Agreement:

Contract/Agreement/Project Name: Cooperative Reimbursement Agreement (CRA)

Place of Performance: Worcester County Sheriff's Office

Place of Performance Congressional District: 1

Contract/Agreement Number: CSA/CRA/20-044

Start Date: 10/1/2019

Amount by Fund
Source:

	Maximum Amount to be Paid by DHS	Total Local Program Cost
FFY 2020	\$30,626	\$49,220
FFY 2021	\$30,626	\$49,220
FFY 2022	\$30,626	\$49,220

Sub-Awardee:

DUNS Number: 101119399

Entity Name: Worcester County Sheriff's Office

Location: 1 W. Market Street, Room 1001, Snow Hill, Maryland 21863

Location Congressional District: 1 Worcester County

QUESTION:

In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which the DUNS number you provided belongs) receive:

- (1) 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, sub-grants, and/or cooperative agreements; and
- (2) \$25,000,000 or more annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, sub-grants, and/or cooperative agreements?

[] YES [X] NO

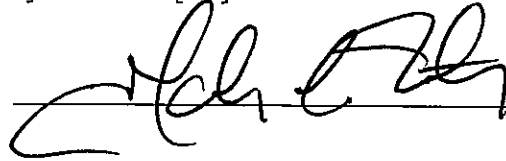
If no, stop here. Sign and date form on next page.

If yes,

Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the DUNS number you provided belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

☐ YES ☐ NO

Officer Signature: _____



Date: _____

7/31/19

Printed Name and Title Mark Titanski, Worcester County Chief Deputy

**Safeguarding of Information from the United States Internal
Revenue Service and Employee Awareness Acknowledgements**

**Addendum D
(Attachment)**

SUBJECT PART V.

GENERAL SERVICES

A. PERFORMANCE

In performance of the Cooperative Reimbursement Agreement (hereinafter contract), the Provider agrees to comply with and assume responsibility for compliance by its employees with the following requirements:

- 1) All work will be performed under the supervision of the Provider or the Provider's responsible employees.
- 2) The Provider and the Provider's employees with access to or who use Federal Tax Information (FTI) must meet the background check requirements defined in Internal Revenue Service (IRS) Publication 1075 and Child Support Administration (CSA) policy.
- 3) Any Federal tax returns or return information (hereafter referred to as returns or return information) made available in any format shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material shall be treated as confidential and shall not be divulged or made known in any manner to any person except as may be necessary in the performance of this contract. Inspection by or disclosure to anyone other than an officer or employee of the Provider is prohibited.
- 4) All returns and return information will be accounted for upon receipt and properly stored before, during, and after processing. In addition, all related output and products will be given the same level of protection as required for the source material.
- 5) No work involving returns and return information furnished under this contract will be subcontracted without prior written approval of the IRS and CSA.
- 6) The Provider will maintain a list of employees who are authorized to access return or return information. Such list will be provided to CSA and, upon request, to the IRS reviewing office.

7) CSA will have the right to void the contract if the Provider fails to provide the safeguards described above.

B. CRIMINAL/CIVIL SANCTIONS

1) Each officer or employee of the Provider to whom returns or return information is or may be disclosed shall be notified in writing by the Provider that returns or return information disclosed to such officer or employee can be used only for a purpose and to the extent authorized herein, and that further disclosure of any such returns or return information for a purpose or to an extent unauthorized herein constitutes a felony punishable upon conviction by a fine of as much as \$5,000 or imprisonment for as long as five years, or both, together with the costs of prosecution. The Provider shall also notify each such officer and employee that any such unauthorized disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount not less than \$1,000 with respect to each instance of unauthorized disclosure. These civil and criminal penalties apply even if the unauthorized disclosures were made after his/her employment with the Provider is terminated. These penalties are prescribed by Internal Revenue Code (IRC) Sections 7213 and 7431 and set forth at 26 Code of Federal Regulations (C.F.R.) § 301.6103(n)-1.

2) Each officer or employee of the Provider to whom returns or return information is or may be disclosed shall be notified in writing by the Provider that any return or return information made available in any format shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material shall be treated as confidential and shall not be divulged or made known in any manner to any person except as may be necessary in the performance of this contract. Inspection by or disclosure to anyone without an official need-to-know constitutes a criminal misdemeanor punishable upon conviction by a fine of as much as \$1,000 or imprisonment for as long as 1 year, or both, together with the costs of prosecution. The Provider shall also notify each such officer and employee that any such unauthorized inspection or disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount equal to the sum of: the greater of either \$1,000 for each act of unauthorized inspection or disclosure with respect to which such defendant is found liable, or the sum of the actual damages sustained by the plaintiff as a result of such unauthorized inspection or disclosure, plus, in the case of an inspection or disclosure that is willful or which is the result of gross negligence, punitive damages; the costs of the action; and the plaintiff's attorney's fees. These civil and criminal penalties apply even if the unauthorized disclosure was made after his/her employment with the Provider is terminated. These penalties are prescribed by IRC Sections 7213A and 7431 and set forth at 26 C.F.R. § 301.6103(n)-1.

3) Additionally, it is incumbent upon the Provider to inform its officers and employees of the penalties for improper disclosure imposed by the Privacy Act of 1974, 5 United States Code (U.S.C.) Section § 552a. Specifically, 5 U.S.C. § 552a(i)(1), which is made applicable to contractors by 5 U.S.C. § 552a(m)(1), provides that any officer or employee of a contractor who, by virtue of his/her employment or official position, has possession of or access to agency records which contain individually identifiable information, the disclosure of which is prohibited by the Privacy Act or regulations established thereunder, and who, knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

4) CSA will not grant Provider and its employees access to FTI until the Provider has certified that each individual who will have access to FTI understands CSA's security policy and procedures for safeguarding IRS information. The Provider and its employees must maintain their authorization to access FTI through annual recertification. The Provider must document each individual's initial certification and recertification and provide proof of same to CSA. As part of the certification and at least annually afterwards, the Provider must advise its employees of the provisions of IRC Sections 7431, 7213, and 7213A (see pages 6 through 9 of this attachment). The training provided by Provider before the initial certification and annually thereafter must also cover the incident response policy and procedures for reporting unauthorized disclosures and data breaches. For both the initial certification and the annual certification, the employee or officer must sign, either with ink or electronic signature, a confidentiality statement certifying his/her understanding of the security requirements.

C. INSPECTION

The IRS and CSA, with 24 hour notice, shall each have the right to send its inspectors into the offices and plants of the Provider to inspect facilities and operations performing any work with FTI under this contract for compliance with requirements defined in IRS Publication 1075. CSA's and the IRS' rights of inspection shall include the use of manual and/or automated scanning tools to perform compliance and vulnerability assessments of information technology (IT) assets that access, store, process or transmit FTI. On the basis of such inspection, corrective actions may be required in cases where the Provider is found to be noncompliant with contract safeguards.

TECHNOLOGY SERVICES

A. PERFORMANCE

In performance of this contract, the Provider agrees to comply with and assume responsibility for compliance by its employees with the following requirements:

- 1) All work will be performed under the supervision of the Provider or the Provider's responsible employees.
- 2) The Provider and the Provider's employees with access to or who use FTI must meet the background check requirements defined in IRS Publication 1075 and CSA policy.
- 3) Any return or return information made available in any format shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material shall be treated as confidential and shall not be divulged or made known in any manner to any person except as may be necessary in the performance of this contract. Disclosure to anyone other than an officer or employee of the Provider is prohibited.
- 4) All returns and return information will be accounted for upon receipt and properly stored before, during, and after processing. In addition, all related output will be given the same level of protection as required for the source material.
- 5) The Provider certifies that the data processed during the performance of this contract will be completely purged from all data storage components of its computer facility, and no output will be

retained by the Provider at the time the work is completed. If immediate purging of all data storage components is not possible, the Provider certifies that any IRS data remaining in any storage component will be safeguarded to prevent unauthorized disclosures.

- 6) Any spoilage or any intermediate hard copy printout that may result during the processing of IRS data will be given to CSA or its designee. When this is not possible, the Provider will be responsible for the destruction of the spoilage or any intermediate hard copy printouts and will provide CSA or its designee with a statement containing the date of destruction, description of material destroyed, and the method used.
- 7) All computer systems receiving, processing, storing or transmitting FTI must meet the requirements defined in IRS Publication 1075. To meet functional and assurance requirements, the security features of the environment must provide for the managerial, operational, and technical controls. All security features must be available and activated to protect against unauthorized use of and access to FTI.
- 8) No work involving FTI furnished under this contract will be subcontracted without prior written approval of the IRS and CSA.
- 9) The Provider will maintain a list of employees who are authorized to access return or return information. Such list will be provided to CSA and, upon request, to the IRS reviewing office.
- 10) CSA will have the right to void the contract if the Provider fails to provide the safeguards described above.

B. CRIMINAL/CIVIL SANCTIONS

- 1) Each officer or employee of the Provider to whom returns or return information is or may be disclosed shall be notified in writing by the Provider that returns or return information disclosed to such officer or employee can be used only for a purpose and to the extent authorized herein, and that further disclosure of any such returns or return information for a purpose or to an extent unauthorized herein constitutes a felony punishable upon conviction by a fine of as much as \$5,000 or imprisonment for as long as five years, or both, together with the costs of prosecution. The Provider shall also notify each such officer and employee that any such unauthorized disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount not less than \$1,000 with respect to each instance of unauthorized disclosure. These civil and criminal penalties apply even if the unauthorized disclosure was made after his/her employment with the Provider is terminated. These penalties are prescribed by IRC Sections 7213 and 7431 and set forth at 26 C.F.R. § 301.6103(n)-1.
- 2) Each officer or employee of the Provider to whom returns or return information is or may be disclosed shall be notified in writing by the Provider that any return or return information made available in any format shall be used only for the purpose of carrying out the provisions of this contract. Information contained in such material shall be treated as confidential and shall not be divulged or made known in any manner to any person except as may be necessary in the performance of this contract. Inspection by or disclosure to anyone without an official need-to-know constitutes a

criminal misdemeanor punishable upon conviction by a fine of as much as \$1,000 or imprisonment for as long as 1 year, or both, together with the costs of prosecution. The Provider shall also notify each such officer and employee that any such unauthorized inspection or disclosure of returns or return information may also result in an award of civil damages against the officer or employee in an amount equal to the sum of: the greater of either \$1,000 for each act of unauthorized inspection or disclosure with respect to which such defendant is found liable, or the sum of the actual damages sustained by the plaintiff as a result of such unauthorized inspection or disclosure, plus, in the case of an inspection or disclosure that is willful or which is the result of gross negligence, punitive damages; the costs of the action; and the plaintiff's attorney's fees. These civil and criminal penalties apply even if the unauthorized disclosure was made after his/her employment with the Provider is terminated. These penalties are prescribed by IRC Sections 7213A and 7431 and set forth at 26 C.F.R. § 301.6103(n)-1.

- 3) Additionally, it is incumbent upon the Provider to inform its officers and employees of the penalties for improper disclosure imposed by the Privacy Act of 1974, 5 U.S.C. § 552a. Specifically, 5 U.S.C. § 552a(i)(1), which is made applicable to contractors by 5 U.S.C. § 552a(m)(1), provides that any officer or employee of a contractor who, by virtue of his/her employment or official position, has possession of or access to agency records which contain individually identifiable information, the disclosure of which is prohibited by the Privacy Act or regulations established thereunder, and who, knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.
- 4) CSA will not grant Provider and its employees access to FTI until the Provider has certified that each individual who will have access to FTI understands CSA's security policy and procedures for safeguarding IRS information. The Provider and its employees must maintain their authorization to access FTI through annual recertification. The Provider must document each individual's initial certification and recertification and provide proof of same to CSA. As part of the certification and at least annually afterwards, the Provider must advise its employees of the provisions of IRC Sections 7431, 7213, and 7213A (see pages 6 through 9 of this attachment). The training provided by Provider before the initial certification and annually thereafter must also cover the incident response policy and procedures for reporting unauthorized disclosures and data breaches. For both the initial certification and the annual certification, the employee must sign, either with ink or electronic signature, a confidentiality statement certifying his/her understanding of the security requirements.

C. INSPECTION

The IRS and CSA, with 24 hour notice, shall each have the right to send its inspectors into the offices and plants of the Provider to inspect facilities and operations performing any work with FTI under this contract for compliance with requirements defined in IRS Publication 1075. CSA's and the IRS' rights of inspection shall include the use of manual and/or automated scanning tools to perform compliance and vulnerability assessments of IT assets that access, store, process or transmit FTI. On the basis of such inspection, corrective actions may be required in cases where the Provider is found to be noncompliant with contract safeguards.

Annual Internal Revenue Service (IRS) Employee Awareness

Acknowledgement

At least annually, the Provider will advise its employees who have access to Federal Tax Information (FTI) of the provisions of:

- Section 7213 of the Internal Revenue Code (IRC), which makes the willful disclosure of Federal returns or return information a crime that may be punishable by up to a \$5,000 fine, five years' imprisonment, or both, and the costs of prosecution;
- IRC Section 7213A, which makes the unauthorized inspection of Federal returns or return information a crime that may be punishable by up to a \$1,000 fine, one year's imprisonment, or both, and the costs of prosecution; and
- IRC Section 7431, which permits a taxpayer to bring suit for unauthorized inspection or disclosure against an individual officer or employee in a United States district court. The taxpayer may be entitled to the greater of \$1,000 per occurrence or the taxpayer's actual damages, plus the costs of the action and the taxpayer's attorney's fees. If the employee's actions were willful or the result of gross negligence, the taxpayer may also be entitled to punitive damages.

Each employee with access to FTI must sign a confidentiality statement certifying his or her understanding of the security requirements and the penalty provisions. That confidentiality statement must expressly provide that the employee understands:

- the penalty provisions of IRC Sections 7213, 7213A, and 7431;
- that these civil and criminal penalties apply even if the unauthorized disclosures were made after his or her employment with the Provider is terminated; and
- that, upon discovering a possible improper inspection or disclosure of FTI, including breaches and security incidents, he or she must follow the proper incident reporting requirements to ensure the Treasury Inspector General for Tax Administration ("TIGTA") and the IRS Office of Safeguards are notified of a possible issue involving FTI.

IRC § 7213. UNAUTHORIZED DISCLOSURE OF INFORMATION

(a) RETURNS AND RETURN INFORMATION-

- (1) **FEDERAL EMPLOYEES AND OTHER PERSONS** – It shall be unlawful for any officer or employee of the United States or any person described in [IRC] section 6103(n) (or an officer or employee of any such person), or any former officer or employee, willfully to disclose to any person, except as authorized in this title, any return or return information (as defined in [IRC] section 6103(b)). Any violation of this paragraph shall be a felony punishable upon conviction by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution, and if such offense is committed by any officer or employee of the

United States, he shall, in addition to any other punishment, be dismissed from office or discharged from employment upon conviction for such offense.

- (2) **STATE AND OTHER EMPLOYEES** – It shall be unlawful for any person (not described in paragraph (1)) willfully to disclose to any person, except as authorized in this title, any return or return information (as defined in [IRC] section 6103(b)) acquired by him or another person under subsection (d), (i)(1)(C), (3)(B)(i), or (7)(A)(ii), (k)(10), (l)(6), (7), (8), (9), (10), (12), (15), (16), (19), (20), or (21) or (m)(2), (4), (5), (6), or (7) of [IRC] section 6103 or under [IRC] section 6104(c). Any violation of this paragraph shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.
- (3) **OTHER PERSONS** – It shall be unlawful for any person to whom any return or return information (as defined in [IRC] section 6103(b)) is disclosed in a manner unauthorized by this title thereafter willfully to print or publish in any manner not provided by law any such return or return information. Any violation of this paragraph shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.
- (4) **SOLICITATION** – It shall be unlawful for any person willfully to offer any item of material value in exchange for any return or return information (as defined in [IRC] section 6103(b)) and to receive as a result of such solicitation any such return or return information. Any violation of this paragraph shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.
- (5) **SHAREHOLDERS** – It shall be unlawful for any person to whom a return or return information (as defined in [IRC] section 6103(b)) is disclosed pursuant to the provisions of [IRC] section 6103(e)(1)(D)(iii) willfully to disclose such return or return information in any manner not provided by law. Any violation of this paragraph shall be a felony punishable by a fine in any amount not to exceed \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

....

IRC § 7213A. UNAUTHORIZED INSPECTION OF RETURNS OR RETURN INFORMATION

(a) PROHIBITIONS-

- (1) **FEDERAL EMPLOYEES AND OTHER PERSONS** - It shall be unlawful for -
 - (A) any officer or employee of the United States, or
 - (B) any person described in subsection (l)(18) or (n) of [IRC] section 6103 or an officer or employee of any such person,willfully to inspect, except as authorized in this title, any return or return information.
- (2) **STATE AND OTHER EMPLOYEES** – It shall be unlawful for any person (not described in paragraph (1)) willfully to inspect, except as authorized in this title, any return or return information acquired by such person or another person under a

provision of [IRC] section 6103 referred to in [IRC] section 7213(a)(2) or under [IRC section] 6104(c).

(b) PENALTY –

- (1) IN GENERAL** - Any violation of subsection (a) shall be punishable upon conviction by a fine in any amount not exceeding \$1,000, or imprisonment of not more than 1 year, or both, together with the costs of prosecution.
- (2) FEDERAL OFFICERS OR EMPLOYEES** - An officer or employee of the United States who is convicted of any violation of subsection (a) shall, in addition to any other punishment, be dismissed from office or discharged from employment.

(c) DEFINITIONS - For purposes of this section, the terms "inspect", "return", and "return information" have the respective meanings given such terms by [IRC] section 6103(b).

IRC § 7431. CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION

(a) IN GENERAL-

- (1) INSPECTION OR DISCLOSURE BY EMPLOYEE OF UNITED STATES** – If any officer or employee of the United States knowingly, or by reason of negligence, inspects or discloses any return or return information with respect to a taxpayer in violation of any provision of [IRC] section 6103, such taxpayer may bring a civil action for damages against the United States in a district court of the United States.
- (2) INSPECTION OR DISCLOSURE BY A PERSON WHO IS NOT AN EMPLOYEE OF UNITED STATES** – If any person who is not an officer or employee of the United States knowingly, or by reason of negligence, inspects or discloses any return or return information with respect to a taxpayer in violation of any provision of [IRC] section 6103 or in violation of [IRC] section 6104(c), such taxpayer may bring a civil action for damages against such person in a district court of the United States.

(b) EXCEPTIONS – No liability shall arise under this section with respect to any inspection or disclosure -

- (1)** which results from a good faith, but erroneous, interpretation of [IRC] section 6103, or
- (2)** which is requested by the taxpayer.

(c) DAMAGES - In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the sum of –

- (1)** the greater of –
 - A.** \$1,000 for each act of unauthorized inspection or disclosure of a return or return information with respect to which such defendant is found liable, or
 - B.** the sum of –
 - i.** the actual damages sustained by the plaintiff as a result of such unauthorized inspection or disclosure, plus
 - ii.** in the case of a willful inspection or disclosure or an inspection or disclosure which is the result of gross negligence, punitive damages, plus

- (2) the costs of the action, plus
- (3) in the case of a plaintiff which is described in [IRC] section 7430(c)(4)(A)(ii), reasonable attorneys fees, except that if the defendant is the United States, reasonable attorneys fees may be awarded only if the plaintiff is the prevailing party (as determined under [IRC] section 7430(c)(4)).

(d) PERIOD FOR BRINGING ACTIONS – Notwithstanding any other provision of law, an action to enforce any liability created under this section may be brought, without regard to the amount in controversy, at any time within 2 years after the date of discovery by the plaintiff of the unauthorized inspection or disclosure.

(e) NOTIFICATION OF UNLAWFUL INSPECTION AND DISCLOSURE – If any person is criminally charged by indictment or information with inspection or disclosure of a taxpayer's return or return information in violation of –

- (1) paragraph (1) or (2) of [IRC] section 7213(a),
- (2) [IRC] section 7213A(a), or
- (3) subparagraph (B) of section 1030(a)(2) of title 18, United States Code,

the Secretary shall notify such taxpayer as soon as practicable of such inspection or disclosure.

(f) DEFINITIONS – For purposes of this section, the terms “inspect”, “inspection”, “return”, and “return information” have the respective meanings given such terms by [IRC] section 6103(b).

(g) EXTENSION TO INFORMATION OBTAINED UNDER [IRC] SECTION 3406 – For purposes of this section -

- (1) any information obtained under [IRC] section 3406 (including information with respect to any payee certification failure under subsection (d) thereof) shall be treated as return information, and
- (2) any inspection or use of such information other than for purposes of meeting any requirement under [IRC] section 3406 or (subject to the safeguards set forth in [IRC] section 6103) for purposes permitted under [IRC] section 6103 shall be treated as a violation of [IRC] section 6103.

For purposes of subsection (b), the reference to [IRC] section 6103 shall be treated as including a reference to [IRC] section 3406.

(h) SPECIAL RULE FOR INFORMATION OBTAINED UNDER [IRC] SECTION 6103(k)(9) –

For purposes of this section, any reference to [IRC] section 6103 shall be treated as including a reference to [IRC] section 6311(e).

I understand and agree to the above requirements.

Mary Beth Quillen
Provider Supervisor (Print) Mary Beth Quillen

Mary Beth Quillen
Provider Supervisor Signature

8/7/19
Date

**CHILD SUPPORT ADMINISTRATION
IRS SAFEGUARD/YEARLY EMPLOYEE CERTIFICATION TRACKING**

The IRS requires any external agency that is an authorized recipient of Federal Tax Information (FTI) to establish procedures to provide adequate FTI protection. Therefore, Title 07, Subtitle 01, Chapter 07, Section 10 (07.01.07.10) of the Code of Maryland Regulations (COMAR) provides that a court may find that unauthorized disclosure of confidential information is a criminal offense punishable by a fine of up to \$500, 90 days imprisonment, or both, and may also result in civil liability for damages. All staff with access to FTI are required to review the Disclosure Awareness Training video at least annually via the following website: <https://cseapps2.marylandproject.umd.edu/certification2/>. In order to have access to the video, please complete the chart on the following page using Word.

Should you encounter a problem with the video prompts or certification process, or should you have additional questions, please do not hesitate to contact your CSA Contract Manager.

PLEASE COMPLETE THE BELOW BY PROVIDING THE NAMES OF ALL EMPLOYEES WITH ACCESS TO CSES AND IRS INFORMATION. THANK YOU.

Local CRA/Vendor Office: Worcester County Sheriff's Office

Supervisor's Email Address: marybeth.quillen@maryland.gov

#	Employee Last Name	Employee First Name	RX# (if Appl)	Employee's Email Address
1	Fulton	Tracey		<u>tfulton@co.worcester.md.us</u>
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
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18				
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21				
22				
23				
24				
25				

Completed By: Tracey Fulton

Date: 7/31/19

Phone #: 410-632-1111 ext. 2251

E-Mail: tfulton@co.worcester.md.us

Uniform Guidance for Federal Awards

The Federal Office of Management & Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance for Federal Awards") requires CSA to monitor the Provider's compliance with the Uniform Guidance for Federal Awards' requirements. Please have an authorized individual of Provider check one of the following, attach appropriate documentation, and certify Provider's status by signing at the bottom.

___ We have not yet completed our single audit for the fiscal year ending 20___. We expect our audit to be completed on ___/___/___ (mm/dd/yyyy) and will provide you with a copy within 30 days of completion. If the audit notes material weaknesses, material instances of non-compliance, or findings related to the sub-award(s) from CSA, we will also enclose a copy of our responses and corrective action plan.

___ We have completed our single audit for the fiscal year ending 20___. Enclosed please find a copy of our independent auditor's FY 20___ Report on Federal Awards in accordance with the Uniform Guidance for Federal Awards. If the audit notes material weaknesses, material instances of non-compliance, or findings related to the sub-award(s) from CSA, we will also enclose a copy of our responses and corrective action plan.

___ We are not subject to a single audit because (circle appropriate letter): a) we did not expend \$750,000 or more in federal funds; or b) for other reasons (attach explanation). Enclosed please find a copy of our audited financial statements or end-of-year financial statements for the time period in question, with documentation of our accounting compliance standards and internal controls.

X Our audit is available on the Internet at URL

<http://www.co.worcester.md.us/sites/default/files/departments/treasurer/reports/CAFR%2012.17.18.pdf>

CSA requires sub-recipients to submit copies of annual financial and/or accounting compliance documentation even in the absence of findings relating to CSA grants or when sub-recipients are exempt from the Uniform Guidance for Federal Awards.

Signature:  Date: 7/30/19

Name: Mark Titanski Title: Chief Deputy

Phone: 410 652 1111 Email: mtitanski@co.worcester.md.us

BACKGROUND CHECK

Security Clearance / Criminal Background Check

The Provider shall obtain from each prospective employee and subcontractor a signed statement permitting a criminal background and citizenship/residency check.

The Provider shall obtain a Criminal Justice Information System (CJIS) State and Federal criminal background check for each individual performing services under the Contract, which shall include at a minimum:

- FBI fingerprinting;
- A check of local law enforcement agencies where the subject has lived, worked and/or attended school within the last 5 years (and, if applicable, information from the appropriate agency regarding any identified arrests); and
- A citizenship/residency check to verify eligibility to legally work in the United States, to include the completion of USCIS Form I-9 and, for new employees, verification of status and documentation through E-Verify within three days of the I-9's completion. The Provider must document and monitor any employee or subcontractor with expiring employment eligibility for continued compliance.

This criminal background check may be performed by a public or private entity and is done at the Provider's expense. A criminal background check shall be completed prior to any employee or subcontractor of Provider providing services or accessing Department of Human Services data or Federal Tax Information (FTI) (including but not limited to electronic data and/or paper files).

The CJIS criminal record check of each employee/subcontractor who will work on this Contract shall be reviewed by the Provider. Conviction for any offense(s) listed in Section K. 204.9(h) of the Child Support Administration ("CSA") Program Policy Manual shall constitute a bar to employment under the Contract.

The Provider shall complete the attached (page 3) Background Investigation Results Form for each employee and/or subcontractor, certifying to CSA that a background check has been performed. The Results Form must be received by the

State Project Manager prior to such employee or subcontractor receiving access to the Child Support Enforcement System (CSES). Criminal background checks or reinvestigations must be conducted on all employees and subcontractors assigned to work under the Contract every three (3) years from the date of the previous background investigation.

The Provider shall not employ any person who has been found guilty of any of the crimes listed in Section 1.8(c) of the CSA Background Investigation Policy, or similar crimes, within the last three (3) years (regardless of whether the person was granted probation before judgment). For guilty findings older than three (3) years, the Provider shall have the discretion on hiring decisions based on the age and circumstances of the underlying events leading to the guilty finding. CSA, however, reserves the right to reject any of Provider's employees or subcontractors that it determines, in its sole discretion, to be inconsistent with the performance and/or security requirements set forth in this Contract and CSA policy.

Contract No.: CSA/CRA/20-044
Addendum F

BACKGROUND INVESTIGATION RESULTS FORM

Name of Provider/Sub Provider: Worcester County Sheriff's Office

Name and Title of Authorized Representative: Chief Deputy Mark Titanski

Name of Person Fingerprinted: Tracey Fulton

☐ New Hire

☒ Existing Employee

Date Fingerprinted: 7/31/19

Citizenship/Residency Check Results:

☒ Legally authorized to work in the United States

☒ I-9 completed

☐ E-Verify completed (new hires only)

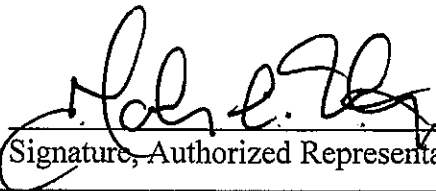
☒ Employee does not have FTI access

Criminal History Background Check Results:

☒ Individual has never been found guilty of an offense that conflicts with DHS policy or bars employment

-- or --

☐ Individual has been found guilty of an offense that conflicts with DHS policy or bars employment but the guilty finding is from more than three years ago and the individual has been hired, **subject to DHS approval**, based on the following justification:


Signature, Authorized Representative

7/31/19
Date

**STATE OF MARYLAND
DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT ADMINISTRATION**

LEGAL AUTHORIZATIONS FOR COOPERATIVE REIMBURSEMENT AGREEMENTS

1. The Department of Human Services is the central coordinating and directing agency of all public assistance activities in the State of Maryland, including child support. Md. Code Ann., Human Serv. § 5-205; Fam. Law. § 10-108. The Department of Human Services is the single State agency for the purposes of administering Maryland's plan for aid and services to needy families with children under the Social Security Act, 42 U.S.C. § 602(a)(4), and has established a single and separate organizational unit that has responsibility for administering, or supervising the administration of, the State Plan under Title IV-D of that Act.
2. Md. Code Ann., Human Serv. §§ 4-302 and 5-608 authorize the Department of Human Services to accept any and all allotments of funds and to manage and expend same in whatever manner may be required by law, and to take advantage of the Social Security Act and any amendments and supplements thereto and any other act relating to social services and public assistance.
3. Grants are available to the Department under the provisions of Title IV-D of the Social Security Act and the regulations adopted pursuant thereto, for the purposes of, inter alia, developing and implementing a program under which the Department will undertake, through a separate organizational unit, 42 U.S.C. §654(3), (i) to establish paternity and to establish, modify or enforce support obligations, 42 U.S.C. §654(4)(A), (ii) to enforce support for any child receiving services, 42 U.S.C. §654(4)(B), (iii) to locate certain parents, 42 U.S.C. §654(8), and (iv) to cooperate with other States in achieving the above goals and securing compliance with court orders upon request from other States, 42 U.S.C. §654(9).
4. Md. Code Ann., Fam. Law §§ 10-106, 10-107, 10-108, 10-109 and 10-110, authorize the establishment of the Child Support Administration within the Department for the purpose of administering a program for establishment, enforcement and collection of child support payments making, inter alia, the assignment to the Department of any right to support from another person a condition of Temporary Cash Assistance eligibility. Any action brought under this agreement by any court or law enforcement agency to establish the legal obligation for child support for parents of non-recipients must be preceded by an approved application for services to be obtained by the local Department of Social Services or local Child Support Unit. Md. Code Ann., Fam. Law § 10-111 gives the Department the authority to contract with public agencies that may provide the services to the

Department to enable it under state and federal law to discharge its responsibilities.

5. The Department is authorized to enter into cooperative arrangements with appropriate court and law enforcement officials to assist it in administering such a program, which arrangements may include provisions for the reimbursement of such courts and law enforcement officials for their assistance in such cases, 42 U.S.C. §654(7)(A) and Md. Code Ann., Fam. Law §10-111, for the furnishing of pertinent information to them, and with respect to any other matters of common concern to such officials and the Department, 42 U.S.C. §654(7)(B).

**STATE OF MARYLAND
DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT ADMINISTRATION
COOPERATIVE REIMBURSEMENT AGREEMENT
TERMS AND CONDITIONS**

COURT AND LAW ENFORCEMENT AGENCIES

I. PROGRAM AND SERVICES TO BE PROVIDED

- A. Subject to the continuing availability of Federal and local funding, the PROVIDER shall provide the program for the establishment of paternity and the establishment, modification, enforcement, and recovery of child support payments from non-custodial parents of children (PROGRAM) in accordance with the plan fully described in the Cooperative Reimbursement Agreement (CRA) application (together with the Addenda and these Terms and Conditions, the "Agreement"), which is incorporated herein.

The PROGRAM shall be subject to the supervision of the DEPARTMENT OF HUMAN SERVICES (DEPARTMENT) to include the Child Support Administration (CSA) and Local Department of Social Services or local office of child support and shall be in compliance with such rules and regulations as the DEPARTMENT may adopt covering operation of the PROGRAM. Supervision will consist of but not be limited to compliance reviews, case record reviews, statistical analysis, audits, monitoring of operational systems and procedures and any other reviews deemed necessary by CSA or other appropriate actions consistent with the Uniform Interstate Family Support Act.

- B. The PROVIDER shall provide child support services for CSA in all legal and equitable actions available under Maryland Law, including but not limited to proceedings under the Uniform Interstate Family Support Act, regardless of whether Maryland is the initiating or the responding State.

In accordance with Md. Code Ann., Fam. Law §10-109, any action brought by any court or law enforcement agency to establish the legal obligation for child support for parents who have not received Temporary Cash Assistance (TCA) must be preceded by an approved application for services obtained by the local Department of Social Services or the local office of child support or other appropriate actions consistent with the Uniform Interstate Family Support Act.

- C. Md. Code Ann., Courts and Judicial Proceedings Article §§ 6-103.1 and 6-103.2 permit Maryland courts to exercise personal jurisdiction over non-resident defendants in child support and paternity proceedings.

II. MODIFICATION AND TERMINATION

Both PARTIES hereby acknowledge the possibility of substantial changes in State and/or Federal regulations or laws applicable to the Agreement and expressly agree to renegotiate and amend the Agreement as necessary to comply with such changes. The Agreement represents the complete and final understanding of the PARTIES, and no other

understandings or representations, oral or written, regarding the subject matter of the Agreement shall be deemed to exist or bind the PARTIES hereto, except that:

A. Reductions and/or Increases in Federal Funding

Reductions and/or increases in Federal funding during the term of this contract may be passed on to the PROVIDER at the sole discretion of the DEPARTMENT.

B. Budget Adjustments

Adjustments of funds between budget categories (line item changes) must receive written approval by the DEPARTMENT. Adjustments that do not affect the total authorized funding, and are consistent with the objectives of the Agreement, do not require an amendment to the Agreement.

C. Alteration of Agreement

The PARTIES expressly reserve the right to alter, vary, modify or waive any provision of the Agreement, provided that such alteration, variation, modification, or waiver shall be valid only when reduced to a writing which has been duly signed by each and every signator to the original of the Agreement or his successor in office and attached to the original of the Agreement.

D. Early Termination

The PARTIES may mutually agree in writing to an earlier termination at any time, or the DEPARTMENT, in its sole discretion, may serve upon the PROVIDER a written notification of an intention to terminate the Agreement as of thirty (30) days or more from the date of the PROVIDER's receipt of such notice.

Upon thirty (30) days written notice to the PROVIDER, the DEPARTMENT may terminate the Agreement at any time if it determines that PROVIDER's failure to perform adequately places the State in jeopardy of a fiscal sanction as described in Section V of these Terms and Conditions. Such determination shall be based upon reports, audits, and monitoring in accordance with Sections IV.A, IV.B, IV.C and IX.D of these Terms and Conditions.

III. COST AND EFFICIENCY

A. Payment:

The Department shall reimburse the PROVIDER for services provided in the Agreement at a rate of 66% for all allowable expenditures less the DHS Administrative Fee of $\frac{1}{9}$ th of the local share of operating costs.

Payments by the DEPARTMENT will be contingent upon submission of a certified and itemized quarterly invoice. Invoices must be submitted as indicated in Section III.D of these Terms and Conditions. Invoices must show PROVIDER's actual expenditures for the previous quarter in accordance with the approved budget. The format for the invoice shall be provided by CSA. The Provider must submit a copy of all summonses served and warrants executed within that period.

- B. Payment of funds for the costs of services under the Agreement is contingent upon the DEPARTMENT receiving funds to pay for these costs from funds appropriated under Title IV-D of the Social Security Act by the United States Department of Health and Human Services (HHS).
- C. Notwithstanding any other provision of the Agreement, an invoice submitted by a PROVIDER for payment of expenditures (cash basis) made during any fiscal quarter must be received by CSA's Contract Manager as stipulated below. Payment may be withheld under the Agreement at the sole discretion of the DEPARTMENT on account of any such expenditure if the invoice is not received by the following dates:

Quarter Ending	Due Date
December 31	January 31
March 31	April 30
June 30	July 31
September 30	October 31

IV. DOCUMENTATION AND RECORDS

Fiscal Responsibility, Records, Reports, and Monitoring Procedure:

- A. PROVIDER shall assume responsibility for maintenance of all financial records which reflect all direct and indirect costs of any nature expended in the performance of the Agreement; such records are to be subject at all reasonable times and upon receipt of reasonable notice for inspection, review or audit by Federal and/or State personnel assigned to perform such inspection by the DEPARTMENT or duly authorized Federal or State agency. PROVIDER will furnish such fiscal and statistical reports as may be required by the DEPARTMENT to the Division of Budget and Finance, to the Inspector General, and to CSA.
- B. Statistical information will be obtained from CSES. Service of process, execution of writs and warrants, and other court proceedings must be documented in CSES, in the manner prescribed by CSA. Statistical information related to the establishment of paternity and the establishment, modification and enforcement of support must be documented in CSES as prescribed by CSA.
- C. The PROVIDER shall retain all records and other documents relevant to the Agreement, including forms previously submitted to the DEPARTMENT in accordance with its requirements, for a period of no less than three (3) years after the date of final payment, a resolution of audit findings, or disposition of non-expendable property, whichever is later, and upon receipt of reasonable notice thereof, the PROVIDER shall grant full access thereto. The right to examine any of said materials shall be afforded to Federal and/or State auditors who shall have substantiated in writing a need thereof in the performance of their official duties and to such other persons as are authorized by the DEPARTMENT.

- D. Paragraphs A through C, supra, and Section III shall not be construed as a limitation on the PROVIDER's reporting responsibilities under the Agreement.

V. FISCAL RESPONSIBILITY

The PROVIDER hereby agrees to immediately reimburse the DEPARTMENT for any payments withheld from the DEPARTMENT or adjustments made in funds otherwise due the DEPARTMENT by HHS in connection with any expenditures by the PROVIDER under the Agreement; provided, however, that such reimbursement shall not be required for payments withheld or adjustments made by reason of any failure by the DEPARTMENT to comply with the terms of the Agreement.

In addition, the PROVIDER hereby agrees to reimburse the DEPARTMENT for any expenditures under the Agreement which, as a result of an audit by the DEPARTMENT, HHS or any authorized entity, are determined to be attributable to:

- (1) Services to ineligible persons;
- (2) Ineligible services;
- (3) Ineligible indirect costs or disallowance of charges; or
- (4) Any other items that are inconsistent with the provisions of the Agreement, 45 C.F.R. Subtitle B, Ch. III, 2 C.F.R. Part 225, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

If the DEPARTMENT believes that any determination by HHS is erroneous or improper for any reason, the DEPARTMENT may pursue all available legal remedies to reverse such determination and to prevent any fiscal sanction which HHS may seek to impose. The PROVIDER shall have a right to appeal any request for the return of funds under this Section. The appeal shall be to the Secretary of the DEPARTMENT and shall be conducted in accordance with the State Administrative Procedure Act. The procedures to be followed shall include a hearing before an Administrative Law Judge in the Office of Administrative Hearings, who shall render a recommended decision to the Secretary of the DEPARTMENT, who shall make the final decision. Unless the PROVIDER requests an appeal, the PROVIDER shall return the funds required to be returned under this Section no later than thirty (30) days following the DEPARTMENT's request for their return; if an appeal is requested within that thirty (30) day period, the PROVIDER will not be responsible for returning funds until thirty (30) days after such appeal has been completed and denied, or until a fiscal sanction has been imposed by HHS, whichever occurs first. Under this section, the PROVIDER shall not be required to return any funds in excess of the full amount received under the Agreement during the period(s) for which the fiscal sanction is imposed.

VI. COLLECTION AND OTHER FEES

Under the Agreement, the PROVIDER shall not charge any fees for child support services.

VII. SAFEGUARDING INFORMATION

The use or disclosure by any PARTY of any information relating to proceedings or actions to establish paternity, or to establish, modify, or enforce support for any purpose inconsistent with the responsibilities and/or official duties of the DEPARTMENT or the

PROVIDER under the Agreement and/or applicable provision of law, or the provisions of 45 C.F.R. § 303.21, are prohibited.

VIII. TECHNICAL ASSISTANCE AND CONSULTATION

- A. The DEPARTMENT shall furnish the PROVIDER with such technical assistance and consultation by DEPARTMENTAL staff that is not readily available elsewhere as is reasonably necessary to allow satisfactory performance in providing the services required by the Agreement.
- B. The DEPARTMENT shall designate a CSA Contract Manager and local child support agency Cooperative Reimbursement Agreement Liaison to serve as the contact between the DEPARTMENT and the PROVIDER regarding all matters relating to the Agreement.
- C. The use of funds by the PROVIDER under the Agreement to hire consultants shall require prior approval of the DEPARTMENT's designated Contract Manager. The Contract Manager must approve all arrangements and the proposed work plan of the consultants involved before the consultants commence any work.
- D. The PROVIDER agrees that meetings with any staff directly or indirectly involved in the provision of services which are the subject of the Agreement may be conducted at any reasonable time by Federal and/or State personnel assigned by the DEPARTMENT or by a duly authorized Federal or State agency for the purpose of monitoring or facilitating implementation of the Agreement.

IX. EMPLOYEES

The individuals providing services for the DEPARTMENT pursuant to the Agreement shall be exclusively the employees of the PROVIDER and, as such, shall be entitled to participate in such employee benefit programs as are available to other persons in the PROVIDER's employ. No individual may be concurrently employed by the PROVIDER while he or she is an employee of the State of Maryland, or any Department, Commission, Agency or Branch thereof, whose duties as such employee relate to the subject matter of the Agreement.

X. STATE LAWS AND REGULATIONS

The terms of the Agreement and its execution are subject to all applicable Maryland laws and regulations and approval of such other agencies of the State of Maryland as is required under said laws and regulations.

XI. BINDING EFFECT OF CHILD SUPPORT LAWS AND REGULATIONS

The terms of the Agreement are subject to the provisions of the Federal Social Security Act establishing and governing public assistance and child support found in Title 42 of the United States Code, Chapter 7, particularly Subchapter IV, Part D; the regulations of the United States Department of Health and Human Services promulgated thereunder, found in Title 45 of the Code of Federal Regulations, particularly Subtitle B, Chapter III; and the provisions of the State plan adopted pursuant thereto.

XII. EQUAL OPPORTUNITY CLAUSE

- A. The PROVIDER agrees not to discriminate against any employee or applicant for employment because of sexual orientation, race, color, creed, sex, age, marital status, political affiliation, national origin, ancestry, religion and physical or mental disability unrelated in nature and extent so as reasonably not to preclude the performance of such employment, or any other unlawful form of discrimination. The PROVIDER will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without discrimination because of their sexual orientation, race, color, creed, sex, age, marital status, political affiliation, national origin, ancestry, religion and physical or mental disability unrelated in nature and extent so as reasonably not to preclude the performance of such employment, or any other unlawful form of discrimination. Such action shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The PROVIDER shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the DEPARTMENT setting forth the substance of this Equal Opportunity clause.
- B. The PROVIDER shall, in all solicitations or advertisements for employees placed by or on behalf of the PROVIDER, state that all qualified applicants will receive consideration for employment without regard to sexual orientation, race, color, creed, sex, age, marital status, political affiliation, national origin, ancestry, religion or disability.
- C. In the event of PROVIDER's non-compliance with this Section, the DEPARTMENT, at its option, may cancel, terminate or suspend the Agreement, in whole or in part.

XIII. USE AND SUPPLY OF INFORMATION

The DEPARTMENT will assure compliance with the prompt notice requirement of 45 C.F.R. § 235.70, requiring the Department of Social Services or CSA local child support office to, upon the furnishing of aid or the determination that an individual is a TCA recipient, promptly transmit all relevant information regarding TCA recipients to the PROVIDER hereunder.

The DEPARTMENT shall grant the PROVIDER access to its Central Registry of records containing all available identifying information, including location, employment and financial status, if known, relating to parents who have deserted or appear to have deserted their children or from whom financial support for dependent children may be solicited in furtherance of the objectives of the Agreement.

XIV. CIVIL RIGHTS

- A. The PROVIDER will not, on the grounds of sexual orientation, race, color, creed, sex, age, marital status, political affiliation, national origin, ancestry, religion or physical or mental disability:

- (1) Deny any individual any service or other benefit provided under the PROGRAM;

- (2) Provide any services or other benefit to an individual which is different, or is provided in a different manner, from those provided to others under the PROGRAM;
 - (3) Subject an individual to segregation or separate treatment in any matter related to receipt of any service(s) or other benefits provided under the PROGRAM;
 - (4) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or other benefit provided under the PROGRAM;
 - (5) Treat any individual differently from others in determining whether he or she satisfied any eligibility or other requirement or condition which individuals must meet in order to receive any aid, care, service or benefit provided under the PROGRAM;
 - (6) Deny any individual an opportunity to participate in the PROGRAM or the receipt of services or otherwise afford him or her an opportunity to do so which is different from that afforded others under the PROGRAM.
- B. The PROVIDER will not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of sexual orientation, race, color, creed, sex, age, marital status, political affiliation, national origin, ancestry, religion or physical or mental disability, or have the effect of defeating or substantially impairing accomplishment of the objectives of the PROGRAM in respect to individuals of a particular sexual orientation, race, color, creed, sex, age, marital status, political affiliation, national origin, ancestry, religion or physical or mental disability, in determining:
- (1) The types of services or other benefits to be provided under the PROGRAM;
 - (2) The class of individuals to whom, or the situations in which, such services or other benefits will be provided under the PROGRAM; or
 - (3) The class of individuals to be afforded an opportunity to participate in the PROGRAM.

XV. NON DISCRIMINATION IN PROGRAMS

The PROVIDER understands and agrees that it will comply fully with the provisions of the Americans with Disabilities Act. The PROVIDER agrees that it will not directly or indirectly, through contractual or other arrangements, utilize criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability, or that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the DEPARTMENT's program with respect to individuals with disabilities.

XVI. PURCHASE AND TREATMENT OF ASSETS

- A. The PROVIDER shall obtain prior written approval from the DEPARTMENT for any assets acquired (rented or purchased) with funds paid under the Agreement, excluding ordinary office supplies, except that such approval is not required with regard to assets described in the Agreement Application attached hereto.
- B. The PROVIDER shall receive reimbursement for the applicable Federal share for equipment acquired under the Agreement through use allowances, depreciation, or one-time charge in the total amount of acquisition cost. The computation of depreciation or use allowance will be based on acquisition cost.
 - 1. The method for computing depreciation of equipment shall be in accordance with the IRS Guidelines. Equipment is defined by the Federal government as being tangible personal property which has a useful life of more than two years or a cost of \$500 or more. Equipment costing \$25,000 or less may be purchased under the Agreement with CSA's approval and may be claimed either in the period acquired or depreciated, but not both; equipment costing over \$25,000 must be depreciated (Code of Federal Regulations, Title 45, Part 95, Subpart G).
 - 2. The use allowance for equipment shall be computed at an annual rate of six and three quarters percent (6 3/4%) of acquisition cost.
- C. The PROVIDER shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection and preservation of all equipment so as to assure its full availability and usefulness for the performance of the Agreement.
- D. Such equipment shall, unless otherwise provided herein or approved in writing by the DEPARTMENT, be used only for the performance of the Agreement.
- E. If the equipment is depreciated, any gain or loss on the disposition of the equipment shall be treated as a decrease or an increase, respectively, to the depreciation expense for the period in which the disposition takes place. This does not apply to equipment for which costs were claimed for reimbursement through use allowance.
- F. Title to all property acquired by the PROVIDER under this or any past agreement at a cost of \$1,000 or more, including purchase by lease purchase agreement, for which the PROVIDER was reimbursed at the applicable Federal Financial Participation (FFP) rate shall vest in the DEPARTMENT.
- G. Each federal fiscal year, and upon termination of the Agreement, the PROVIDER shall deliver to the DEPARTMENT a listing of all DEPARTMENT property leased or purchased during the Agreement showing the following information as to each property item:
 - 1. A description of the property;
 - 2. Manufacturer's serial number or other identification number;
 - 3. Acquisition date and cost, or acquisition date and rental cost;

4. Source of property;
5. Percentage of Federal funds used in the acquisition of the property; and
6. Location, use and condition of the property.

This information must also be provided for each item of property when it is acquired.

- H. Upon termination of the Agreement, the DEPARTMENT may require the PROVIDER to deliver to the DEPARTMENT any DEPARTMENT-owned property specifically produced or acquired for the performance of the Agreement.

CSA shall furnish a form for the PROVIDER's use in submitting the Yearly Equipment Inventory Report.

- I. PROVIDER agrees to comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and the regulatory provisions of 40 C.F.R. Part 247. PROVIDER shall make maximum use of products containing recovered materials that are EPA-designated items unless the product is not reasonably available within the contract performance timeframe, fails to meet reasonable contract performance requirements, or is only available at an unreasonable price. Information about this requirement, along with the list of EPA-designated items, is available at EPA's Comprehensive Procurement Guidelines website, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program#products>. PROVIDER must comply with this requirement when purchasing or acquiring an item with Federal funds that exceeds \$10,000, either individually or in an aggregate quantity over the preceding fiscal year, to include, without limitation, paper, paper products, and non-paper office products.

XVII. LISTING WITH JOB SERVICE

PROVIDER agrees to list all employment positions to be created or filled in connection with the services to be provided under the Agreement with the Maryland Workforce Exchange, Department of Labor, Licensing and Regulation, or its successor, except where such positions are required to be filled through the State/County/City Merit System or where there are special employment conditions which cannot be met through the use of such job service. At the time such listing is published, the PROVIDER is to submit a copy of the listing to the CSA Contract Manager.

XVIII. ANTI-DRUG ABUSE

The PROVIDER, pursuant to 41 U.S.C. § 8103, shall provide a drug-free work place by taking the following steps:

- A. Publishing, and providing a copy to employees, of a notice that the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances is prohibited in the workplace and specifying sanctions for violations.
- B. Establishing a drug-free awareness program to inform employees about the dangers of drugs, the PROVIDER's drug-free policy, the availability of counseling, rehabilitation, and employee assistance programs, and the penalties for violations.

- C. Making it a condition of their employment that employees will abide by the notice and will notify the PROVIDER of any criminal drug statute conviction for a work place violation no later than five (5) days after such conviction.
- D. Notifying the DEPARTMENT of an employee's conviction within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of a conviction.
- E. Imposing a sanction on, or requiring satisfactory participation in, a drug abuse assistance or rehabilitation program by an employee who is so convicted.
- F. Making a good faith effort to maintain a drug-free workplace.

XIX. CHILD SUPPORT ENFORCEMENT SYSTEM (CSES)

The PROVIDER shall participate in the operation of, comply with all policies and procedures relating to, and participate in new worker and on-going training and activities, as appropriate, that result from system enhancements with regard to CSES. Personnel charged with access to CSES are forbidden from divulging any information found therein to any other personnel. CSES shall be the only data processing system funded under this agreement. The PROVIDER's costs for operating a PROVIDER-operated system shall not be covered by the Agreement.

The PROVIDER shall assign to two employees (Security Monitor and back-up Security Monitor) functions for the purpose of processing Logon-ID requests to add, change security roles or delete PROVIDER employees who use CSES. In addition, the Security Monitor shall be responsible for maintaining the Worker Code Table for PROVIDER's employees who use CSES.

The PROVIDER shall purchase or replace, as necessary, equipment and software for employees who must access the CSES in order to provide services under the Agreement. The State shall reimburse the PROVIDER for these equipment and software purchases that are properly invoiced. Section XVI shall govern the ownership and maintenance of the CSES equipment and software purchased under this Section.

XX. CHILD SUPPORT ENFORCEMENT TRAINING

At the PROVIDER's request, training will be provided. Please contact your CSA Contract Manager to arrange.

XXI. CERTIFICATION REGARDING LOBBYING

31 U.S.C. § 1352 prohibits the use of Federal funds for lobbying and requires the disclosure of each instance of lobbying that occurs using appropriated or other fund sources. Completion of a Certification Regarding Lobbying by the PROVIDER is required as acknowledgment of this prohibition and the related requirements and penalties.

XXII. SERVICES TO NON-CUSTODIAL PARENTS

PROVIDER expressly agrees to provide child support services to non-custodial parents who file an application for services with the DEPARTMENT in compliance with the Social Security Act, federal regulations at 45 C.F.R. Subtitle B, Ch. III, and the DEPARTMENT's policies and directives.

**PART V - PROGRAM BUDGET SUMMARY
FFY 2020**

FEE FOR SERVICE ONLY

		Total Estimated Cost
1. Service of Process	Anticipated # of Service of Process	
Estimated # of Summonses @ \$40 each	1000	\$40,000
2. Writs/Warrants/Body Attachments	Anticipated # of Writs/Warrants/Body Attachments	
Estimated # of Warrants @ \$40 each	230	\$9,200
3. Overnight Cost of Contract to CSA		\$20
4. Total Program Costs (Sum of line 1 thru line 3)		\$49,220
5. Local Share (34% of line 4)		\$16,735
6. Administrative Fee (1/9th of Line 5)		\$1,859
7. Total Local Share (line 5 plus line 6)		\$18,594
8. Federal Financial Participation (66% of line 4)		\$32,485
9. Maximum Amount to be Paid by DHS (line 8 minus line 6)		\$30,626

PART V - PROGRAM BUDGET SUMMARY

FFY 2021

FEE FOR SERVICE ONLY

		Total Estimated Cost
1. Service of Process	Anticipated # of Service of Process	
Estimated # of Summonses @ \$40 each	1000	\$40,000
2. Writs/Warrants/Body Attachments	Anticipated # of Writs/Warrants/Body Attachments	
Estimated # of Warrants @ \$40 each	230	\$9,200
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9. Maximum Amount to be Paid by DHS (line 8 minus line 6)		\$30,626

PART V - PROGRAM BUDGET SUMMARY

FFY 2022

FEE FOR SERVICE ONLY

		Total Estimated Cost
1. Service of Process	Anticipated # of Service of Process	
Estimated # of Summonses @ \$40 each	1000	\$40,000
2. Writs/Warrants/Body Attachments	Anticipated # of Writs/Warrants/Body Attachments	
Estimated # of Warrants @ \$40 each	230	\$9,200
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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

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Phillip G. Thompson, Finance Officer *PGT*
RE: Tax Credit
DATE: August 7, 2019

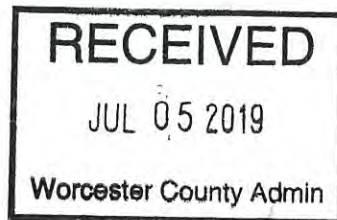
Draft Resolution - p. 7

I would like to request the County Commissioners authorize 100% tax credits totaling \$12,878.66 for the three Ocean City Chamber of Commerce properties attached pursuant to Section 9-325 of the Tax Property Code. Included with this request is a copy of the letter from the Chamber requesting the credit.

If you have any questions or require any other follow-up, please do not hesitate to contact me.



The Greater Ocean City, Maryland Chamber of Commerce Inc.



Copy: Phil Thompson
For processing

July 3, 2019

Worcester County Board of County Commissioners
Diana Purnell, President
Room 1103 – Government Center
One West Market Street
Snow Hill, Maryland 21863

Dear President Purnell:

We are in receipt of our property tax bills for 2019-2020, copies of which are enclosed for your convenience. I would like to request that the Board of County Commissioners grant property tax credits for the Greater Ocean City Chamber of Commerce for account numbers 10-012139, 10-011108, and 10-012147 pursuant to Tax-Property Article §9-325(a)(5) and reissue adjusted bills if necessary.

If you have any questions or require any additional information, please feel free to contact me at 410-213-0144. Thank you for your assistance in this matter.

Sincerely,

Melanie A. Pursel
Executive Director

	Co Asmt	Credit Co Tax
10012147	14,300	\$ 120.84
10012139	1,192,500	\$ 10,076.63
10011108	317,300	\$ 2,681.19

Eunice Q. Sorin Visitor & Conference Center

12320 Ocean Gateway, Ocean City, Maryland 21842 • 410-213-0144 • Fax 410-213-7521
www.oceancity.org • info@oceancity.org

2

DETACH AND KEEP THIS PORTION

Worcester County
Office of the Treasurer

Principal Residence or Commercial

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID		BILL YEAR		LEVY PERIOD		LIBER/FOLIO		CHARGES	ASSESSMENT	RATE	AMOUNT
10012147		2019		07/01/19 - 06/30/20		546 / 40		State Real Property	14,300	.112000	16.02
MAP	GRID	PARCEL	BILL #		BILL DATE	IF CHECKED CALL (410) 632-0686 EXT. 3		County Real Property	14,300	.845000	120.84
0026	0006	0392	27513		07/01/19	PRIOR YEAR TAXES DUE					
CONSTANT YIELD RATE INFORMATION		COUNTY RATE - CONSTANT YIELD = DIFFERENCE \$0.845 - \$0.8231 = \$.0219				TAX SALE					
									TOTAL TAXES		136.86



13936SCH 5-DIGIT 21872
OCEAN CITY MD CHAMBER OF
COMMERCE INC THE
12320 OCEAN GTWY
OCEAN CITY, MD 21842-9688

T 42 P 1

PROPERTY DESCRIPTION
PARCEL B 833 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH
ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012147	2019	27513	07/01/2019	Jul	-0.60	136.26
PARCEL B 833 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR			LEVY PERIOD	Aug	0.00	136.86
			IF CHECKED CALL (410) 632-0686 EXT. 3	Sep	0.00	136.86
			07/01/19 - 06/30/20	Oct	0.68	137.54
			PRIOR YEAR TAXES DUE	Nov	1.37	138.23
			TAX SALE	Dec	2.05	138.91
				Jan	3.42	140.28
				Feb	4.79	141.65
MAIL WITH FULL ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MD CHAMBER OF
COMMERCE INC THE
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082019800027513100000136267

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH SECOND
SEMI-ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012147	2019	27513	07/01/2019	Jul	-0.30	68.13
PARCEL B 833 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR			LEVY PERIOD	Aug	0.00	68.43
			IF CHECKED CALL (410) 632-0686 EXT. 3	Sep	0.00	68.43
			07/01/19 - 06/30/20	Oct	0.00	68.43
			PRIOR YEAR TAXES DUE	Nov	0.00	68.43
			TAX SALE	Dec	0.00	68.43
MAIL WITH SECOND SEMI-ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MD CHAMBER OF
COMMERCE INC THE
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082019800027513100000068130

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH FIRST SEMI-
ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012147	2019	27513	07/01/2019	Jul	-0.30	68.13
PARCEL B 833 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR			LEVY PERIOD	Aug	0.00	68.43
			IF CHECKED CALL (410) 632-0686 EXT. 3	Sep	0.00	68.43
			07/01/19 - 06/30/20	Oct	0.68	69.11
			PRIOR YEAR TAXES DUE	Nov	1.37	69.80
			TAX SALE	Dec	2.05	70.48
MAIL WITH FIRST SEMI-ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MD CHAMBER OF
COMMERCE INC THE
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

3

02402082019800027513100000068130

Important Information for Taxpayers

You may pay **this bill** in person (cash or check) at the Office of the Treasurer, Room 1105, Government Center, 1 W. Market Street, Snow Hill, MD or at the Isle of Wight Center, 13070 St. Martins Neck Road, Bishopville, MD.

To view taxes or to pay by credit or debit card, or electronic check visit www.co.worcester.md.us and follow the link to Taxes Online. Visa, MasterCard, Discover and American Express are accepted by our vendor, Official Payments. A convenience fee is charged by our vendor.

If paying through your bank's online bill pay service, please set up the correct vendor for taxes. The correct vendor is Worcester Co MD Property Tax, PO Box 248, Snow Hill, MD 21863. Please use your eight digit property ID for real estate tax or your nine digit personal property number. Create a separate payee for each account number you maintain with Worcester County. We are only able to receive electronic payments if one account number is designated for each payment record.

POSTMARK WILL NOT BE ACCEPTED. Payment must be received in our office by the last day of the month.

Payments made in July are allowed a discount which has already been applied and is reflected in the Pay This Amount column. Refunds will not be made for failure to take discount. Payments become delinquent on Oct. 1st and are subject to interest until paid. State legislation allows for semi-annual payments for commercial property with taxes not exceeding \$100,000 and for owner-occupied property. If you choose the semi-annual option, the first semi-annual payment is due by Sept. 30th with interest beginning on Oct. 1st. The second semi-annual payment is due by Dec. 31st and becomes delinquent on Jan. 1st.

Failure to receive a bill does not excuse the payment of taxes, interest or penalties. Properties are subject to sale for delinquent taxes that remain unpaid. An annual Tax Sale is conducted each year to collect delinquent taxes.

If you have a mortgage escrow that pays this tax, it is your responsibility to send this bill to your lender.

If the **PRIOR YEAR TAXES DUE** box or the **TAX SALE** box is checked on the front of your bill, contact our office immediately at 410-632-0686, ext. 3. Prior taxes must be paid before paying the current tax.

Constant Yield Tax Rate

In the last taxable year, the Worcester County real property tax rate was \$0.835 and the certified assessment of the net assessable real property was \$15,393,741,626. The assessment multiplied by the rate produced real property tax revenues of \$128,537,743. For this taxable year the certified assessment of the net assessable real property is \$15,616,625,511. To produce the same real property tax revenues as last year the real property tax rate would be \$0.8231. This rate is called the constant yield tax rate. For this taxable year the actual real property tax rate is \$0.845, which is different from the constant yield tax rate. The rate is \$.0219 more than the constant yield tax rate and will produce in real property tax revenues \$3,420,041 more than would be produced by the constant yield tax rate.

Questions regarding your assessment should be directed to the local Assessment Office at 410-632-1196, ext. 6.

Address changes require notification to the State Dept. of Assessments and Taxation.

Room 1202, Worcester Government Center
One West Market Street
Snow Hill, MD 21863

Address change forms and other assessment-related information can also be obtained online at www.dat.maryland.gov.

There is a complete **Disabled Veterans' Tax Exemption** from real property taxes on the dwelling owned by veterans or their surviving spouses where there is a service-connected disability which is 100% disabling and permanent in character. For further information call the local Assessment Office at 410-632-1196, ext. 6.

Homeowners may be entitled to a **Homeowners' Tax Credit** against their tax on the dwelling which is their principal residence. A homeowner must apply for the credit each year, no later than Sept. 1st. You may obtain an application or additional information by calling 1-800-944-7403.

The **Homestead Credit** limits the annual increase in taxable assessment on owner-occupied residential properties to a fixed percentage. Any applicable credit has been used in the calculation of this bill.

DETACH AND KEEP THIS PORTION

Worcester County
Office of the Treasurer

Principal Residence or Commercial

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID		BILL YEAR	LEVY PERIOD		LIBER/FOLIO		CHARGES	ASSESSMENT	RATE	AMOUNT
10012139		2019	07/01/19 - 06/30/20		3471 / 564		State Real Property	1,192,500	.112000	1,335.60
MAP	GRID	PARCEL	BILL #	BILL DATE	IF CHECKED CALL (410) 632-0686 EXT. 3		County Real Property	✱ 1,192,500	.845000	10,076.63
0026	0006	0392	27512	07/01/19		PRIOR YEAR TAXES DUE				
CONSTANT YIELD RATE INFORMATION		COUNTY RATE - CONSTANT YIELD = DIFFERENCE \$0.845 - \$0.8231 = \$.0219					TAX SALE			
TOTAL TAXES										11,412.23



13935 *****SCH 5-DIGIT 21872
OCEAN CITY MARYLAND CHAMBER OF
COMMERCE INC
12320 OCEAN GTWY
OCEAN CITY, MD 21842-9688

T 42 P 1

PROPERTY DESCRIPTION
PARCEL A 15965 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH
ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012139	2019	27512	07/01/2019	Jul	-50.38	11,361.85
PARCEL A 15965 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR		LEVY PERIOD	IF CHECKED CALL (410) 632-0686 EXT. 3	Aug	0.00	11,412.23
		07/01/19 - 06/30/20	PRIOR YEAR TAXES DUE	Sep	0.00	11,412.23
				Oct	57.06	11,469.29
				Nov	114.13	11,526.36
				Dec	171.18	11,583.41
				Jan	285.30	11,697.53
				Feb	399.44	11,811.67
MAIL WITH FULL ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF
COMMERCE INC
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082019800027512300011361854

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH SECOND
SEMI-ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012139	2019	27512	07/01/2019	Jul	-25.19	5,680.92
PARCEL A 15965 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR		LEVY PERIOD 07/01/19 - 06/30/20	IF CHECKED CALL (410) 632-0696 EXT 3	Aug	0.00	5,706.11
			PRIOR YEAR TAXES DUE	Sep	0.00	5,706.11
				Oct	0.00	5,706.11
				Nov	0.00	5,706.11
				Dec	0.00	5,706.11
				TAX SALE		
MAIL WITH SECOND SEMI-ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF
COMMERCE INC
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082019800027512300005680921

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH FIRST SEMI-
ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10012139	2019	27512	07/01/2019	Jul	-25.19	5,680.93
PARCEL A 15965 SQ FT LANDS OF OCEAN CITY CHAM OF COMMERCE PR SUR		LEVY PERIOD 07/01/19 - 06/30/20	IF CHECKED CALL (410) 632-0686 EXT. 3	Aug	0.00	5,706.12
			PRIOR YEAR TAXES DUE	Sep	0.00	5,706.12
				Oct	57.06	5,763.18
				Nov	114.13	5,820.25
				Dec	171.18	5,877.30
				MAIL WITH FIRST SEMI-ANNUAL PAYMENT		

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF
COMMERCE INC
12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

5

02402082019800027512300005680921

DETACH AND KEEP THIS PORTION

Worcester County
Office of the Treasurer

Principal Residence or Commercial

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID		BILL YEAR		LEVY PERIOD		LIBER/FOLIO		CHARGES	ASSESSMENT	RATE	AMOUNT
10011108		2019		07/01/19 - 06/30/20		6234 / 329		State Real Property	317,300	.112000	355.38
MAP	GRID	PARCEL	BILL #		BILL DATE	IF CHECKED CALL (410) 632-0686 EXT. 3		County Real Property *	317,300	.845000	2,681.19
0026	0006	0392	27430		07/01/19						
CONSTANT YIELD RATE INFORMATION		COUNTY RATE - CONSTANT YIELD = DIFFERENCE \$0.845 - \$0.8231 = \$.0219						PRIOR YEAR TAXES DUE			
								TAX SALE			
TOTAL TAXES										3,036.57	



13934 *****SCH 5-DIGIT 21872 T 42 P 1
OCEAN CITY MARYLAND CHAMBER OF COM
12320 OCEAN GTWY
OCEAN CITY, MD 21842-9688

PROPERTY DESCRIPTION
LOTS 1 37 38 39 40 S SIDE R-50 PL C LEWIS FARM

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH
ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10011108	2019	27430	07/01/2019	Jul	-13.40	3,023.17
LOTS 1 37 38 39 40 S SIDE R-50 PL C LEWIS FARM			LEVY PERIOD	Aug	0.00	3,036.57
			IF CHECKED CALL (410) 632-0686 EXT. 3	Sep	0.00	3,036.57
			07/01/19 - 06/30/20	Oct	15.19	3,051.76
				Nov	30.36	3,066.93
				Dec	45.55	3,082.12
				Jan	75.92	3,112.49
				Feb	106.27	3,142.84
MAIL WITH FULL ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF COM

12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082019800027430800003023173

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH SECOND
SEMI-ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10011108	2019	27430	07/01/2019	Jul	-6.70	1,511.58
LOTS 1 37 38 39 40 S SIDE R-50 PL C LEWIS FARM			LEVY PERIOD	Aug	0.00	1,518.28
			IF CHECKED CALL (410) 632-0686 EXT. 3	Sep	0.00	1,518.28
			07/01/19 - 06/30/20	Oct	0.00	1,518.28
				Nov	0.00	1,518.28
				Dec	0.00	1,518.28
MAIL WITH SECOND SEMI-ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF COM

12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

02402082019800027430800001511583

MAKE CHECK PAYABLE TO WORCESTER COUNTY
P.O. BOX 64390
BALTIMORE, MD 21264-4390

ENCLOSE THIS PORTION WITH FIRST SEMI-
ANNUAL PAYMENT

(410) 632-0686 Ext. 3
www.co.worcester.md.us

PROPERTY ID	BILL YEAR	BILL #	BILL DATE	IF PAID IN	DISC/INT	PAY THIS AMOUNT
10011108	2019	27430	07/01/2019	Jul	-6.70	1,511.59
LOTS 1 37 38 39 40 S SIDE R-50 PL C LEWIS FARM			LEVY PERIOD	Aug	0.00	1,518.29
			IF CHECKED CALL (410) 632-0686 EXT. 3	Sep	0.00	1,518.29
			07/01/19 - 06/30/20	Oct	15.19	1,533.48
				Nov	30.36	1,548.65
				Dec	45.55	1,563.84
MAIL WITH FIRST SEMI-ANNUAL PAYMENT						

Payment Enclosed

OCEAN CITY MARYLAND CHAMBER OF COM

12320 OCEAN GATEWAY
OCEAN CITY, MD 21842

6

02402082019800027430800001511583

DRAFT

RESOLUTION NO. 19 - ____

**RESOLUTION AUTHORIZING A 100% TAX CREDIT
FOR REAL PROPERTY OWNED BY THE
OCEAN CITY, MARYLAND CHAMBER OF COMMERCE, INC.**

BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that pursuant to Section 9-325 of the Tax-Property Article of the Annotated Code of Maryland that there is hereby granted a tax credit of 100% for real property owned by the Ocean City, Maryland Chamber of Commerce, Inc. for the July 1, 2019 tax year.

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

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom



3



Worcester
County
Library

Books are just the beginning.

To: Harold Higgins, Chief Administrative Officer
From: Jennifer Ranck, Library Director *JR*
Date: August 13, 2019
Re: FY 20 Certification for Cooperative Local-State Library Aid Programs

The Library has received the annual request from the Maryland State Library to certify the annual operating budget for the Worcester County Library Board for FY 2020. The County operating budget is \$2,798,366 and State Aid for the library is \$165,408. Other expenses listed for \$120,000 is the funding for the Pocomoke Library Branch design phase and the \$120,000 match from the State.

I request approval from the County Commissioners for the certification to be signed which will be forwarded to the Library for the Board of Library Trustees signature before sending to the State. I am available for any questions you may have.



**Maryland
State Library**

Irene M. Padilla
Maryland State Librarian

22 South Calhoun Street • Baltimore, Maryland 21223 • 667-219-4800

August 1, 2019

TO: Public Library Administrators

FROM: Irene M. Padilla *Irene Padilla*

SUBJECT: Certification for State Aid - FY 2020

Enclosed is the **Certification for Cooperative Local-State Library Aid Programs for FY 2020**. In order to be eligible for its State Share of the minimum cooperative local-state library aid program, a county government must provide the required minimum contribution (§23-503 of the Education Article, Annotated Code of Maryland).

Please certify that the local contribution matches the required minimum contribution of the cooperative local-state library aid program as specified in column 11 of the final calculations for the Public Library Formula Program for Fiscal Year 2020. If you would also like to include the amount your county provides for Special or Capital Expenditures (such as matching amounts for county library capital grants or debt payments on library CIP projects) you may include it on the Other Expense line.

This certification must be signed and dated by the designated library and county officials.

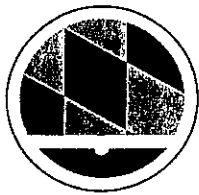
Please return the signed certification form to Helen Li no later than **Friday, August 30, 2019** at haiyun.li@maryland.gov. If the Certification form is filled out but waiting for the necessary signatures, please scan it to Ms. Li so that we have it on file until the signed form is available to mail.

Should you have any questions regarding this form, please contact Ms. Li at (410) 230-2431.

Thank you.

Enclosure

c: Helen Li, Finance and Support Services Administrator



22 South Calhoun Street • Baltimore, Maryland 21223 • 667-219-4800

**CERTIFICATION FOR COOPERATIVE LOCAL-STATE LIBRARY AID PROGRAMS
FY 2020**

TO: Maryland State Library

We hereby certify that:

- I. The Board of Trustees of Worcester County has or will receive the monies noted below as county contributions for current operating expenses.
- II. The Government of Worcester County has made an appropriation of monies equal to the total noted below as county contributions for capital expenditures.
- III. The State share \$ 165,408 for this county will be utilized as noted below as State contributions.
- IV. The distribution of monies will be:

	<u>TOTAL COUNTY CONTRIBUTIONS</u>	<u>STATE SHARE</u>
Current Expense	\$ <u>2,798,366</u>	\$ <u>165,408</u>
Other Expense	\$ <u>120,000</u>	\$ <u>120,000</u>

DATE

FOR THE BOARD OF LIBRARY TRUSTEES

DATE

**FOR THE COUNTY COUNCIL/COMMISSION OR CITY
COUNCIL OF BALTIMORE CITY**

RETURN TO:

**Haiyun Li
Maryland State Library
415 Park Avenue
Baltimore, MD 21201
Haiyun.li@maryland.gov**

RETURN BY:

Friday, August 30, 2019



DEPARTMENT OF
INFORMATION TECHNOLOGY

Worcester County

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

4

To: Harold Higgins, Chief Administrative Officer

From: Brian Jones, IT Director

Re: Skyline Technology Solutions

Date: August 9, 2019

I would like to request approval on our yearly maintenance contract for Skyline Technology Solutions. Skyline provides services to Worcester County through our WAN (Wide Area Network) service offering. The maintenance agreement provides hardware support for all of our County Public Network including the county Libraries, Emergency Services Radio, Public Safety Buildings, HVAC Hardware and telephone systems throughout the county.

Our Managed WAN Services include the following:

Monitoring and alerting for 41 devices and or locations	- \$4,560.00
Maintenance for 41 devices	- \$2,137.50

Monthly total	- \$6,697.50
----------------------	---------------------

The above contract costs were approved in the FY20 budget. We fall under the Carroll County parent contract, which gives us reduced contract pricing and more fiber solutions available to us as a county.

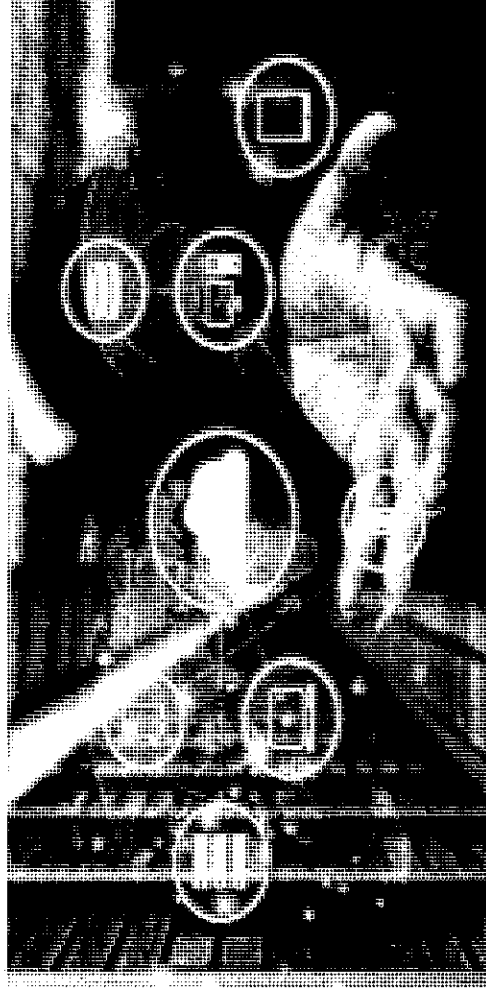
This contract term covers November 1, 2018 thru June 30, 2020.

AMENDMENT TO:
WORCESTER COUNTY SHARED
COMMUNICATIONS NETWORK DESIGN,
IMPLEMENT & SUPPORT CONTRACT

NETWORK

OPERATIONS SUPPORT

TERM: 10/1/2018 – 6/30/20



Contact Information:

Welcome

The Skyline family welcomes the opportunity to continue our providing support services too Worcester County through our WAN service offering.

Your Client Identification

For us to efficiently continue to support your requests we would like to remind you to present your client identification code **WOCPN** when contact the network operations center.

24x7x365 Service Desk
1-888-767-9040
1-410-553-2605
support@skylinenet.net

Client ID Code: **WOCPN**
Account Manager: Rick Fairhurst
rfairhurst@skylinenet.net

Your Contract Support

This is a brief synopsis of what is included in your support contract.

- 24x7x365 Network Device Monitoring and fault detection. Support ticket creation and tracking.
- 24x7x365 Break/Fix Support on designated network devices (see attached devices and locations)
- Device sparring (Break/Fix Replacement)
- Network Vendor Support Contract management
- Network Reporting (Monthly)
 - Bandwidth Reports
 - Current Device Inventory
 - Traffic Trending Reports (Capacity Planning)
 - Reports on request
- Provisioning Services
 - Adding new network clients to your network
 - Circuit inventory
- Preventative Maintenance (Bi-Annually)
 - Vendor recommend maintenance
 - Site Inventory

MANAGED WAN SERVICES

Supported Network Devices

This is the current list of supported network devices. This list can be appended at any time by contacting your account manager: **Rick Fairhurst**

Display Name	IP	Description	Device Type	Address	City
wc-wr013shwt-rtr1	10.50.254.1	Juniper Networks, Inc. mx104 internet router, kernel JUNOS 15.1R6.7, Build date: 2017-04-23 01:51:20 UTC Copyright (c) 1996-2017 Juniper Networks, Inc.	CORE	1 West Market Street	Snow Hill
wc-wr033cst-rtr1	10.50.254.2	Juniper Networks, Inc. mx104 internet router, kernel JUNOS 15.1R6.7, Build date: 2017-04-23 01:51:20 UTC Copyright (c) 1996-2017 Juniper Networks, Inc.	CORE	6841 CENTRAL SITE LN	Newark
wc-wr011msp-rtr1	10.50.254.3	Juniper Networks, Inc. mx104 internet router, kernel JUNOS 15.1R6.7, Build date: 2017-04-23 01:51:20 UTC Copyright (c) 1996-2017 Juniper Networks, Inc.	CORE	9758 OCEAN GTWY	Berlin
wc-wr012ocps-rtr1	10.50.254.11	Juniper Networks, Inc. acx2200 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	6501 Coastal Highway	Ocean City
wc-wr048ppd-rtr1	10.50.254.13	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	1500 Market Street	Pocomoke City
wc-wr013911-rtr1	10.50.254.16	Juniper Networks, Inc. acx2200 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	1 West Market Street	Snow Hill
wc-wr049shpd-rtr1	10.50.254.20	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	216 West Green Street	Snow Hill
wc-wr010fsc-rtr1	10.50.254.21	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	4767 Snow Hill Road	Snow Hill
wc-wr051cmh-rtr1	10.50.254.24	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	6113 Timmons Road	Snow Hill
wc-wr015ftc-rtr1	10.50.254.27	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	6743 Central Site Lane	Newark
wc-wr012ocps-rtr2	10.50.254.12	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	6501 Coastal Highway	Ocean City
wc-wr013wcgc-rtr1	10.50.254.17	Juniper Networks, Inc. acx2200 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	1 West Market Street	Snow Hill
wc-wr045kgt-rtr1	10.50.254.18	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	2630 Klej Grange Road	Pocomoke City

MANAGED WAN SERVICES

Display Name	IP	Description	Device Type	Address	City
wc-wr005shl-rtr1	10.50.254.19	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	307 N Washington St.	Snow Hill
wc-wr040shrc-rtr1	10.50.254.22	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	6030 Public Landing Rd	Snow Hill
wc-wr050wac-rtr1	10.50.254.25	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	6207 Timmons Road	Snow Hill
wc-wr015ftc-rtr2	10.50.254.28	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	6743 Central Site Lane	Newark
wc-wr046ntwr-rtr1	10.50.254.29	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	6572 Snow Hill Road	Snow Hill
wc-wr007csllf-rtr1	10.50.254.30	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	7091 Central Site Lane	Newark
wc-wr031wacs-rtr1	10.50.254.36	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	11827 Ocean Gateway	Berlin
wc-wr032iwc-rtr1	10.50.254.39	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	13070 St Martin's Neck Road	Bishopville
wc-wr002opl-rtr1	10.50.254.40	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	11107 Cathell Rd.	Ocean Pines
wc-wr017bes-rtr1	10.50.254.32	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	100 Buckingham Road	Berlin
wc-wr018ses-rtr1	10.50.254.38	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	11318 Showell School Rd	Berlin
wc-wr024phs-rtr1	10.50.254.15	Juniper Networks, Inc. acx2200 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	1817 Old Virginia Road	Pocomoke City

MANAGED WAN SERVICES

Display Name	IP	Description	Device Type	Address	City
wc-wr029shh-rtr1	10.50.254.26	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	305 South Church Street	Snow Hill
wc-wr016bis-rtr1	10.50.254.34	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	309 Franklin Avenue	Berlin
wc-wr013shwt-etdm1	10.50.255.2	FSP150CC-T1804, ADVA GmbH	CORE	1 West Market Street	Snow Hill
wc-wr045kgt-etdm1	10.50.255.3	FSP150CC-T1804, ADVA GmbH	CORE	2630 Klej Grange Road	Pocomoke City
wc-wr012ocps-etdm1	10.50.255.19	FSP150CC-T1804, ADVA GmbH	CORE	6501 Coastal Highway	Ocean City
wc-wr046ntwr-etdm1	10.50.255.11	FSP150CC-T1804, ADVA GmbH	CORE	6572 Snow Hill Road	Snow Hill
wc-wr033cst-etdm1	10.50.255.10	FSP150CC-T1804, ADVA GmbH	CORE	6841 Central Site Lane	Newark
wc-wr056bpd-rtr1	10.50.254.33	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	129 Decatur Street	Berlin
wc-wr047oppd-rtr1	10.50.254.41	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	239 Ocean Parkway	Ocean Pines
wc-wr001bl-rtr1	10.50.254.35	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	13 Harrison Avenue	Berlin
wc-wr008shhd-rtr1	10.50.254.23	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	6040 Public Landing Road	Snow Hill

MANAGED WAN SERVICES

Display Name	IP	Description	Device Type	Address	City
wc-wr011msp-etdm1	10.50.255.18	FSP150CC-T1804, ADVA GmbH	CORE	9758 OCEAN GTWY	Berlin
wc-wr019sdh-rtr1	10.50.254.37	Juniper Networks, Inc. acx2200 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	9913 Seahawk Road	Berlin
wc-wr021boe-rtr1	10.50.254.31	Juniper Networks, Inc. acx2200 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	6270 Worcester Highway	Newark
wc-wr044pwt-rtr1	10.50.254.0	Juniper Networks, Inc. mx104 internet router, kernel JUNOS 15.1R6.7, Build date: 2017-04-23 01:51:20 UTC Copyright (c) 1996-2017 Juniper Networks, Inc.	CORE	Dunn Swamp Road	Pocomoke City
wc-wr058mht-rtr1	10.50.254.42	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	CRITICAL EDGE	9616 Stephen Decatur Hwy	Ocean City
wc-wr004pl-rtr1	10.50.253.14	Juniper Networks, Inc. acx1100 internet router, kernel JUNOS 12.3X54-D27.1, Build date: 2016-02-17 10:35:07 UTC Copyright (c) 1996-2016 Juniper Networks, Inc.	EDGE	301 Market St	Pocomoke City

MANAGED WAN SERVICES

Supported Locations

These are the locations we will be accessing to support the devices under contract.

Address	City	Point of Contact	Phone	E-Mail	Hours Access	Facility Access Procedures
1 West Market Street	Snow Hill	James Hamilton Brian Jones	443-783-0671 410-726-5823	jhamilton@co.worcester.md.us bjones@co.worcester.md.us	0800-1630	Contact POC to schedule escort
216 West Green Street	Snow Hill	Tom Davis	410-632-2447	davis@snovhillmd.com	0800-1630	Contact POC to schedule escort
307 N Washington St.	Snow Hill	Jennifer Ranck ESRL Office	410-632-2600 410-742-1537	franck@worcesterlibrary.org network-admin@esrl.org	1000-1800	Contact POC to schedule escort
6030 Public Landing Rd	Snow Hill	Brian Jones Ken Whited	410-726-5823 443-783-0046	bjones@co.worcester.md.us kenwhited@co.worcester.md.us	0800-1630	Contact POC to schedule escort
6207 Timmons Road	Snow Hill	Brian Jones Ken Whited	410-726-5823 443-783-0046	bjones@co.worcester.md.us kenwhited@co.worcester.md.us	0800-1630	Contact POC to schedule escort
6572 Snow Hill Rd	Snow Hill	James Hamilton Robert Rhode	443-783-0671 443-783-3627	jhamilton@co.worcester.md.us rrhode@co.worcester.md.us	24/7	Contact POC to schedule escort
4767 Snow Hill Road	Snow Hill	Brian Jones Ken Whited	410-726-5823 443-783-0046	bjones@co.worcester.md.us kenwhited@co.worcester.md.us	0800-1630	Contact POC to schedule escort
6113 Timmons Road	Snow Hill	Ken Whited	443-783-0046	kenwhited@co.worcester.md.us	0700-1530	Contact POC to schedule escort
6841 Central Site Lane	Newark	James Hamilton Robert Rhode	443-783-0671 443-783-3627	jhamilton@co.worcester.md.us rrhode@co.worcester.md.us	24/7	Gate combinations "3208" MAG-LA Shelter Key. Notify 911 @ 410-632-1311 prior to entry.
6743 Central Site Lane	Newark	James Hamilton Fred Webster	443-783-0671 443-783-0066	jhamilton@co.worcester.md.us fwebster@co.worcester.md.us	24/7	Contact POC to schedule escort
7091 Central Site Lane	Newark	Brian Jones Ken Whited	410-726-5823 443-783-0046	bjones@co.worcester.md.us kenwhited@co.worcester.md.us	0800-1630	Contact POC to schedule escort
11827 Ocean Gateway	Berlin	Diana Nolte	410-632-1100x1213	Diana.nolte@maryland.gov	0800-1600	Contact POC to schedule escort
9758 Ocean Gateway	Berlin	James Hamilton Robert Rhode	443-783-0671 443-783-3627	jhamilton@co.worcester.md.us rrhode@co.worcester.md.us	24/7	Gate combinations "3208" MAG-LA Shelter Key. Notify 911 @ 410-632-1311 prior to entry.
13070 St Martin's Neck Road	Bishopville	Brian Jones Ken Whited	410-726-5823 443-783-0046	bjones@co.worcester.md.us kenwhited@co.worcester.md.us	0800-1630	Contact POC to schedule escort
6505 Coastal Highway	Ocean City	Bob Dimaio	443-235-1446	bdimaio@oceancitymd.gov	0700-1530	Contact POC to schedule escort
6501 Coastal Highway	Ocean City	Bob Dimaio	443-235-1446	bdimaio@oceancitymd.gov	0700-1530	Contact POC to schedule escort
11107 Cathell Rd.	Ocean Pines	Jennifer Ranck ESRL Office	410-632-2600 410-742-1537	franck@worcesterlibrary.org network-admin@esrl.org	1000-1800	Contact POC to schedule escort
1500 Market Street	Pocomoke City	Angel Thornes	410-957-1600	angel@pocomokemd.gov	0800-1600	Call ahead. Device in "server room"
2630 Klej Grange Road	Pocomoke City	James Hamilton Robert Rhode	443-783-0671 443-783-3627	jhamilton@co.worcester.md.us rrhode@co.worcester.md.us	24/7	Gate combinations "3208" MAG-LA Shelter Key. Notify 911 @ 410-632-1311 prior to entry.
100 Buckingham Road	Berlin					
11318 Showell School Rd	Berlin					
1817 Old Virginia Road	Pocomoke City					
305 South Church Street	Snow Hill					
309 Franklin Avenue	Berlin					

SLA Definitions

The following definitions briefly explain the severity levels used in the MSC to classify events.

Severity 1: Any issue with devices categorized as a “core” or “critical edge”.

- Skyline will provide same day support 24/7/365
- Within 5 minutes of an incident (Called in or detected via monitoring) a Trouble Ticket will be created and a conference bridge will be opened for MSC support team and Worcester County POC. Worcester County POC will be informed of the incident and provided access information to the bridge via phone call and/or E-Mail.
- Diagnosis will begin within 20 minutes.
- Dispatch onsite support (if needed) within 4 hours
- Skyline will house spare core devices at Skyline HQ offices

Severity 2: Any issue with devices categorized as “edge”

- Skyline will provide next day support during business hours (Monday-Friday from 8:00 – 5:00)
- Within 5 minutes of reporting an incident a Trouble Ticket will be created and Worcester County POC notified via phone and E-Mail of the incident.
- Diagnosis will begin within 20 minutes.
- Schedule dispatch for onsite support (if needed) by next business day.
- Worcester County will house spare edge devices in designated secure location

Escalation/Communication Plan

In the table below are the points of contact (POC) for the Severity 1 and Severity 2 incidents. The order column identifies the order in which the POC’s will be notified.

Severity of Event	Person to contact	Office	Mobile	E-Mail	Order To Notify
1	Worcester 911 Center	410-632-1311		Wcprn-notify@co.worcester.md.us	1
1	James Hamilton	410-632-3080	443-783-0671	jhamilton@co.worcester.md.us	2
2	James Hamilton	410-632-3080	443-783-0671	jhamilton@co.worcester.md.us	1

Procedure for Getting Support

Please follow this procedure to get managed WAN services and support. *If you had Skyline install your infrastructure, please do not call you implementation engineer. We cannot ensure timely support if you do as they are not 24x7.*

1. Call one of the phone numbers or e-mail the MSC (on first page)
2. Provide a detailed description of problem noting number of impacted users, location, any symptoms (slowness, performance, etc...). If this is a provisioning request please provide Name of your customer, there location, phone number, and service to be provided them (i.e. 10Mb Internet, 20Mb SWGI, 10Mb VPRN, etc...)
3. Please provide your client identification code and name of organization i.e Worcester County Government.
4. Please provide a call back number.
5. Wait for MSC to respond.

Monthly Costs

Monitoring and Alerting

Equipment	Quantity	Rate	Total
Juniper MX 5 or equivalent	4	\$400.00	\$1,600.00
Core Switch (Ciena 5160 or equivalent)	6	\$80.00	\$480.00
Edge Switch (Ciena 3916 or equivalent)	31	\$80.00	\$2,480.00
Monthly Subtotal			\$4,560.00

Maintenance

Equipment	Quantity	Rate	Total
MX104	4	\$95.00	\$380.00
FSP 150CC	6	\$47.50	\$285.00
ACX 2200	7	\$47.50	\$332.50
ACX 1100	24	\$47.50	\$1,140.00
Monthly Subtotal			\$2,137.50
Monthly Total			\$6,697.50

Contract Term & Cost

November 1, 2018 – June 30, 2020 \$133,940.00

Customer Acceptance _____

_____ Date

County Commissioners of Worcester County, Maryland
INDEPENDENT CONTRACTOR'S AGREEMENT

Prior
Contract

THIS AGREEMENT, made this 18th day of May, 2017, by and between the **COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND**, of Room 1103, Government Center, One West Market Street, Snow Hill, Maryland 21863-1195, hereinafter called "County" and Skyline Technology Solutions, of 6956-F Aviation Boulevard, Glen Burnie, Maryland 21061 hereinafter called "Contractor".

1. **Services.** The County hereby contracts with Contractor to perform the following services as an Independent Contractor for the County: Design, Implement, and Support the Worcester County Shared Communications Network as specified in the attached Proposal (attached hereto as Attachment A) by Contractor.
2. **Terms of Agreement.** This Agreement shall commence upon signing. Contractor services shall be completed no later than October 31, 2018.
3. **Payment.** Contractor shall be paid \$899,767.03 (eight hundred ninety-nine thousand seven hundred sixty-seven and 03/100 dollars) upon written invoices for completed work submitted and approved by the County. County shall not be required to pay for incomplete work. At the time of any payment or upon request, Contractor shall provide complete and proper lien releases, in such form as County may require, from all entities or persons having any right to claim a lien on account of the work.
4. **Performance by Contractor.** Contractor shall expeditiously proceed with Contractor's services hereunder and shall devote such time as may be necessary to complete them within the time provided. Contractor shall perform this contract promptly, properly, completely, in accordance with all codes, in a workmanlike manner and in accordance with industry standards and all plans and specifications. Contractor pledges any and all payments paid or due hereunder for the faithful performance hereof.

5. **County will Provide:** County will provide the following services, materials, space or support: As specified in the attached proposal (See Attachment A).

6. **Terminations**

- 6.1 **Termination for Cause.** County may terminate this Agreement for any cause upon notice to Contractor. For the purposes hereof, "Cause" shall include, but not be limited to:

- A. Material breach of Contract
- B. Dishonesty, Fraud or Criminal Activity
- C. Incapability to perform
- D. Nonperformance
- E. Substandard performance or failing to make satisfactory progress in the prosecution of the contract
- F. Termination of any grant to the County which provides funding for this Contract.

In the event of termination, Contractor shall be entitled to be paid for work performed to date of termination, subject to the limitations herein set forth.

- 6.2 **Termination for Convenience.** The County may terminate the contract, in whole or in part, without cause, by providing written notice thereof to the Contractor. In the event of termination, without cause, the County shall advise the Contractor in writing of the termination date and of work to be performed during the final days prior to contract termination. The Contractor shall be paid for all reasonable costs incurred by the Contractor up to the date of termination set forth in the written notice of termination. The Contractor will not be reimbursed for any anticipatory profits, which have not been earned up to the date of termination. Payments to be provided on a lump sum basis shall be prorated by the County based on the services rendered or goods delivered up to the date of termination set forth in the written notice.

7. **Contract Official.** Contractor shall report directly to, and receive instructions as necessary from Fred Webster, Emergency Services Director, (phone 410-632-1311) who shall be the County Contract Official. Final decisions with respect to the Contract on behalf of the County will be made by the Worcester County Commissioners.
8. **Confidential Information - Reports.** Contractor agrees that information received by Contractor during the administration of the Contract may be considered confidential and upon notice agrees to keep such information confidential. Any report by Contractor shall be the sole and exclusive property of the County and may not be released to any other person or entity without the express written permission of the County.
9. **Employment of Others - Subcontractors.** Any Subcontractors of the Contractor shall be first approved in writing by the County prior to engagement. County may, from time to time, provide other employees to assist Contractor with performance of Contractor services or to perform related services required of Contractor hereunder. This Contract is not assignable or transferrable and will be performed personally by Contractor as set forth in Contractor's proposal.
10. **Inducement.** Contractor has represented to County that Contractor is fully qualified to perform the services hereunder in a professional, state of the art manner to the highest standards within the parameters of this Contract and specifically that the services required of Contractor hereunder may be accomplished under this Contract for the compensation stated herein. Nothing herein shall require County to pay any overage or additional payment; the Contract price herein stated being firm. Any limitation on County's liability hereunder, shall not be a limitation on services required of the Contractor.
11. **Independent Contractor.** The parties hereto do hereby agree that Contractor is an independent contractor in its performance of its obligations hereunder. Accordingly, Contractor shall be responsible for the payment of all taxes including, without limitation,

Federal, State and Local taxes, State Income Tax, Social Security Tax, Unemployment Insurance Tax and all other taxes or business license fees as required arising out of Contractor's performance hereof. Contractor specifically agrees that to the extent required by law, Contractor shall carry Workers' Compensation Insurance in statutory required amounts and Liability Insurance unless waived in writing by County and agrees to provide County with copies of policies as requested. The Contractor agrees to indemnify and hold harmless County with respect to all the Contractor's activities hereunder including, without limitation, claims for negligence or malfeasance against Contractor and as well as Workers' Compensation claims. If this contract is for professional services, Contractor shall provide a minimum of \$1,000,000.00 (one million and 00/100 dollars) Errors and Omissions Insurance. At the option of the County, the Contractor may be required to add the County as an additional insured to any insurance that is required hereunder.

12. **Illegality of Performance.** If for any reason this Agreement or its execution by County Commissioners is determined to be illegal, ultra-vires or not in accordance with the law by County Commissioners, then County Commissioners may in their sole discretion and in good faith, declare it null and void.
13. **Immunity/limitation on Actions Against County Commissioners.** 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, 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. Contractor hereby consents and agrees to such provision and further waives any right to jury trial in any action relating hereto. County Commissioners, as a body politic, has become a party hereto only in the capacity stated herein. No individual elected County Commissioner, 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,

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. County Commissioners' liability under or arising out of this agreement shall be subject to annual budget appropriation and strictly conditioned thereon. The non-waiver and the limitation of liability to County Commissioners hereunder shall be contractual and it is agreed that such limitation is fair and equitable under the totality of the circumstances hereof. It is further agreed and understood that this provision is of the essence.

14. **Hold Harmless - Indemnification.** The Contractor shall defend, indemnify and hold harmless the County, its employees, agents and officials from any and all liabilities, claims, suits, or demands including attorney's fees and court costs which may be incurred or made against the County, its employees, agents or officials resulting from any act or omission committed by Contractor in the performance of the duties imposed by and performed under the terms of the contract. The Contractor shall not be responsible for acts of gross negligence or willful misconduct committed by the County.
15. **Insurance.** Contractor shall also provide Motor Vehicle Insurance and General Liability Insurance in amounts and with companies satisfactory to County. At the option of the County, the Contractor may be required to add the County as an additional insured to any insurance that is required hereunder.
16. **Bonds.** Contractor shall provide such bonds as required by the bid specifications. Contractor hereby binds Contractor to pay and satisfy to the extent legally required all suppliers, subcontractors or others having any right to a claim or action under the Maryland Little Miller Act and hereby pledges any amounts paid or due hereunder as payment security to provide for such payments or satisfactions. Contractor shall provide all lien releases required by County. Where lien releases satisfactory to County are not provided, County may withhold payment to Contractor to the extent determined by County to be reasonably necessary to adequately provide for such claim or action.

17. **Delays and Extensions of Time.** The Contractor agrees to prosecute the work continuously and diligently and no changes or claims for damages shall be made by him for any delays or hindrances, from any cause whatsoever during the progress of any portion of the services specified in this Agreement. Such delays or hindrances, if any, may be compensated for by an extension of time for such reasonable period as the County may decide. Time extensions will be granted only for excusable delays such as delays beyond the control and without the fault or negligence of the Contractor as determined by the County.
18. **Accounting System and Audit, Accurate Information.** The Contractor certifies that all information the Contractor has provided or will provide to the County is true and correct and can be relied upon by the County in awarding, modifying, making payments, or taking any other action with respect to this contract including resolving claims and disputes. Any false or misleading information is a ground for the County to terminate this contract for cause and to pursue any other appropriate remedy. The Contractor certifies that the Contractor's accounting system conforms with generally accepted accounting principles, is sufficient to comply with the contract's budgetary and financial obligations, and is sufficient to produce reliable financial information.

The County may examine the Contractor's and any first-tier subcontractor's records to determine and verify compliance with the contract and to resolve or decide any claim or dispute arising under this contract. The Contractor and any first-tier subcontractor must grant the County access to these records at all reasonable times during the contract term and for 3 years after final payment. If the contract is supported to any extent with federal or state funds, the appropriate federal or state authorities may also examine these records. The Contractor must include the preceding language of this paragraph in all first-tier subcontracts.

19. **Inspections.** The County has the right to monitor, inspect and evaluate or test all supplies, goods, services, or construction called for by the contract at all reasonable places (including the Contractor's place of business) and times (including the period of preparation or

manufacture).

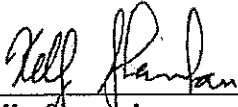
20. **Applicable Laws.** This contract must be construed in accordance with the laws and regulations of Maryland and Worcester County. The Contractor must, without additional cost to the County, pay any necessary fees and charges, obtain any necessary licenses and permits, and comply with applicable federal, state and local laws, codes and regulations. For purposes of litigation involving this contract, exclusive venue and jurisdiction must be in the Circuit Court for Worcester County, Maryland or in the District Court of Maryland for Worcester County.
21. **Equal Opportunity Employer.** The Contractor represents to County that Contractor is an Equal Opportunity Employer.
22. **Notice of Political Contributions.** The Contractor shall comply with the political contribution reporting requirements under Title 14 of the Election Law Article, Maryland Annotated Code, to which the Contractor may be subject.
23. **Notices.** All notices and communications hereunder shall be in writing and shall be deemed given when sent postage prepaid by registered or certified mail, return receipt requested, and, if intended for the County Commissioners, shall be addressed to it, to the attention of its President, at Room 1103, Government Center, One West Market Street, Snow Hill, Maryland 21863-1195, or at such other address of which the County provided, and if intended for the Contractor, shall be addressed to its attention at 6956-F Aviation Boulevard, Glen Burnie, Maryland 21061, or at such other address of which the Contractor shall have given notice to the County in the manner herein provided.
24. **Additional Attachments/Addendums** (if any). N/A
25. **Entire Agreement.** There are no promises, terms, conditions, or obligations other than those contained in this contract. This contract supersedes all communications,

representations, or agreements, either verbal or written, between the parties hereto, with the exception of express warranties given to induce the County to enter into the contract.

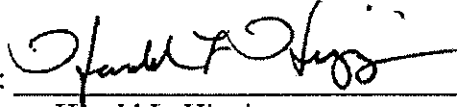
If there are any conflicts between the terms and conditions of this Independent Contractor's Agreement and the terms and conditions of any attachments, incorporated proposals or bids, or addendums hereto, then the terms and conditions of this Independent Contractor's Agreement shall prevail and be binding on the parties.

ATTEST:

**COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND**



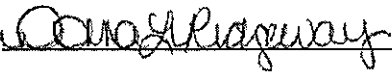
Kelly Shannahan
Assistant Chief Administrative Officer

By:  (SEAL)

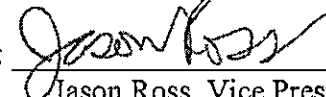
Harold L. Higgins
Chief Administrative Officer

ATTEST:

SKYLINE TECHNOLOGY SOLUTIONS



(Printed name) - Donna L. Ridgeway

By:  (SEAL)

Jason Ross, Vice President

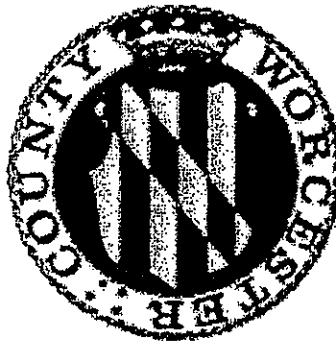
H:\1-wpdocs\BIDS\Contracts\Shared Communications Network 2017-Skyline.wpd

Attachment
A



**WORCESTER COUNTY SHARED
COMMUNICATIONS NETWORK**
DESIGN, IMPLEMENT AND SUPPORT PROPOSAL

Prepared for



CONTENTS

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1 EXECUTIVE SUMMARY

Worcester County recently contracted Skyline to provide engineering services to develop a physical and logical network architecture to bridge the gap between the independent networks in the county. Phase 1 of this consulting engagement began with Skyline meeting with all stake holders to gather existing network documentation. During this process Skyline documented the existing logical network of all of the public entities, which included all sites built during the stimulus project and any future locations the county identified that weren't included in the NTIA/BTOP project. ISP services utilized by each entity were also documented. During Phase 2 of this project, Skyline developed new Hub/Distribution sites based off the information collected in Phase 1 and high level logical drawings of the proposed Network incorporating Stimulus (NTIA/BTOP) sites as well as future planned sites. Once these were approved by the stakeholders, Skyline moved forward with completing Phase 2 with developing the consolidated network design (see addendum X). In Phase 3, the final phase of the project, Skyline has provided written recommendations and associated equipment, labor costs and detailed scope of work for design, build, integration and support of the consolidated network.

2 SCOPE OF SERVICES

Skyline Technology Solutions has developed this Statement of Work and supporting network design to support Worcester County in the development and implementation of a shared county communications network. The shared network has been designed in conjunction with the County and will leverage the fiber optic resources available to the county for use from various resource share, MOU, and privately built infrastructures. The network will also utilize county provided wireless services either directly owned or provided to the county through partnerships with other organizations.

The network will provide network services to several distinct County organizations to include Government, Schools (K-12), and Library systems. In addition, the network will support further traffic isolation services for distinct end system communities such as 911 Emergency services and Radio system support for the county wide 700mhz system. To accomplish this multitenancy the network has been designed to leverage MPLS (Multiprotocol Label Switching) as its core transport services. Over this common transport infrastructure, the proposed solution will support the below services:

1. Internet Protocol version 4 Routed services
 - a. Internet (via ISP peering with networkMaryland™)
 - b. RFC 4364 based IP Virtual Private Networks
 - c. Integration with the networkMaryland™ Statewide Government Intranet (SwGI) service
2. Metro Ethernet services
 - a. MEF 2.0 EVPL (via MPLS L2Circuits/draft martini)
 - b. MEF 2.0 EVLAN (via MPLS EVPN/RFC7432)

Network Design and Build

The following list outlines the tasks the Skyline Technology Solutions will perform in support of this statement of work. Items not explicitly stated in the below list are considered outside of scope and are subject to formal scope modifications and associated charges:

1. Skyline will perform detailed design and planning support for the network
 - a. Skyline will draft all WAN Service Request forms for the required networkMaryland™ services
 - i. 2x1Gbps UNI service delivered at the WR011-h MSP Berlin Communications shelter
 1. 1 ISP peering service
 2. 1 SwGI peering service
 3. 1 Layer 2 Point-to-point service (backbone backup path)

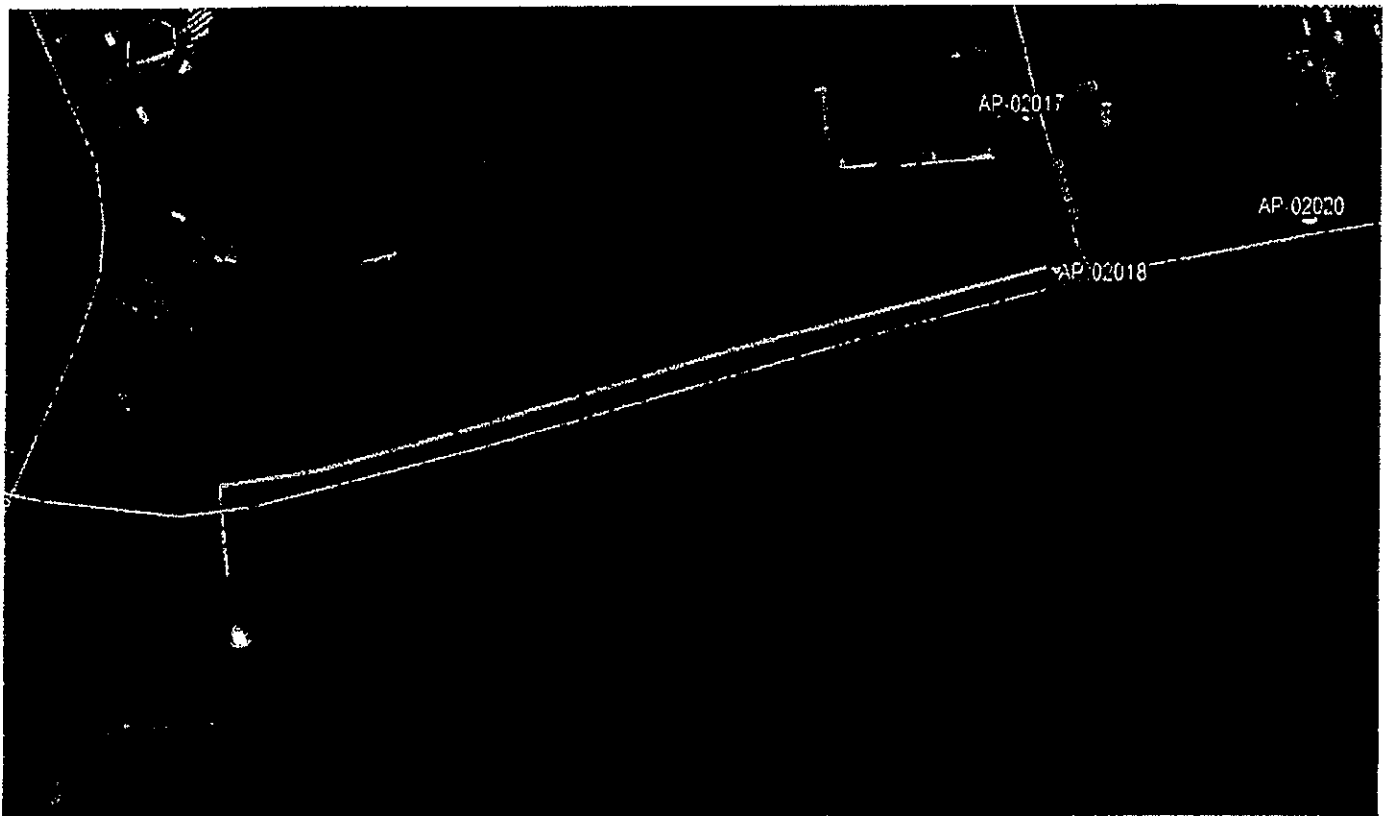
- ii. 2x1Gbps UNI service delivered at the T027 Pocomoke Water Tower communications shelter
 - 1. 1 ISP peering service
 - 2. 1 SwGI peering service
 - 3. 1 Layer 2 Point-to-point service (backbone backup path)
 - b. Internet Protocol Planning
 - i. Skyline will develop and implement an IP address plan for supporting the public IP space provided by the networkMaryland™ services.
 - 1. This will include the base routing table for the network Backbone
 - ii. Skyline will develop and implement an SwGI address plan for supporting the public IP space provided by the networkMaryland™ services.
 - c. Skyline will develop configuration templates for all implemented equipment
 - i. Standardized local login credentials or integration with 1 county provided RADIUS solution (does not include multi-role based services)
 - ii. Standardized SNMP configuration (either v2c or v3 based on customer requirement). If SNMPv3 is configured, a single role/user/view will be configured.
 - iii. Standardized SYSLOG configuration (county provided SYSLOG server)
 - iv. Standardized control plane protection services for all externally exposed equipment.
 - v. Standardized login banner (provided by county)
 - vi. Standardized login/administrative access restrictions
 - 1. County will work with Skyline to define where authorized access will be permitted to administrative functions of the network devices.
 - 2. All network equipment where applicable will only be configured for encrypted administrative sessions (i.e. HTTPs and/or SSH)
 - d. Skyline will develop customized configurations for each device to be implemented in the network
 - e. Skyline will engineer and verify a QoS based mechanism to ensure that prioritized treatment for 911 and Radio system traffic occurs across the network to ensure Latency and Jitter tolerances for the applications are met
 - i. 911 – Latency <100ms, Jitter <30ms, packet loss <1% (assuming adherence to agreed upon per site bandwidth contracts)
 - ii. Radio - Latency <150ms, Jitter <30ms, packet loss 1×10^{-6} (assuming adherence to agreed upon per site bandwidth contracts)
 - iii. Inclusive of County provided Wireless services assuming the underlying transport service itself can meet the SLA requirements (packet loss at <.5%, delay <10ms, and Jitter <5ms)
- 2. Skyline will provide the equipment to the county as detailed in the project Bill of Materials
 - a. As detailed all provided equipment will be provided with a 1 year warranty and service agreement with the manufacturer for support and/or hardware replacement. The associated contracts will be owned by the county.
 - b. Equipment will first be shipped to the Skyline facility in Glen Burnie MD for preparation prior to delivery to the County.
 - i. Skyline can support asset tagging if required by the county and proper procedures are provided at least 1 week prior to equipment receipt.
 - ii. A county representative is also permitted to visit the Skyline facility to perform the asset tagging of the equipment once it has arrived at the County's discretion. In the event the County decides to handle asset tagging responsibilities the County will provide Skyline a summary listing of all applied asset tags and their associated hardware vendor part number and serial number for cross reference purposes. The County will provide this asset tagging service within 5 business days of notification of receipt.
- 3. Skyline will perform pre-staging of the equipment at the Skyline facility
 - a. Devices will be unpacked and power on for POST verification

- b. Devices will be standardized to the required vendor code revision
 - c. Devices will be configured for field operation.
 - d. All associated optical line card components will be pre-assembled and verified for operation.
 - e. Skyline will establish the proposed network backbone within the lab environment and use it to pre-test/verify each edge node configuration to ensure the devices will come online as expected in the production environment
4. Skyline will deliver and install associated network equipment (see Attached BOM) to each identified site and perform the physical implementation of the network
- a. See Assumptions below for facility requirements fulfillment
 - b. Skyline will secure all equipment into the identified rack location(s) within the respective facility
 - c. Skyline will integrate the devices at the site to the transport network services associated with the site per the attached network diagram.
 - d. Final implementation of all sites will be consistent with the proposed network diagram.
5. Skyline will perform provisioning of the network services to support the initial implementation of the required network overlays as identified below:
- a. For each of the below "customers" a service summary document will be drafted and signed by the end customer prior to provisioning work is started. This document will serve as the final sign-off for the customer once all identified services are delivered. Addition/changes to the signed summary may result in additional charges. The finalized service documents will be provided to the County project manager once customer approval has been obtained.
 - b. Skyline will work with the School system to design and implement the required School overlay Virtual network.
 - i. ISP Service re-architecting if required. School system currently obtains networkMaryland™ services directly. It is expected that this service will be moved to a common Worcester network peering point(s) and then the Worcester network will deliver the ISP service to the Schools
 - ii. Internal network services to connect the locations identified in the appendix A site list associated with the School system
 - 1. Assumed 1 L3VPN with 7 UNI connections
 - 2. Assumed 1 ISP service UNI (BOE site)
 - c. Skyline will work with the Library to implement the network services required at each facility associated with the Library system identified in Appendix A
 - i. Expectation of 1 logical service at each of the four (4) location
 - d. Skyline will work with the 911 system team to deliver network services required by the system at each of the locations required as identified in appendix A and the attached 911 system design document
 - i. 1 EVPN with 8 service deliveries
 - ii. 1 EVPN with 4 service deliveries
 - e. Skyline will work with the Radio system team to deliver network services required by the system at each of the locations required as identified in appendix A and the attached Radio system design document
 - i. 1 L3VPN with 15 total service deliveries.
 - f. Skyline will work with the Government to delivery required network services at each of the identified network locations in appendix A associated with the Government
 - i. 1 VPRN with 30 service deliveries for Government
 - ii. 1 VPRN with 16 service deliveries for Security
 - iii.

Fiber Construction

Pocomoke Water Tower Fiber Lateral

1. Install new 2-inch conduit. Starting at the existing hand hole at the intersection of Broad St and Pocomoke Beltway install conduit parallel to the roadway to the Pocomoke Water Tower Shelter.
2. Fiber installation lateral. Installation of 48 count fiber optic single mode cable. The fiber will originate at the existing splice case on Broad Street and run through the new 2-inch conduit to the Water Tower Shelter.
3. Fiber Termination: Supply and terminate 48 Count rack mount fiber distribution panel. The new rack mount panel will be housed with SC style single mode UPC connectors
4. Fiber Splicing Skyline will perform the necessary splicing of the fiber into the existing backbone cable to create the new connections from each "Edge site" that will point back to the new Core location at the Water Tower Shelter
5. Fiber Testing. Provide bi-directional test results (OTDR and Power meter) to the county when splicing is complete.



Fiber lateral to the Pocomoke Police

1. Install new 2 inch Conduit. Starting at the existing hand hole at the intersection of Pocomoke High and Pocomoke Beltway install conduit parallel to the roadway turning onto market Street up to the Pocomoke Police Building.
2. Fiber installation lateral. Installation of 12 count fiber optic single mode cable. The fiber will originate at the existing splice at Pocomoke High run through the new 2 inch conduit to the Pocomoke Police Building.
3. Fiber Termination. Supply and terminate 12 Count rack mount fiber distribution panel. The new rack mount panel will be housed with SC style single mode UPC connectors
4. Fiber Splicing. Skyline will perform the necessary splicing of the fiber into the existing backbone cable to create the new connections from the "Edge site" that will point back to the new Core location at the Water Tower Shelter
5. Fiber Testing. Provide bi-directional test results (OTDR and Power meter) to the county when splicing is complete.

Fiber Splicing

1. Generate Splice Details for all fiber connections within Worcester County (Gov, Public Safety, Schools) in fiber tracking/splicing software OSPInsight.
2. Perform cut-over of all school locations to "temporary" fiber along the Backbone cable. This will require access to Ten (10) existing splice locations along Rt 113
3. Perform backbone splicing to create "core" network connections between the Four(4) MX104 (10 locations) Juniper equipment – Pocomoke, Snow Hill, Central Site, Berlin
4. Perform necessary splicing to "cut over" Public Safety and Government locations back to each of the Four (4) Core locations or the sites designated Distribution Site (33 links).
5. Perform "cut-over" of schools from temporary fiber to the permanent fiber along the backbone cable (10 locations).
6. Provide bi-directional OTDR and Power Meter test results of all fibers

Project Deliverables

1. Skyline will provide a consolidated facilities requirement document for detailing network implementation requirements for each site identified in appendix A for county execution
 - a. Power requirements in terms of total watts as well as total required outlets
 - i. Note Core sites recommended to provide redundant facility power circuits
 - b. HVAC requirements in terms of total BTU load
 - c. Rack Requirements in terms of consecutive Rack Units in a standard 19" rack (1.75 inches per RU)
2. Skyline will provide a final network diagram set detailing the as-built network infrastructure
 - a. 1 Physical Diagram
 - i. Microsoft Visio format and PDF
 - b. 1 Logical Diagram
 - i. Microsoft Visio format and PDF
3. Skyline will provide a detailed equipment inventory and its associated installation location (site)
 - a. Microsoft Excel format
4. Skyline will provide final configurations for all equipment installed under this SOW
 - a. Raw text format if supported by device or device native format
5. Skyline will provide copies of all associated device code used in final implementation
6. Skyline will provide the finalized service requirements summary documents for each of the networks provisioned on the County network.

Assumptions

1. The County is responsible for providing all facility requirements as detailed in Skyline deliverable item 1 above
2. The County will submit all service requests to the associated entities and work with the provider(s) to ensure they are processed in a suitable timeframe.
 - a. networkMaryland™ services
 - b. MDBC Fiber services
 - c. Other private fiber services
 - d. Wireless services
 - i. The County is providing wireless services between T025 and T027
 1. Wireless will be copper based 1Gbps Ethernet handoff at each location
 2. Demarcation point of wireless service will be at the county provided rack for the network equipment installation identified by the county
 3. Wireless solution will support at least 1600 byte MTU (Jumbo frames).
 - ii. The county is leveraging Microwave wireless services from MIEMS on connections for T020, T021, and WR012. The county is responsible for securing access and right to use for each segment and providing Skyline with the port information at each location for each corresponding DS1 facility being provided for use.
 1. The design provides for equipment at each end of the connections to consolidated the DS1 facilities into an Ethernet service to the MPLS network.
3. Skyline is responsible for troubleshooting required to achieve the final network implementation as detailed in the attached design
 - a. County will ensure that wireless components are ready for service and tested/verified prior to Skyline implementation
 - i. County will broker troubleshooting with the provider of any wireless service required to support activation.
 - b. County will broker troubleshooting as required for fiber assets to asset provider.
4. Skyline will be providing "consumable" project implementation resources at an agreed not to exceed limit of up to \$10,000. Purchases from this allotment will be summarized by Skyline and billed to the County at the completion of the physical implementation phase of the project. An itemized list of procurements will be provided to support the request however tracking for site specific implementation details is not expected to be provided to the county.
 - a. Patch cables (fiber/copper)
 - b. Velcro/cable ties
 - c. Label supplies etc.
 - d. Power Cables
5. The "network" will only provide Ethernet UNI interfaces
 - a. 1G – 1000BaseT, 1000BaseSX, 1000BaseLX
 - b. 10G – 10GBaseSR (only at High School and BOE site facilities)
6. The end consumers of the network services are responsible for their device provisioning (customer edge)
 - a. Skyline will only configure the equipment in the provided project bill of materials.
 - b. Each customer will need to configure their customer edge equipment to integrate with the services as defined in the approved service design document.
 - c. Skyline can provide customer support based on the contracted T&M labor rates.

Network Monitoring and Alerting

Skyline will provide 24/7/365 network monitoring and alerting services for Worcester County's Shared Communications Network. The following devices will be monitored under this service:

MX104 Core Equipment	Qty. - 4	@\$454.60/month
ACX2200 Edge Equipment	Qty. - 7	@\$90.90/month
ACX 100 Edge Equipment	Qty. - 23	@\$90.90/month
FSP 150CC Edge Equipment	Qty. - 7	@\$90.90/month

Skyline will set up these devices in our SolarWinds Orion system to include SNMP Polling, Traps and Syslog notification in the event of a network issue. A re-evaluation will be made in 90 days with all entities (Gov. Emergency Services and Schools) to make any adjustments on the notification process.

Skyline offers the following SLAs for this service:

Sev. 1/Core Equipment

- Skyline will provide same day support 24/7/365
- Within 5 minutes of reporting an incident a Trouble Ticket will be created and a conference bridge will be opened to inform the Service Desk Team Lead and Worcester County POC of the agency.
- Diagnosis will begin within 20 minutes.
- Dispatch onsite support (if needed) within 4 hours
- Skyline will house spare core devices at HQ offices

Sev. 2 Edge Equipment

- Skyline will provide next day support during business hours (8:00 – 5:00)
- Within 5 minutes of reporting an incident a Trouble Ticket will be created and a conference bridge will be opened to inform the Service Desk Team Lead and Worcester County POC of the agency.
- Diagnosis will begin within 20 minutes.
- Dispatch onsite support (if needed) by next business day
- Worcester County will house spare edge devices in designated secure location

3 SUMMARY OF YEAR 1 COST

Description	Pricing
Juniper Network Equipment w/1 yr. support (line item pricing in Appendix H)	\$363,885.60
ADVA Network Equipment w/1 yr. support (line item pricing in Appendix G)	\$7,222.60
Network Implementation	\$140,571.50
Fiber Construction	\$119,438.00
Fiber Splicing	\$92,960.00
Traffic Control (Range - \$50,000 - \$85,000)	\$85,000.00
Monitoring & Alerting (\$5363.50/month)	\$64,362.00
UPSs @ three Locations (estimate)	\$4,026.22
Consumable Project Materials (estimate)	\$10,000.00
TOTAL	\$887,465.92

4 ANNUAL RECURRING COST

Description	Pricing
Juniper Network Equipment Annual Maintenance (estimate)	\$24,577.20
ADVA Network Equipment Annual Maintenance (estimate)	\$1,200.00
Monitoring and Alerting Annual Contract (estimate)	\$64,362.00
TOTAL	\$90,139.20

5 SKYLINE EXPERIENCE

Name of Organization	Queen Anne's County Government
Name, Title and telephone numbers for the point of contact	Megan Delgaudio Director of IT (410) 758 - 0322 mdelgaudio@qac.org
Services Provided, scope of the contract, and performance objectives satisfied.	<p>Skyline has provided engineering services to Queen Anne's County to design and implement a physical and logical network architecture bridging the gap between previous independent networks establishing an opportunity for consolidation of services via a new core infrastructure. Today, the Skyline implemented network leverages MPLS and includes a total of 35 locations composed of 3 core sites that are 10G connected using Juniper MX80 equipment, 2 10G connected data center locations using Juniper EX4200 and 30 Edge sites leveraging MRV equipment at 1G. Skyline continues to expand Queen Anne's County's network to multiple new sites as the need arises for additional fiber connectivity.</p> <p>Skyline is currently providing 24/7/365 monitoring and management for Queen Anne's County Network. Skyline leverages Solarwinds Orion for status and performance monitoring for the network via our Service Desk.</p>
Years Supporting Client	9

Name of Organization	Garrett County Government
Name, Title and telephone numbers for the point of contact	Nathanial Watkins CIO, Garrett County Government (301) 759-2070 nwatkins@garrettcountry.org
Relevant Experience Similar Projects	<p>During the Stimulus Project in Garrett County 2011 - 2013, Skyline constructed approximately 50 miles of new fiber encompassing 47 aerial miles, and 3 underground miles. A total of 49 State and County CAI's "Community Anchor Institution" sites had fiber constructed to them, and are on-net as a result of the Stimulus project.</p> <p>Post Stimulus (Sept. 2013 to the present, and additional 6.00 miles of fiber has been constructed in Garrett County encompassing 3.92 miles of underground, and 2.08 miles of aerial miles. A total of 18 Garrett County CAI's "Community Anchor Institution"</p> <p><i>Total Fiber Miles Constructed in Garrett County: 55.70 miles</i> <i>Total CAI's that have fiber/on net services: 67</i></p>
Years Supporting Client	6

Name of Organization	NetworkMaryland Managed Services and Support
Name, Title and telephone numbers for the point of contact	Jean Boyer Operations Manager, NetworkMaryland (410) 260-7423 Jean.boyer@doit.state.md.us
Relevant Experience Similar Projects	Skyline successfully maintains the network and collocation environment for the State of Maryland network serving all Executive Branch agencies and numerous Counties across the State. Skyline resources dispatch to sites as necessary to install and replace equipment, conduct site surveys and perform fault recovery operations. Skyline employees support the resolution of network issues that are reported through the Network Operations Center (NOC), 24x7x365.
Years Supporting Client	9



5

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

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: August 13, 2019
SUBJ: 2019 Bid Specifications for Custodial Services

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

I have attached for your review and approval the bid specifications for custodial services to be provided at twenty one (21) County owned or leased buildings as listed in the attached bid documents. Included is the Notice to Bidders, Instructions to Bidders with specifications, Bid Form and a list of potential bidders. Funds for this service have been approved for FY19 and should be considered and provided for in future adopted budgets.

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

Attachments

cc: Kenneth J. Whited, Maintenance Superintendent
Michael N. Hutchinson, Maintenance Supervisor

NOTICE TO BIDDERS

DRAFT

Custodial Services for Worcester County Office Buildings

The County Commissioners of Worcester County Maryland are currently accepting sealed bids for custodial cleaning services for 21 (see attached property listing) county-owned or leased office buildings. Bid specification packages and bid forms are available from the Office of the County Commissioners, Room 1103 – Government Center, One West Market Street, Snow Hill, Maryland 21863.

Interested bidders are encouraged to attend a pre-bid meeting which will be held on **Wednesday September 4, 2019** at 10:00 a.m. in the Worcester County Government Center's 3rd Floor Training Room A, One West Market Street, Snow Hill, Maryland. The Pre Bid meeting, held by the County's Department of Public Works-Maintenance Division, will explain the scope of the bid specifications and answer questions about the bidding process that may assist in the preparation of bids. Following the pre-bid meeting, bidders will be required to visit each county building that they are interested in bidding on to meet with the building's facility manager. During the site visit, the facility manager will provide a walk through so each bidder can evaluate the building's requirements, current condition, building finishes, hours of operation and property limitations. A property listing with address and point of contact shall be provided as part of the bid specification package. Each bidder shall contact the building facility manager to arrange their independent walk through. Additional requests for information (RFI's) will be accepted by Worcester County's Department of Public Works Maintenance Division until 04:00 PM EST on Wednesday September 18, 2019. All inquiries will be directed to Kenneth Whited Maintenance Superintendent at (kenwhited@co.worcester.md.us). RFI's will be responded to promptly and all responses will become part of the bid. Only written responses shall be considered binding. All RFI questions and responses by the County will be issued to all Bidders attending the Pre Bid Meeting.

Sealed bids will be accepted until 1:00 PM, Monday September 23, 2019 in the Office of the County Commissioners at the above address, at which time they will be opened and publicly read aloud. All sealed bids shall be marked "**2019 Custodial Services Bid for Worcester County Buildings**" in the lower left-hand corner. After opening, bids will be forwarded to the Public Works Department for tabulation, review and recommendation to the County Commissioners for their consideration at a future meeting. In awarding the bid, the Commissioners reserve the right to reject any and all bids, waive formalities, informalities and technicalities herein, and to take whatever bid they determine to be in the best interest of the County considering lowest or best bid, quality of goods and work, time of delivery or completion, responsibility of bidders being considered, previous experience of bidders with county contracts, or any other factors they deem appropriate.

INSTRUCTIONS TO BIDDERS

1. BID DUE DATE

Bids shall be submitted in a sealed envelope to the Office of the County Commissioners, Room 1103 – Government Center, One West Market Street, Snow Hill, Maryland 21863. All bids shall be received by the County Commissioners on or before **Monday September 23, 2019 at 1:00 pm EST**. The sealed bid package shall be clearly marked in the lower left-hand corner “**2019 Custodial Services Bid for Worcester County Buildings**”. Bidders may provide pricing for all buildings in any one area or all four geographical areas listed as individual bid forms. Bidders shall submit separate bids (see **Bid Form** as attached) for each area with multiple bids to be provided in one sealed bid package. Bidders electing to extend multiple bid discounts shall provide the discounted amount for each location on a separate letter on the bidder’s company letterhead.

2. LATE BIDS

Bids received after 1:00 PM EST on Monday September 23, 2019 will not be considered.

3. CONTRACT DURATION

The base bid Contract duration will be for a period of three (3) years beginning on the date a contract is fully executed with the County Commissioners. Bidders shall submit optional pricing for an additional two (2) years of service beyond the base bid three year period. The additional 2 Year Option will be priced separately on the Bid Form as an alternate. See attached Bid Form.

4. TAXES

A. The County is exempt from all Federal and States taxes for direct purchase of supplies and materials. However, the County’s tax exemption does not extend to the bidder for supplies and materials, which bidder must purchase to complete the custodial cleaning. Therefore, bidders’ prices should reflect the inclusion of Federal and State taxes on purchased supplies and materials.

B. The County is NOT exempt from federal and state taxes on this project. Bid prices should be inclusive of all costs including taxes.

5. BOND / LICENSE / INSURANCE

- a. Bond...Contractor shall provide a Payment Bond & Performance Bond equal to 100% of the total contract sum and the bonds shall be delivered to the County three days following execution of a contract with the County. The cost of the bonds shall be included in the total bid price.
- b. License...Contractor shall provide a copy of their company’s business license that is applicable for the work of this contract. The copy of the license shall accompany the Bid Form.

5. BOND / LICENSE / INSURANCE...continued

- c. Insurance...Contractor shall provide a current insurance certificate that names the County Commissioners of Worcester County Maryland as additional insured.

SCOPE OF SUPPLY

Provide custodial services for Worcester County Buildings and Facilities as listed in the bid specifications.

6. SPECIFICATIONS

A. SUPERVISION

- 1. Contractor will stay in close contact with County representative concerning all work performed.
- 2. Contractor shall provide services and personnel that are trained in the proper performance of this work. All contractor's personnel will be trained and supervised to perform to the best of their ability in order to accomplish the necessary cleaning.
- 3. All contracted personnel will be checked regularly as to performance and ability to maintain standards.
- 4. Contractor shall not rely solely on the reporting of their field supervisors, crew leaders, or forepersons for the accuracy, quality and professionalism of the work performed as part of this contracted service. Moreover, the Contractor shall visit the County buildings for which their cleaning services are being employed and the Contractor shall meet with the County's representative to determine if the work is being performed satisfactorily. Quarterly inspections of the buildings shall be performed by the Contractor as a minimum and all deficient conditions shall be addressed immediately upon the inspection or notification from the County's representative.

B. SECURITY PROCEDURES AND INSURANCE

- 1. Contractor will check to insure the building is properly secured before leaving the building.
- 2. Contractor will provide all necessary insurance and bonding on all its personnel.
- 3. Contractor will provide and maintain a roster of employees. Any change of personnel assignments will be brought to the immediate attention of the building facility manager with correspondence copied to the Worcester County Department of Public Works Maintenance Division Superintendent and Maintenance Supervisor. All custodial staff will submit to criminal background checks and sign Confidentiality Statements where required by governing department.
- 4. Contractor will need to make special security arrangements with various county departments to gain access to areas deemed sensitive.
- 5. Contractor will provide each employee with company issued identification.

6. SPECIFICATIONS...continued

C. GENERAL CLEANING

1. Wastebaskets and trash containers - will be emptied, trash liners installed and returned to their original locations. All waste will be collected and removed to a central disposal area. Trash containers will be washed as needed.
2. Paper towel, toilet tissue and soap dispensers - will be filled with County-supplied products as required to meet the facilities requirements until the next scheduled visit.
3. General dusting – all horizontal surfaces, office furniture, work stations, miscellaneous cabinets and window sills. Handling of personal effects will be kept to a minimum.
4. Carpets – will be spot vacuumed in all areas. Walk-off/entry mats will be vacuumed each visit. Spills and spots will be removed as necessary.
5. Walls – clean & disinfect surfaces around light switches, handrails, etc. Spot clean walls to 48”.
6. Hard floors – all floors will be dry mopped as a minimum and periodically vacuumed. Beverage spills shall be wet mopped to remove remnants. Bidders shall submit a cleaning scope of work for quarry tile and vinyl composite floor tile with bid form(s).
7. Glass surfaces, mirrors– inter-office glass panels/borrowed lites at hollow metal door frames & openings and glass entrance/exit doors will be cleaned.
8. Water fountains – cleaned and polished.
9. Doors – clean and disinfect door handles, doorknobs, and kick plates. Clean door frames, hinges and vents.
10. Elevators – clean all doors, tracks, walls, thresholds, etc.
11. Stairways – vacuum and damp mop all stairways.
12. Restroom floors, walls and stall dividers will be cleaned and disinfected

D. MISCELLANEOUS

1. Lights – will be turned off as each area is completed except for designated security lights.
2. Doors – will be locked upon entering the area and locked upon completion of duties.
3. Maintenance deficiencies – any building maintenance or repair problem that the housekeeping employees are aware of will be reported to the County daily via a County provided log located within the janitorial or custodial closet in the building being serviced.
4. Disinfectant – a high coefficient disinfectant/germicidal solution will be used for proper sanitation.

7. **ADDITIONAL SERVICES**

Additional services will be priced separately and attached to each Bid Form as informational.

1. Full Cleaning of interior and exterior of all windows and door glass.
2. Seasonal/Partial cleanings (Libraries Only) including restrooms, kitchenettes, entrance floors, doors and glass, emptying all trash.
3. Carpet cleaning building wide
4. Vinyl Composition Tile stripping and waxing (4 coats of high gloss)
5. Ceramic tile and grout cleaning

8. **SPECIAL CONDITIONS**

- ❖ Staff Kitchenettes and Kitchens will be cleaned to meet the requirements of the inspection agency having jurisdiction. All quarry floor tile and the associated grout joints will be kept free of food particles, mold and mildew in accordance with industry standards for cleaning this product. Vinyl composite tile located will be cleaned to the same inspection standards. Bidders shall submit a cleaning scope of work for quarry tile and vinyl composite floor tile with bid form(s).
- ❖ Invoicing will be submitted monthly and will be processed in accordance of the county's financial rules and regulations.
- ❖ Contractor will supply all chemical supplies and cleaning equipment unless specified as supplied by County.
- ❖ Servicing of facilities will be completed in accordance of the schedule provided herein.
- ❖ At no time will the custodial staff tamper with any office or building equipment.
- ❖ County will supply water and electric as needed for cleaning.
- ❖ County will supply janitorial closets within the interior of the building as was allowed by the construction documents and the as-built design.
- ❖ Contractor to maintain all custodial/janitorial closets in a clean, neat and orderly fashion. All wet mops are to be hung to air dry during non-working periods.
- ❖ SDS books must be provided by the Contractor and supplied in each custodial closet. Books must be maintained with the most recent data available.

BID FORM

Provide custodial services for the area/buildings listed below and per the outlined specifications and conditions as contained herein for a period of Three (3) year from contract date of execution. Provide optional pricing as specified in Alternate 1 as listed below.

AREA #1				PRICE PER VISIT		
CT.	BUILDING	ADDRESS	TOWN	YR. 1-3	YR. 4	YR. 5
1	Senior Center	10129 Old Ocean City Blvd.	Berlin			
2	Library	13 Harrison Avenue	Berlin			
3	Health Department	9730 Healthway Drive	Berlin			
4	Dental Clinic	107 William Street	Berlin			
5	WWW	1000 Shore Lane	Ocean Pines			
6	Library	11107 Cathell Road	Ocean Pines			

BASE BID YEAR 1-3

TOTAL ANNUAL PRICE AREA #1 \$ _____ .00

ALTERNATE I...ADDITIONAL 2 YEAR OPTION

❖ YEAR 4

○ TOTAL PRICE AREA #1, YEAR 4 \$ _____ .00

❖ YEAR 5

○ TOTAL PRICE AREA #1, YEAR 5 \$ _____ .00

BID MUST BE SIGNED TO BE CONSIDERED

Signed: _____ Date: _____

Print: _____

Title: _____

Firm: _____

Address: _____

Telephone: (____) _____ - _____

Email: _____

NOTE: Signature above constitutes receipt of all bid documents and addendums. Bid must be signed to be considered.

BID FORM

Provide custodial services for the area/buildings listed below and per the outlined specifications and conditions as contained herein for a period of Three (3) year from contract date of execution. Provide optional pricing as specified in Alternate 1 as listed below.

AREA #2

PRICE PER VISIT

CT.	BUILDING	ADDRESS	TOWN	YR. 1-3	YR. 4	YR. 5
1	Isle of Wight	13070 St. Martins Neck Road	Bishopville			
2	Senior Center	104 - 41st Street	Ocean City			
3	Library	10003 Coastal Highway	Ocean City			
4	Health Department	4 Caroline Street	Ocean City			

BASE BID YEAR 1-3

TOTAL ANNUAL PRICE AREA #2 \$ _____ .00

ALTERNATE I...ADDITIONAL 2 YEAR OPTION

❖ YEAR 4

○ TOTAL PRICE AREA #2, YEAR 4 \$ _____ .00

❖ YEAR 5

○ TOTAL PRICE AREA #2, YEAR 5 \$ _____ .00

BID MUST BE SIGNED TO BE CONSIDERED

Signed: _____ Date: _____

Print: _____

Title: _____

Firm: _____

Address: _____

Telephone: (____) _____ - _____

Email: _____

NOTE: Signature above constitutes receipt of all bid documents and addendums. Bid must be signed to be considered.

BID FORM

Provide custodial services for the area/buildings listed below and per the outlined specifications and conditions as contained herein for a period of Three (3) year from contract date of execution. Provide optional pricing as specified in Alternate 1 as listed below.

AREA #3

PRICE PER VISIT

CT.	BUILDING	ADDRESS	TOWN	YR. 1-3	YR. 4	YR. 5
1	Welcome Center	144 Ocean Highway	Pocomoke			
2	Library	301 Market Street	Pocomoke			
3	Service Building - Health Department	400A Walnut Street	Pocomoke			
4	Service Building - Senior Center	400B Walnut Street	Pocomoke			

BASE BID YEAR 1-3

TOTAL ANNUAL PRICE AREA #3, \$ _____ .00

ALTERNATE I...ADDITIONAL 2 YEAR OPTION

❖ YEAR 4

○ TOTAL PRICE AREA #3, YEAR 4 \$ _____ .00

❖ YEAR 5

○ TOTAL PRICE AREA #3, YEAR 5 \$ _____ .00

BID MUST BE SIGNED TO BE CONSIDERED

Signed: _____ Date: _____

Print: _____

Title: _____

Firm: _____

Address: _____

Telephone: (____) _____ - _____

Email: _____

NOTE: Signature above constitutes receipt of all bid documents and addendums. Bid must be signed to be considered.

BID FORM

Provide custodial services for the area/buildings listed below and per the outlined specifications and conditions as contained herein for a period of Three (3) year from contract date of execution. Provide optional pricing as specified in Alternate 1 as listed below.

AREA #4

PRICE PER VISIT

CT.	BUILDING	ADDRESS	TOWN	YR. 1-3	YR. 4	YR. 5
1	Fire Training Center	6743 Central Site Lane	Newark			
2	Senior Center	4767 Snow Hill Road	Snow Hill			
3	Health Department	6040 Public Landing Road	Snow Hill			
4	Tourism	100 Pearl Street	Snow Hill			
5	Board of Elections	201 Belt Street	Snow Hill			
6	State's Attorney	106 Franklin Street	Snow Hill			
7	Government Center	1 West Market Street	Snow Hill			

BASE BID YEAR 1-3

TOTAL ANNUAL PRICE AREA #4, \$ _____ .00

ALTERNATE I...ADDITIONAL 2 YEAR OPTION

❖ YEAR 4

○ TOTAL PRICE AREA #4, YEAR 4 \$ _____ .00

❖ YEAR 5

○ TOTAL PRICE AREA #4, YEAR 5 \$ _____ .00

BID MUST BE SIGNED TO BE CONSIDERED

Signed: _____ Date: _____

Print: _____

Title: _____

Firm: _____

Address: _____

Telephone: (____) _____ - _____

Email: _____

NOTE: Signature above constitutes receipt of all bid documents and addendums. Bid must be signed to be considered.

BID FORM

Provide custodial services for the area/buildings listed below and per the outlined specifications and conditions as contained herein for a period of Three (3) year from contract date of execution. Provide optional pricing as specified in Alternate 1 as listed below.

ON CALL - AS NEEDED

PRICE PER VISIT

NO.	BLDG.	ADDRESS	TOWN	YR. 1-3	YR. 4	YR. 5
1	Roads	5764 Worcester Highway	Snow Hill			
2	Animal Control	6207 Timmons Road	Snow Hill			
3	Extension Office	301 Bank Street	Snow Hill			
4	DPW Administration	6113 Timmons Road	Snow Hill			

BASE BID YEAR 1-3

TOTAL ANNUAL PRICE ON CALL LOCATIONS \$ _____ .00

ALTERNATE I...ADDITIONAL 2 YEAR OPTION

❖ YEAR 4

○ TOTAL PRICE YEAR 4 \$ _____ .00

❖ YEAR 5

○ TOTAL PRICE YEAR 5 \$ _____ .00

BID MUST BE SIGNED TO BE CONSIDERED

Signed: _____ Date: _____

Print: _____

Title: _____

Firm: _____

Address: _____

Telephone: (____) _____ - _____

Email: _____

NOTE: Signature above constitutes receipt of all bid documents and addendums. Bid must be signed to be considered.

INFORMATIONAL PRICING

Provide informational pricing for additional services at the building listed below and per the outlined specifications and conditions. Pricing to remain binding throughout the term of the contract.

BUILDING NAME: _____

LOCATION: _____

7-1...FULL CLEANING OF INTERIOR & EXTERIOR WINDOWS AND
DOOR GLASS

\$_____.00

7-2...PARTIAL CLEANINGS (LIBRARIES ONLY)

\$_____.00

7-3...COMPLETE CARPET CLEANING

\$_____.00

7-4...COMPLETE VCT REFINISHING

\$_____.00

7-5...CERAMIC TILE AND GROUT CLEANING
(FLOOR AND WALL TILE)

\$_____.00

WORCESTER COUNTY – 2019 CUSTODIAL CLEANING SERVICE SCHEDULE

NO.	BLDG.	LOCATION	VISITS per WK.	VISITS per YR.	PPV	ANNUAL
1	Senior Center	Berlin	1	52		
2	Library	Berlin	3	156		
3	Health Department	Berlin	3	156		
4	Dental Clinic	Berlin	1	52		
5	IOW SVC. BLDG.	Bishopville	2	104		
6	Fire Training Center	Newark	1	52		
7	Senior Center	Ocean City	1	52		
8	Library	Ocean City	3	156		
9	Health Department	Ocean City	2	104		
10	WWW	Ocean Pines	1	52		
11	Library	Ocean Pines	3	156		
12	Welcome Center	Pocomoke	1	52		
13	Library	Pocomoke	3	156		
14	Service Building Health Department	Pocomoke	3	156		
15	Service Building Senior Center	Pocomoke	1	52		
16	Senior Center	Snow Hill	2	104		
17	Health Department	Snow Hill	3	156		
18	ROADS	Snow Hill	1	52		
19	Tourism	Snow Hill	1	52		
20	Board of Elections	Snow Hill	1	52		
21	State's Attorney	Snow Hill	2	104		
22	Government Center	Snow Hill	3	156		

ON CALL - AS NEEDED

NO.	BLDG.	LOCATION	VISITS per WK.	VISITS per YR.	PPV	ANNUAL
1	Roads	Snow Hill	1	52		
2	Animal Control	Snow Hill	1	52		
3	Bank Street Extension Office	Snow Hill	1	52		
4	DPW Administration	Snow Hill	1	52		

WORCESTER COUNTY – 2019 CUSTODIAL SERVICES BID
PROPERTY LISTING GEOGRAPHICALLY SEPARATED

CT.	BUILDING	ADDRESS	TOWN
1	Senior Center	10129 Old Ocean City Boulevard	Berlin
2	Library	13 Harrison Avenue	Berlin
3	Health Department	9730 Healthway Drive	Berlin
4	Dental Clinic	107 William Street	Berlin
5	WWW	1000 Shore Lane	Ocean Pines
6	Library	11107 Cathell Road	Ocean Pines
1	IOW SVC. BLDG.	13070 St. Martins Neck Road	Bishopville
2	Senior Center	104 - 41st Street	Ocean City
3	Library	10003 Coastal Highway	Ocean City
4	Health Department	4 Caroline Street	Ocean City
1	Welcome Center	144 Ocean Highway	Pocomoke
2	Library	301 Market Street	Pocomoke
3	Service Building Health Department	400A Walnut Street	Pocomoke
4	Service Building Senior Center	400B Walnut Street	Pocomoke
1	Fire Training Center	6743 Central Site Lane	Newark
2	Senior Center	4767 Snow Hill Road	Snow Hill
3	Health Department	6040 Public Landing Road	Snow Hill
4	Tourism	100 Pearl Street	Snow Hill
5	Board of Elections	201 Belt Street	Snow Hill
6	State's Attorney	106 Franklin Street	Snow Hill
7	Government Center	1 West Market Street	Snow Hill

ON CALL - AS NEEDED

NO.	BLDG.	ADDRESS	TOWN
1	Roads	5764 Worcester Highway	Snow Hill
2	Animal Control	6207 Timmons Road	Snow Hill
3	Extension Office	301 Bank Street	Snow Hill
4	DPW Administration	6113 Timmons Road	Snow Hill

WORCESTER COUNTY - 2019 CUSTODIAL CLEANING BID FORM SITE CONTACT INFORMATION

AREA #1

CT.	BUILDING	ADDRESS	TOWN	CONTACT NAME	TELEPHONE
1	Senior Center	10129 Old Ocean City Blvd.	Berlin	Shelia Jackson	410-632-1277
2	Library	13 Harrison Avenue	Berlin	Alice Paterra	410-641-0650
3	Health Department	9730 Healthway Drive	Berlin	Nicole Moore	410-632-1100
4	Dental Clinic	107 William Street	Berlin	Krista Hill	410-641-0240
5	WWW	1000 Shore Lane	Ocean Pines	Meg Etzler	410-641-5251
6	Library	11107 Cathell Road	Ocean Pines	Harry Burkett	410-208-4014

AREA #2

CT.	BUILDING	ADDRESS	TOWN	CONTACT NAME	TELEPHONE
1	Isle of Wight	13070 St. Martins Neck Road	Bishopville	Lynn Baker	410-352-3234
2	Senior Center	104 - 41st Street	Ocean City	Shelia Jackson	410-632-1277
3	Library	10003 Coastal Highway	Ocean City	Tyvonnia Braxton	410-524-1818
4	Health Department	4 Caroline Street	Ocean City	Jodi Conway	410-632-1100 ext 1222

AREA #3

CT.	BUILDING	ADDRESS	TOWN	CONTACT NAME	TELEPHONE
1	Welcome Center	144 Ocean Highway	Pocomoke	Deborah Shay	410-957-2484
2	Library	301 Market Street	Pocomoke	Dawn Ingrassia	410-957-0878
3	Service Building - Health Department	400A Walnut Street	Pocomoke	Jodi Conway	410-632-1100 ext 1222
4	Service Building - Senior Center	400B Walnut Street	Pocomoke	Shelia Jackson	410-632-1277

AREA #4

CT.	BUILDING	ADDRESS	TOWN	CONTACT NAME	TELEPHONE
1	Fire Training Center	6743 Central Site Lane	Newark	Michael Hutchinson	410-632-3766
2	Senior Center	4767 Snow Hill Road	Snow Hill	Shelia Jackson	410-632-1277
3	Health Department	6040 Public Landing Road	Snow Hill	Jodi Conway	410-632-1100
4	Tourism	100 Pearl Street	Snow Hill	Michael Hutchinson	410-632-3766
5	Board of Elections	201 Belt Street	Snow Hill	Lisa Shockley	410-632-1320
6	State's Attorney	106 Franklin Street	Snow Hill	Michael Hutchinson	410-632-3766
7	Government Center	1 West Market Street	Snow Hill	Michael Hutchinson	410-632-3766

ON CALL - AS NEEDED

NO.	BLDG.	ADDRESS	TOWN	CONTACT NAME	TELEPHONE
1	Roads	5764 Worcester Highway	Snow Hill	Judy LoBianco	410-632-2244
2	Animal Control	6207 Timmons Road	Snow Hill	Glen Grandstaff	410-632-1340 ext 2202
3	Extension Office	301 Bank Street	Snow Hill	Michael Hutchinson	410-632-3766
4	DPW Administration	6113 Timmons Road	Snow Hill	Michael Hutchinson	410-632-3766

BIDDERS LIST

Mr. Meticulous Cleaning Service

Nick Eskridge
1325 Mt. Hermon Road
Salisbury, MD 32905
Telephone: 410-860-1400
Fax: 410-860-9253
Email: mrmeticulous@verizon.net

MB's Cleaning Service

Mary Beth Loniewski
37758 Skuttle Court
Greenbackville, Virginia 23356
Telephone: 757-824-5555 (Home/office)
Cell: 757-894-3783
Email: glmrl@yahoo.com

Clean Edge LLC

Heather Diller
1147 S. Salisbury Blvd.
Salisbury, MD 21801
Telephone: 410-548-7118
Fax: 410-548-7119
Email: cleanedgelc@yahoo.com

Clean Team

Kirk Torrey
Po Box 2239
Salisbury, MD 21802
Telephone: 410-726-3299
Email: cleanteamjanitorial@gmail.com

A Smarter Clean

Donald Layton
21 Pinewater Dr.
Harbeson, DE 19951
Telephone: 302-841-1063
Email: Donaldl@asmarterclean.com

A Helping Hand Cleaning Services LLC

Dale Hearn
7990 Farmhouse Dr.
Hebron, MD 21830
Telephone: 443-859-1760
Email: dale@ahhcleaning.com

Clear Choice Cleaning LLC

Ken Taylor
114 Baileys Crossing Drive
Fruitland, MD 21826
Telephone: 443-880-5386
Email: ktaylor0227@gmail.com



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

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Deputy Director of Public Works 
DATE: August 13, 2019
SUBJECT: Small Project Agreement - Dumser's

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

.....

Dumser's Restaurant in West Ocean City would like to connect to the existing waterline in the area and abandon their private well. We have reviewed design drawings prepared by Vista Design for this purpose and it is feasible to make this connection. As with similar small projects, we have required them to complete our standard "Small Projects Agreement" to demonstrate compliance with County Code, specifically, PW5-307. That signed agreement is attached.

The agreement has been reviewed by the County Attorney and it is now being presented for approval.

If you have any questions, please do not hesitate to contact me.

cc: John S. Ross, P.E. Deputy Director
Jessica R. Wilson, CPA Enterprise Fund Controller

WORCESTER COUNTY
SMALL PROJECT
WASTEWATER AND/OR WATER AGREEMENT
Reference PW5-307 Code of Public Local Laws of Worcester County

THIS AGREEMENT made this ____ day of August, 2019, by and between THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, in the capacity of the governing body of the Mystic Harbour Sanitary Service Area, hereinafter called "Service Area" and Dorette, LLC, hereinafter called "Developer." The parties hereto do hereby agree as follows:

A. PROJECT – Extension of a waterline to Dumser's Dairyland hereinafter called "Facilities."

B. LOCATION PROPERTY

Properties affected by this agreement are more particularly described as follows:

The West Ocean City Dumser's Dairyland

12702 Ocean Gateway

Ocean City, Maryland 21842

Deed Reference: 02588/00096 Tax Map 27 Parcel 0142

C. SERVICE TO BE PROVIDED – the installation of 12 inch water main across 150 feet of the front of the Property and the installation of a 2 inch water service to the Property building.

D. LEGAL REQUIREMENTS AND PROCEDURE

Developer shall:

1. Upon the execution hereof, deed to Service Area, free and clear of all liens and encumbrances, by special warranty deed: all fee simple parcels and easements required for the operation, maintenance, and construction of Facilities and provide an acceptable title certificate signed by a Maryland attorney.
2. Provide plans as required by Service Area which must be approved to Service Area prior to commencement of construction.
3. In cooperation with Service Area, secure all necessary permits for the benefit of Service Area and transfer the same to the Service Area.
4. Provide any construction bond required by applicable law or regulation.
5. Commence construction of Facilities by August 20, 2019 complete construction by September 20, 2019, and Construct Facilities to the satisfaction of Service Area in accordance with all required permits to all applicable standards as established by Service Area.
6. Upon completion of Facilities and final inspection, approval, and acceptance by the Service Area, transfer all portions of the Facilities not already property of the Service Area free and clear of all liens and encumbrances at which time Service Area shall assume operational control of the Facilities.
7. Post such cash deposits as required by Service Area to provide for operation for not less than one year of operational costs of Facilities.

8. Provide lien releases or evidence of full and final payment to all contractors, engineers and suppliers as required by Service Area.
9. Warrant the construction and performance of Facilities for a period of not less than two years from the date of acceptance by the Service Area.
10. Post a maintenance bond in amounts to guarantee the warranty. Such bond shall be equal to 50% of actual cost of all equipment. Further provide that Service Area may set amounts of such bonds within the parameters hereof.

E. SPECIAL REQUIREMENTS NONE

F. CONSTRUCTION AGREEMENTS

1. Developer shall construct Facilities at Developer's sole expense subject to the oversight of Service Area.
2. Developer shall make all corrections, additions, and adjustments required by Service Area to complete construction of Facilities according to all permits, plans and specifications.
3. Service Area may reject unsatisfactory work in which case said work shall be completed by Developer to the satisfaction of Service Area.

G. CHARGES, COSTS, FEES AND EXPENSES

1. Developer shall pay all charges, costs, fees and expenses of Service Area in the performance of this Agreement including without limitation, permit fees and costs incurred by Service Area in processing and oversight of the construction of Facilities. Those fees and costs are estimated to be \$ 100.00 .
2. A deposit in escrow for costs, fees and expenses of Service Area in the amount of \$ 300.00 shall be paid by Developer upon signing of the Agreement, and said funds shall be retained as required by Service Area pending acceptance of the Facilities by Service Area.
3. Developer shall apply for and secure a plumbing permit for infrastructure installation within the connected property boundaries for a commercial project requiring utility connection or to connect residential projects. Issuance of the plumbing permit will require payment of the Future Capital Improvements (FCI) fees, as well as other associated capacity charges and the permit fees. Developer shall ensure that the contractor and owner(s) are aware of these requirements and that all necessary permits have been issued and fees have been paid before commencing work.
4. Upon completion and acceptance of the Facilities and the commencement of operation thereof, Developer shall commence payment of standard charges imposed within the Service Area in which the service is provided.

H. EXCESS CAPACITY - OWNED BY SERVICE AREA

1. Facilities are designed and intended to serve Dumser's Dairyland, 12702 Ocean Gateway, Ocean City, Maryland 21842.
2. Any excess capacity of Facilities or of any modification or addition thereto shall be the property of Service Area and shall belong to Service Area. There shall be no recoupment of costs of construction, expenses, fees, operation or installation of Facilities by Developer unless specifically set forth herein or by a separate written agreement between the parties, including Service Area.

I. MISCELLANEOUS PROVISIONS

1. Determination of the number of Equivalent Dwelling Units (EDUs) of water and/or sewer capacity required to be purchased from the Service Area for a proposed/planned/approved development shall be calculated by the Enterprise Fund Controller or their representative in the Worcester County Treasurer's Office.
2. Any action brought under this Agreement shall be exclusively in the Circuit Court of Worcester County, Maryland.
3. The provisions of this Agreement shall be governed and construed according to the laws of the State of Maryland. The parties' performance of obligations hereunder shall comply with all applicable governmental requirements. Existing and future laws shall supersede this Agreement. It is entered into pursuant to Section PW §5-307 of the Code of Public Local Laws of Worcester County, Maryland.
4. The construction of Facilities pursuant hereto shall constitute an offer of dedication to the Board of County Commissioners of Worcester County, Maryland for the benefit of Service Area.
5. This Agreement shall constitute an encumbrance on lands described in Paragraph B hereof and shall run with the land.
6. Developer and Service Area agree to cooperate in the implementation of this Agreement and agree to execute such other and further assurances or additional documents and instruments as it may be reasonably required of or requested by the other party to carry out the provisions hereof.
7. The rights, obligations and duties of Service Area hereunder are delegated (subject to revocation) to the Worcester County Department of Public Works.
8. The Service Area is a governmental body and shall be entitled to all immunities as such and nothing herein shall negate any governmental immunities.
9. All documents executed pursuant hereto shall be subject to the approval of the County Attorney for Worcester County, Maryland acting on behalf of Service Area.

SERVICE AREA

Witness


County Commissioners of Worcester County, Maryland

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

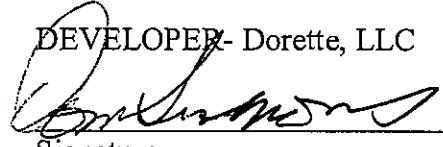
(SEAL)

Witness:



Emily Hurley
Print Name of Witness

DEVELOPER- Dorette, LLC


Signature

(SEAL)

Donald Timmons
Print Name and Title of DEVELOPER

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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND
21863-1195

To: Harold Higgins, Chief Administrative Officer

From: Maureen Howarth, County Attorney *MH*

Date: August 13, 2019

Re: Revised and Final Worcester County Small Project Wastewater and Water Agreement and the Revised and Final Glen Riddle Spray Irrigation Agreement

Attached is an Amendment to the Revised and Final Worcester County Small Project Wastewater and Water Agreement and the Revised and Final Glen Riddle Spray Irrigation Agreement. Under the Spray Irrigation Agreement, Mr. Ruark through an LLC is entitled to payments as EDUs are sold in the expanded Glen Riddle water and sewer plants. When trying to process the first EDU sale, we were informed by Mr. Ruark's accountant that Mr. Ruark never created Glen Riddle LLC, the legal name in our documents. The property owner is Riddle Farm Golf, LLC. The attached Amendment corrects this name error in both the Revised and Final Worcester County Small Project Wastewater and Water Agreement and the Revised and Final Glen Riddle Spray Irrigation Agreement. Please let me know if you have any questions.

AMENDMENT TO THE REVISED AND FINAL
GLEN RIDDLE SPRAY IRRIGATION AGREEMENT AND THE REVISED
AND FINAL WORCESTER COUNTY SMALL PROJECT WASTEWATER
AND/OR WATER AGREEMENT

This Amendment to the Revised and Final Glen Riddle Spray Irrigation Agreement and the Revised and Final Worcester County Small Project Wastewater and/or Water Agreement (the "Agreements") is made this _____ day of August, 2019 by and between the County Commissioners of Worcester County, Maryland in their capacity of the governing body of the Riddle Farm Service Area ("Service Area"), WGC EDU, LLC, a Maryland limited liability company ("WGC") and Riddle Farm Golf, LLC, a Maryland limited liability company ("RUARK").

WHEREAS, on or about April 29, 2016, the County Commissioners entered into a Revised and Final Glen Riddle Spray Irrigation Agreement with WGC and with Glen Riddle, LLC, (Agreement 1) believing the latter entity to be a duly formed and validly existing Maryland limited liability company which was the owner of certain lands subject to the Spray Irrigation Agreement; and

WHEREAS, on or about April 29, 2016, the County Commissioners entered into a Revised and Final Worcester County Small Project Wastewater and/or Water Agreement with WGC and Glen Riddle, LLC (Agreement 2) believing it to be the latter entity to be a duly formed and validly existing Maryland Limited Liability Company which was the owner of certain lands subject to the Spray Irrigation Agreement, and

WHEREAS, the Parties have subsequently determined that Glen Riddle, LLC is not and has never been a validly existing entity and is not and has never been an owner of lands subject to the Spray Irrigation Agreement; and

WHEREAS, the Parties desire to amend the Agreements to accurately reflect the correct parties to the Agreements and owner of the lands subject to same;

NOW THEREFORE, for and in consideration of the mutual promises and agreements exchanged herein and in the Agreements and other good and valuable consideration, the receipt and sufficiency of

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which is hereby acknowledged, the Parties agree as follows:

1. The first paragraph of Agreement 1 is hereby amended by striking the last line of the paragraph which reads "Glen Riddle, LLC, a Maryland Limited Liability Company ("RUARK")" and substituting in its place the following: "Riddle Farm Golf, LLC, a Maryland Limited Liability Company ("RUARK")".

2. In all other aspects and provisions, Agreement 1 remains the same and the rights and responsibilities of the parties continue as set forth in the Agreement 1. This amendment is made nunc pro tunc as of the effective date of the Agreement, April 29, 2016.

3. The fifth paragraph of Agreement 2 is hereby amended by striking the words "Glen Riddle, LLC, a Maryland Limited Liability Company ("RUARK") which is the survivor to or assignee of Riddle Farm Golf, LLC, a Maryland Limited Liability Company" and substituting in its place the following: Riddle Farm Golf, LLC, a Maryland Limited Liability Company ("RUARK").

4. In all other aspects and provisions, Agreement 2 remains the same and the rights and responsibilities of the parties continue as set forth in Agreement 2. This amendment is made nunc pro tunc as of the effective date of the Agreement, April 29, 2016.

5. The signatures of the Parties below affirm and reaffirm their relative rights and responsibilities as set forth in the Agreements which are incorporated herein by reference

IN WITNESS WHEREOF The Parties have placed their hand and seal to this Amendment on the day and year first above written.

WITNESS:

SERVICE AREA

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND IN
THE CAPACITY OF THE GOVERNING
BODY OF THE RIDDLE FARM SERVICE
AREA

By _____
Diana Purnell, President

WGC EDU, LLC

By _____
G. Hunt Taylor, Managing Member

RIDDLE FARM GOLF, LLC

By _____
Thomas H. Ruark, Managing Member

STATE OF MARYLAND, COUNTY OF WORCESTER, TO WIT:

I hereby certify, that on this ____ day of _____, 2019, before me, a Notary Public of the State and County aforesaid, personally appeared **Diana Purnell, President of the County Commissioners of Worcester County, Maryland in the Capacity of the Governing Body of the Riddle Farm Service Area** and made oath in due form of law that he executed the foregoing document 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 _____, 2019, before me, a Notary Public of the State and County aforesaid, personally appeared **G. Hunt Taylor, Managing Member of WGC EDU** and made oath in due form of law that he executed the foregoing document for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:

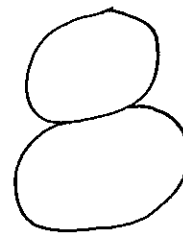
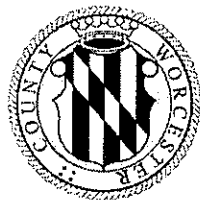
STATE OF MARYLAND, COUNTY OF WORCESTER, TO WIT:

I hereby certify, that on this ____ day of _____, 2019, before me, a Notary Public of the State and County aforesaid, personally appeared **Thomas H. Ruark, Managing Member of Riddle Farm Golf, LLC** and made oath in due form of law that he executed the foregoing document for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires:



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

COMMISSIONERS
DIANA PURNELL, PRESIDENT
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THEODORE J. ELDER
JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

MEMORANDUM

TO: Chief Administrative Officer Harold Higgins
FROM: Kim Moses, Public Information Officer and Mike McClung, Recycling Manager
DATE: July 19, 2019
RE: 2019 Keep Worcester Clean litter campaign proposal

With the 2019 Keep Worcester Clean litter campaign tentatively scheduled to launch in late August or early September, we propose a targeted campaign to encourage community stewardship to beautify Worcester County by keeping our county byways and unmanned recycling stations clean and litter free. The basic message will center on establishing public and private partnerships to encourage community stewardship, to increase awareness about options available to the public for properly disposing of trash and recyclables, and to discourage illegal dumping by both residents and visitors (which could include a message on available options for reporting illegal dumping).

The campaign should be targeted to two specific audiences. These include Worcester County public and private school students and their families, and the community at large.

With regard to the public and private school outreach program, we have the following free and minimal-cost considerations:

- Distributing color flyers to be sent home with students. This would incur design and printing costs. However, once created these same flyers could be utilized in cooperation with community outreach.
- Hosting school field trips to the recycling center and landfill, with each student to receive a giveaway bag of recyclable items
- Visiting classrooms to present hands-on lessons and providing giveaway items
- Tables at school events, which would incur possible staff overtime or/comp time. Handouts, including literature and giveaway items that provide a continuous message would be available. Such items may include but are not limited to coloring books, growth charts, Frisbees, reusable grocery bags, hats, and t-shirts

With regard to community outreach, we have the following considerations, which include free and minimal cost options:

Targeted advertising through the use of the following media outlets

- Free options include press releases, public service announcements, columns/letters to the editor, flyers that could appear in homeowners association newsletters, distributed to print, television, and radio news outlets, and posted to the County website and social media sites.
- Minimal costs options include the following:
 - Booths at community events, which would incur possible staff overtime/comp time and costs associated with handouts, including literature (flyers and other materials) and giveaway items
 - Billboards – two prominently placed billboards through Clear Channel (which owns about 90% of the billboards in Worcester County) are estimated to cost \$250 for design and \$7,300 to run for six months
 - Television commercials – 30-second spots to run approximately 2,000 times over three months will cost approximately \$500 to create the public service announcement and \$5,600 to air depending on what combination of slots we use: prime, shoulder, and non-prime time
 - Hosting community cleanup events at highly-trafficked county sites, such as Homer Gudelsky Park (scenic – great photo op), and unmanned recycling centers

As part of the campaign, we propose establishing a website, creating a mascot, and assigning a videographer/photographer to capture school and public events as follows:

- Keep Worcester Clean website, designed to be entertaining and informative, with literature/videos and links. The website would educate site visitors, promote public events hosted around the Keep Worcester Clean theme, and track various analytics to measure the success of other aspects of the campaign. Information Technology Director Brian Jones advised that his staff could develop such a site.
- Mascot – every great campaign needs a mascot. We could develop a simple, identifiable costume and potentially utilize one of the younger Recycling staff members to serve as the mascot at school and other public events. Such a mascot would be someone children and the public could identify with.
- Videographer/photographer, this would be a staff member who would capture moments from all public and school events to share on the Keep Worcester Clean website and County social media sites.

All outreach programs would include heavily promoting the Keep Worcester Clean website. Once staff determines which outreach programs to pursue, we will be better positioned to develop a budget for the campaign. We are available at your convenience to answer any questions.

The Commissioners met with Mr. Tustin to discuss staff's proposed, three-pronged approach to address illegal dumping at the recycling drop-off locations and littering along County roadways. These include an initial, six-month education campaign to encourage positive behavior and to, specifically, discourage illegal dumping by both residents and visitors; stepping up enforcement, to include installing and maintaining video surveillance at the unmanned recycling drop-off locations, and enforcing the existing fine of up to \$500 per civil infraction if two or more items bearing a person's name or other identification are deposited in said litter (constituting prima facie evidence that said person is responsible for the violation), and perhaps even publishing the names of violators as a deterrent; and instituting a litter cleanup program, potentially utilizing inmates from the County Jail and Eastern Correctional Institute (though inmate populations vary widely and are extremely limited). Mr. Tustin reviewed other potential programs as follows: modeling a County "Adopt-A-Highway" program after the former State Highway Administration (SHA) program that was discontinued due to liability, manpower, overtime, and other logistical issues; or developing a request for proposals (RFP) to contract for litter services at an estimated cost of \$1,214 per day, which would equate to an annual cost of \$126,256 per year to collect litter two days per week or \$252,512 for four days per week. Mr. Tustin concluded that education will be key to the County's efforts to succeed in discouraging illegal dumping.

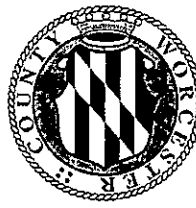
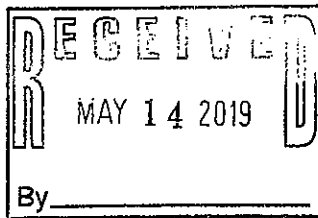
In response to a question by Commissioner Bertino, Mr. Tustin advised that staff will develop a program to place surveillance cameras at the unmanned recycling drop-off locations in Bishopville, Whaleyville, and the WalMart in the Berlin area. He further advised that staff from Sussex County, Delaware have agreed to share information regarding the tools they have been using to run a similar education campaign with great success.

Commissioner Elder stated that illegal dumping is a very serious problem that appears to be growing, and he suggested enlisting the aid of the public schools to send informational materials home in children's backpacks and to educate the children who will in turn educate their parents on the importance of not littering.

Commissioner Purnell urged the County to enlist the help of the business community as well, and in particular those who own rental properties, to discourage the illegal dumping of furniture and other household items.

Commissioner Bunting supported the installation of surveillance cameras, but noted that hiring a contractor to clean up County roads seemed like the least efficient means of addressing the issue, as the crews likely could patrol no more than a mile a day of the 520 miles of County roads.

Following further discussion and upon a motion by Commissioner Elder, the Commissioners unanimously endorsed the three-pronged plan, with an educational component, enforcement component, and to investigate the availability of inmates and County staff for the cleanup component to address the ongoing problem of illegal dumping at the recycling drop-off locations and littering along County roadways. The Commissioners declined to develop an RFP to contract for litter services at this time.



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

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: John H. Tustin, P.E., Director *JHT*
DATE: May 13, 2019
SUBJECT: Illegal Dumping/Littering along County Roadways

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

A meeting was held on April 4th, 2019, with various County staff members representing Public Works Administration, Roads, Solid Waste, County Administration, the Worcester County Jail and the Worcester County Sheriff's Office to discuss the ongoing problem of illegal dumping at the recycling drop-off locations and littering along County roadways. Discussions centered around three particular aspects of future efforts to address these problems, including: Education, Enforcement, and Clean Up.

After a lengthy discussion, the group agreed that the initial emphasis should be on public education including press releases, flyers, and public service announcements that can be created and distributed by the Public Information Officer to encourage positive behavior by residents and visitors and specifically discourage illegal dumping and littering. We suggest that this phase of the litter eradication campaign could run for about six months while a litter abatement program is developed to collect litter along the roadways.

Regarding a proposed litter clean-up program, one idea discussed is to utilize inmates from the Worcester County Jail (WCJ) or Eastern Correctional Institute (ECI). However, WCJ has a very limited number of trustees available (only three as of April 4) and this number fluctuates on a weekly basis. Likewise, ECI has advised us that they do not currently have the manpower or resources (vehicle and equipment) to add an additional litter crew to assist Worcester County. Another idea discussed was to develop a local "Adopt-A-Highway" program in Worcester County modeled after the previous program of the State Highway Administration (SHA). However, potential liability, County manpower/overtime and other logistical issues which lead SHA to discontinue their program were seen as perhaps insurmountable problems. Another option investigated after our staff meeting was to develop Request for Proposals (RFP) to contract for litter collection services. As a result, we solicited the attached proposal from Mac Outdoor LLC to provide services a minimum of 2 days per week to a maximum of 4 days per week for litter pick up on County Roadways. They proposed a contract cost of \$ 1,214.00 per day, which translates to an annual cost of \$126,256 at 2-days per week to \$252,512 for 4-days per week.

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Regarding enforcement, we continue to collect bags of trash dumped along the roadways and at our recycling stations which include mail showing individual's names and addresses. In accordance with Section PH 1-106(c) of the Public Local Laws of Worcester County, Maryland, "any single accumulation or deposit of litter which shall have two or more items bearing a person's name or other indication of identification shall be considered prima facie evidence that said person deposited said litter and shall be presumed to be responsible for the violation." Violators are guilty of a civil infraction which carries a fine of up to \$500. We have discussed the possibility of proceeding with enforcement actions against such violators and perhaps publishing the names of violators as a deterrent.

Also regarding enforcement, we discussed the use of video surveillance cameras. Wicomico County has recently installed video surveillance cameras and has had great success in eliminating the illegal disposal at their Recycling Centers. With your blessing, we will continue to investigate the feasibility and logistics of instituting a similar program at our recycling facilities. Once again, education will be the key to our success with regard to discouraging illegal dumping.

We look forward to discussing this matter with the County Commissioners at an upcoming meeting. Should you have any questions in the meantime, please do not hesitate to contact me.

cc: John Ross
Frank Adkins
Mike Mitchell
Mike McClung
Kelly Shannahan
Maureen Howarth
Kim Moses
Donna Bounds
Fulton Holland
Quintin Dennis
Doug Dods

APPROVED

Worcester County Commissioners

Date 4/4 5/21/19

does not include RFP
for litter collection service



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DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008
www.co.worcester.md.us/drp/drpindex.htm

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

Proposed For Public Hearing
on September 17, 2019

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director *E.A.T.*
DATE: August 12, 2019
RE: Planning Commission Findings of Fact and Recommendation
Rezoning Case No. 418
(Moore Boat, LLC, Applicant, and Hugh Cropper, IV, Attorney for the Applicants)

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Attached herewith please find the Planning Commission's written Findings of Fact and Recommendation relative to Rezoning Case No. 418, seeking to rezone approximately 9.4 acres of land located at the southerly terminus of North Piney Point Road, south of St. Martins Neck Road, from E-1 Estate District to I-1 Light Industrial District. The case was reviewed by the Planning Commission at its meeting on June 6, 2019 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

1a

NOTICE
OF
PROPOSED CHANGE
IN ZONING

DRAFT

SOUTHERLY TERMINUS OF NORTH PINEY POINT ROAD
SOUTH OF ST. MARTINS NECK ROAD

FIFTH TAX DISTRICT
WORCESTER COUNTY, MARYLAND

Pursuant to Section 1-113 of the Worcester County Zoning Ordinance, Rezoning Case No. 418 has been filed by Hugh Cropper, IV, attorney, on behalf of Moore Boat, LLC, property owner, for an amendment to the Official Zoning Maps to change approximately 9.4 acres of land located at the southerly terminus of North Piney Point Road, to the south of St. Martins Neck Road, in the Fifth Tax District of Worcester County, Maryland, from E-1 Estate District to I-1 Light Industrial 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,
at

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. 418 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. 418 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

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**PLANNING COMMISSION
FINDINGS OF FACT
AND
RECOMMENDATION**

REZONING CASE NO. 418

APPLICANT:

**Moore Boat, LLC
Leighton Moore, Managing Member
12303 North Piney Point Road
Bishopville, Maryland 21843**

ATTORNEY FOR THE APPLICANT:

**Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842**

June 6, 2019

WORCESTER COUNTY PLANNING COMMISSION

lc

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15.	Comments of Rob Clarke, Acting Project Manager, Maryland Forest Service	Page 54
16.	Memo dated January 8, 2018 requesting comments	Pages 55 - 56

I. INTRODUCTORY DATA

- A. CASE NUMBER: Rezoning Case No. 418, filed on January 2, 2018.
- B. APPLICANT: Moore Boat, LLC
Leighton Moore, Managing Member
12303 North Piney Point Road
Bishopville, Maryland 21813
- APPLICANTS' ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842
- C. TAX MAP/PARCEL: Tax Map 10 - Parcels 4, 171 and 304 - Tax District 5
- D. SIZE: The subject property is comprised of three parcels which total 9.4 acres in size.
- E. LOCATION: The petitioned area is located at the southerly terminus of North Piney Point Road, to the south of St. Martins Neck Road and on the northerly side of the St. Martins River, southeast of Bishopville.
- F. CURRENT USE OF PETITIONED AREA: The site is presently used for boat fabrication, repair, maintenance and/or storage.
- G. CURRENT ZONING CLASSIFICATION: E-1 Estate District.
- H. REQUESTED ZONING CLASSIFICATION: I-1 Light Industrial 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 in the 1992 comprehensive rezoning and that designation was retained during the 2009 comprehensive rezoning.
- J. SURROUNDING ZONING: Almost all adjoining and nearby properties to the west, north and east are also zoned E-1 Estate District. Two properties at the northerly terminus of North Piney Point Road, at the junction with St. Martins Neck Road, are zoned C-1 Neighborhood Commercial District. Holiday Harbor, a subdivision directly to the east of the petitioned area, is zoned R-1 Rural Residential District, as is the Piney Point subdivision on the southerly side of the St. Martins River/Bishopville Prong. Environmentally sensitive areas are zoned RP Resource Protection District.

- K. COMPREHENSIVE PLAN: According to the 2006 Comprehensive Plan and associated land use map, the petitioned area is within the Existing Developed Area and Agricultural Land Use Categories.
- L. WATER AND WASTEWATER: 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.
- M. ROAD ACCESS: The petitioned area currently has access to North Piney Point Road, a County-owned and -maintained roadway which terminates at a dead end at the St. Martins River. This roadway provides access to St. Martins Neck Road, which is state-owned and -maintained. The Comprehensive Plan considers 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, R. D. Hand, landscape architect, Chris McCabe, environmental consultant, Frank Lynch, surveyor, and Leighton Moore, property owner, were present for the review. Mr. Cropper stated that he was requesting the change in zoning solely on the basis of a mistake in existing zoning. He stated that the Hudson family bought the property prior to 1900 and, in addition to acting as boat captains, built and repaired boats on the site for many decades. This included extensive repair work of an industrial nature. Mr. Cropper noted that the site had a marine railway to move boats into and out of the water and thus was able to service large boats.

Chris McCabe was called as the first witness. Upon questioning by Mr. Cropper, Mr. McCabe explained that when the subject property was placed within the Atlantic Coastal Bays Critical Area (ACBCA), a portion of the property was designated as Limited Development Area (LDA) while the remainder was designated as Resource Conservation Area (RCA). He stated that the State's Critical Area Commission recently approved a growth allocation request and reclassification of the RCA portion to LDA based upon a mistake in mapping in that the entire site had long been used for the boat construction and repair business. Mr. Cropper introduced as Applicant's Exhibit No. 1 a letter dated May 10, 2019 to Moore Boat LLC from Jennelle Gerthoffer, Natural Resources Administrator for the Worcester County Department of Environmental Programs, conveying the State Critical Area Commission's approval of the growth allocation. Mr. McCabe outlined the environmental enhancements that are to be made to the site, including the eradication of a dense stand of bamboo and

phragmites and their replacement with native plant material in a new 100 foot buffer, the upgrading of all existing septic systems with Best Available Technology (BAT) systems for nitrogen removal, and the upgrading of stormwater management features for the existing development and any future construction or expansion on the property. When questioned by Mr. Cropper, Mr. McCabe concurred that the E-1 Estate District classification is a mistake and the I-1 Light Industrial District zoning classification is more in keeping with the Comprehensive Plan and the existing and long time use of the property. As a related matter, Mr. Cropper noted that there is limited industrial zoning in the County, consisting mainly of the Todd Industrial Park and various lands between Bishop and Showell along the US Route 113 corridor. A copy of the staff report on the rezoning case was submitted as Applicant's Exhibit No. 2.

R. D. Hand was called as the next witness. Mr. Cropper submitted an aerial photograph of the petitioned area taken in 1989 as Applicant's Exhibit No. 3. Mr. Cropper asserted that this photo showed extensive use of the entire property for "industrial maritime" uses, including five to six rows of boats being stored on the subject properties. Exhibit No. 4 was an aerial photo taken in 1998 which showed that the uses at that time were similar to those shown in 1989. Exhibit No. 5 was an undated aerial photograph which showed similar uses but additionally showed much more intrusion into the Critical Area buffer than what is currently utilized by Mr. Moore's operation. Based upon the existing improvements shown, Mr. Barbieri estimated that the photograph was taken in the early to mid-1980s, before a house shown on a nearby lot burned in 1987. Mr. Cropper noted that this photograph was provided by Mr. Hudson, the previous owner and operator of the ship construction and repair business. Submitted as Applicant's Exhibit No. 6 was a more recent aerial photograph from several years ago that shows much less impact, the now abandoned marine railway and more recently installed boat travel lift, as well as the on-site dredge spoil disposal area. Upon questioning by Mr. Cropper, Mr. Hand concurred that the E-1 Estate District zoning classification on the petitioned area is a mistake. He asserted that the petitioned area does not display the typical E-1 Estate District type uses such as residential development and that the long established uses of boat building and repair on the site are an industrial type use that should have been given an industrial zoning classification. Mr. Cropper stated that repairing and fabricating boats is a permitted use in the I-1 Light Industrial District. He noted that the current property owner, Mr. Moore, continues to build boats on the property as Mr. Hudson did. Mr. McCabe stated that he has reapplied for the industrial discharge permit with the Maryland Department of the Environment (MDE) that was set to expire.

Relative to the definition of the neighborhood, Mr. Cropper stated that his argument for rezoning is based on a mistake and therefore such a definition is not necessary. He noted that there had been no change to the population of the area.

With respect to the availability of public facilities, Mr. Cropper stated that there are three approved septic disposal sites on the petitioned area but boat fabrication and industrial uses do not generally require large quantities of wastewater disposal. In regard to traffic patterns, Mr. Cropper stated that there is very little traffic on North Piney Point Road and that there are no significant traffic impacts from the existing uses. Relative to compatibility with existing and proposed development, Mr. Cropper stated that the site is isolated and at the terminus of a dead end road, that it is the location of a long established boat repair and fabrication operation, and that there are scattered residences in the area. He noted that an island is located immediately to the south of the petitioned area which will provide a buffer between the petitioned area and the residential uses across the water. Mr. Cropper stated that there was a caretaker's house on the adjoining property, the development is at the end of the road, and there is commercial zoning at the junction of North Piney Point Road and St. Martins Neck Road. He noted that the property is buffered on three sides by vegetation. He again asserted that the I-1 Light Industrial District designation is a compatible zoning classification as the use has been on the property for more than 50 years and the use is one that has been recognized by everyone as being located there and is consistent with the surrounding development. He asserted that the proposed rezoning would allow the continuation of a long established use and bring the zoning into consistency with that use. As it pertained to environmental conditions, Mr. Cropper noted that the State Critical Area Commission has reviewed the proposed rezoning and project at length and determined that impacts will not be increased. In fact, the property owner will be taking steps to improve environmental conditions and water quality will improve due to the establishment of a Critical Area buffer. With regard to the Comprehensive Plan and the associated Land Use Map, Mr. Cropper stated that the petitioned area is partially within the Existing Developed Area Land Use Category and partially within the Agricultural Land Use Category. He asserted that the I-1 Light Industrial District will provide important access to the water and associated economic benefits (quasi-public access) and is consistent with the Comprehensive Plan. He noted that although the petitioned area is partially within the Agricultural Land Use Category according to the Comprehensive Plan, there is no agricultural zoning in the area. All properties are either zoned R-1 Rural Residential District, E-1 Estate District or C-1 Neighborhood Commercial District, with RP Resource Protection District in environmentally sensitive areas. Mr. Cropper asserted that a mistake was made in the comprehensive rezoning adopted on November 3, 2009 relative to the petitioned area, as there was long established boat fabrication and repair occurring on the property at that time and the use became non-conforming when the site was placed in the E-1 Estate District zoning classification. The I-1 Light Industrial District allows boat repair and fabrication as a permitted use and the change in zoning would be more desirable.

Frank Lynch was called as the next witness. He stated that he had been very familiar with the property throughout his life and had completed all of the survey work and stormwater management design for the site. He stated that he and Mr. Hand had designed a storage building for the property that will comply with the various regulations regarding zoning, Critical Area, stormwater management, etc. Mr. Cropper noted that a rezoning shall not take specific uses into account when rendering a decision.

Upon questioning by the staff as to whether the proposed rezoning and Mr. Cropper's argument was solely based on legitimizing the use that is on the site now, Mr. Cropper maintained that the use of the property for fabrication and repair waxes and wanes with the times and that the property owner may develop the property further in the future based on the uses that are permitted by the I-1 Light Industrial District if rezoned. The staff pointed out that the uses that are on the site at present are all permitted by the site's existing E-1 Estate District zoning classification, with the only portion of the site's historic use not permitted by that zoning classification being the heavy fabrication. Mr. Cropper stated that it was a good faith mistake not to have given the petitioned area an I-1 Light Industrial District zoning classification during the comprehensive rezoning because the heavy fabrication was, although reduced in scope, still part of the operation at that time. He maintained that the current property owner has built several boats on the site since he purchased the property several years ago. The Planning Commission Attorney asked the staff if the use was more appropriate in one of the agricultural zoning districts. The staff stated that heavy repair and fabrication is allowed in the A-2 Agricultural District by special exception and that the current use of the property would become a conforming special exception if the petitioned area were rezoned to A-2 Agricultural District. After this discussion, the Planning Commission acknowledged that Mr. Cropper's argument relative to the rezoning was not solely based on the current use but rather the future potential uses of the property.

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 his department's well and septic records show the properties improved with existing individual well and septic for Parcels 304 and 171 and that Parcel 4 has an approved sewage reserve area. His response memo dated May 14, 2019 confirms these statements. John H. Tustin, P. E., Director of Public Works, stated in his memo (attached) that he had no comments. 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 or the Worcester County Sheriff's Department. 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 North Piney Point Road, a County-owned and maintained roadway. It dead-ends at the St. Martins River. North Piney Point Road connects to St. Martins Neck Road, a State-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. No comments were received from the State Highway Administration relative to this application. 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 has been utilized for boat repair and fabrication for many, many years and has coexisted with the residences and other land uses in the area. The Planning Commission found that the proposed rezoning will not have any adverse impacts on environmental concerns. The petitioned area is within the Atlantic Coastal Bays Critical Area and has been granted the necessary growth allocation by the State Critical Area Commission to allow potential development. The Planning Commission found that based on information submitted to the State Critical Area Commission in conjunction with the growth allocation request, environmental conditions will actually improve due to the installation of Critical Area buffers, stormwater management systems, and a nitrogen removal wastewater system. Based upon its review, the Planning Commission found that the proposed rezoning of the petitioned area from E-1 Estate District to I-1 Light Industrial District is compatible with existing and proposed development and existing environmental conditions in the area.
- F. Regarding compatibility with the Comprehensive Plan: The Planning Commission found that according to the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Area and Agriculture Land Use Categories. With regard to the Existing Developed Area category the Comprehensive Plan states that it identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained, that recognizing existing development and neighborhood character is the purpose of this designation, and that appropriate zoning providing for densities and uses consistent with this character should be instituted. The Plan furthermore states that the EDAs are anticipated to remain as mapped at least until the next plan review period and that this will provide for orderly infill development within EDAs and new community-scale growth in the growth areas. The Plan also states that, not designated as growth areas, these areas should be limited to infill development and that density, height, bulk and site design standards should also be consistent with the EDA's existing character. With regard to the Agriculture Land Use 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. The Planning

Commission found that the petitioned area has been long established as a boat repair and fabrication facility, even having a marine railway for many years. Thus, if rezoned to another classification land is not being taken out of agricultural production. Furthermore, the Planning Commission noted that there are other properties in the area that are not zoned in accordance with what is suggested by the Comprehensive Plan's Land Use Map. Based upon its review the Planning Commission found that the proposed rezoning of the petitioned area from E-1 Estate District to I-1 Light Industrial 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 petitioned area is the site of a long established boat repair and fabrication operation and that, although the intensity of this operation has waxed and waned through the years, it has never ceased being utilized as such. The Planning Commission concluded that there has not been a change in the character of the neighborhood but that there is an issue with the consistency of the petitioned area's zoning classification with its long time use. 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. 418, seeking a rezoning of the petitioned area from E-1 Estate District to I-1 Light Industrial District.

V. RELATED MATERIALS AND ATTACHMENTS

STAFF REPORT

REZONING CASE NO. 418

PROPERTY OWNER: Moore Boat, LLC
Leighton Moore, Managing Member
12303 North Piney Point Road
Bishopville, Maryland 21813

ATTORNEY: Hugh Cropper, IV
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842

TAX MAP/PARCEL INFO: Tax Map 10 - Parcels 4, 171 and 304 - Tax District 5

SIZE: The petitioned area is comprised of three parcels which total 9.4 acres. Parcel 4 is 4.47 acres, Parcel 171 is 2.01 acres and Parcel 304 is 2.92 acres.

LOCATION: The petitioned area is located on the easterly side of North Piney Point Road on the northerly side of the St. Martins River.

CURRENT USE OF PETITIONED AREA: Boat fabrication, repair, maintenance and/or storage

CURRENT ZONING CLASSIFICATION: E-1 Estate District

REQUESTED ZONING CLASSIFICATION: I-1 Light Industrial District

APPLICANT'S BASIS FOR REZONING: According to the application, the request for rezoning is based on 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 and that designation was retained during the 2009 comprehensive rezoning.

SURROUNDING ZONING: Almost all adjoining and nearby properties to the west, north and east are also zoned E-1 Estate District. Two properties at the northerly terminus of North Piney Point Road, at the junction with St. Martins Neck Road, are zoned C-1 Neighborhood Commercial District. Holiday Harbor, a subdivision directly to the east of the petitioned area, is zoned R-1 Rural Residential District, as is the Piney Point subdivision on the southerly side of the St. Martins River/Bishopville Prong. Environmentally sensitive areas are zoned RP Resource Protection District.

COMPREHENSIVE PLAN:

According to Chapter 2 - Land Use of the Comprehensive Plan and associated land use plan map, the petitioned area lies within the Existing Developed Area and Agricultural Land Use Categories. With regard to the Existing Developed Area category, the Comprehensive Plan states the following:

"This category identifies existing residential and other concentrations of development in unincorporated areas and provides for their current development character to be maintained. Recognizing existing development and neighborhood character is the purpose of this designation. Appropriate zoning providing for densities and uses consistent with this character should be instituted.

Surrounding areas have been mapped with one of the other land use designations as appropriate and should not be considered for rezonings by virtue of their proximity to an EDA. Further, the EDAs are anticipated to remain as mapped at least until the next plan review period. This will provide for orderly infill development within EDAs and new community-scale growth in the growth areas.

Not designated as growth areas, these areas should be limited to infill development. Density, height, bulk and site design standards should also be consistent with the EDA's existing character." (Pages 13, 14)

With regard to the Agricultural Land Use Category, the Comprehensive Plan states the following:

"The importance of agriculture to the county cannot be overstated. Its significance is economic, cultural, environmental, and aesthetic. Agriculture is simply the bedrock of the county's way of life. The county must do all it can do to preserve farming as a viable industry. This category is reserved for farming, forestry and related industries with minimal residential and other incompatible uses permitted. Large contiguous areas of productive farms and forest shall be maintained for agricultural uses and residential and other conflicting land uses, although permitted, are discouraged." (Page 18)

Pertinent objectives cited in Chapter 2 - Land Use state the following:

-
2. Continue the dominance of agriculture and forestry uses through the county's less developed regions.
 3. Maintain the character of the county's existing population centers.
 4. 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)

Please note that the Comprehensive Plan does have an Industrial Land Use Category. Areas so mapped are limited to the Pocomoke City and Showell areas. With regard to this 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)

Within the same chapter, under the heading Industrial Land Demand, the Comprehensive Plan states:

"Standard practice for determining the demand for industrial land does not work well in Worcester County. This method relates industrial land demand to population. In Worcester County with its high proportion of retirees, this relationship breaks down. For this plan, past experience shows existing industrial areas will be sufficient to meet future demand." (Page 24)

In Chapter 4, Economy, pertinent objectives under the heading Industrial Development state the following:

- "1. Continue the industrial development program to retain existing industries and emphasize light industry to expand the county's research/product-development, manufacturing, health and high-tech sectors.
2. Maintain an inventory of suitable locations for appropriate industries to locate within the county.
3. Locate industrial uses primarily in industrial parks.
4. Address industrial infrastructure needs, including electrical supply, natural gas, and bandwidth improvements.
-" (Page 59)

In Chapter Six - Public Infrastructure, the Comprehensive Plan includes several objectives, including the following:

- "1. Meet existing public facility and service needs as a first priority. Health and safety shall take precedence.
2. Permit development to occur only as rapidly as services can be provided.
3. Ensure adequate public facilities are available to new development.
4. Require new development to "pay its way" by providing adequate public facilities to meet the infrastructure demand it creates.
-" (Page 70)

Chapter Seven - Transportation of the Comprehensive Plan states that "Worcester's roadways experience morning and evening commuter peaks; however, they are dwarfed by summer resort traffic.Resort traffic causes the most noticeable congestion on US 50, US 113, US 13, MD 528, MD 589, MD 611, and MD 90." (Page 79)

This chapter also states that "c(C)ommercial development will have a significant impact on future congestion levels. Commercial uses generate significant traffic, so planning for the proper amount, location and design will be critical to maintain road capacity. The current amount and location of commercial zoned land poses problems for the road system, particularly for US 50." (Page 82)

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 dated February 28, 2018 from Robert J. Mitchell, Director of the Department of Environmental Programs (copy attached), the subject properties have a designation of Sewer Service Category S-6 (No Planned Service) in the Master Water and Sewerage Plan. He states that his department's well and septic records show the properties improved with existing individual well and septic for Parcels 304 and 171 and that Parcel 4 has an approved sewage reserve area. His response memo dated May 14, 2019 confirms these statements. John H. Tustin, P. E., Director of Public Works, or John Ross, stated in his memo (attached) that he had no comments.

The primary soil types on the petitioned area according to the Worcester County Soil Survey are as follows:

WdA - Woodstown sandy loam - severe limitations to on-site wastewater disposal
HbA - Hambrook 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 or from the Sheriff's Department.

ROADWAYS AND TRANSPORTATION: The petitioned area is a part fronts on and currently has access North Piney Point Road, a County-owned and -maintained roadway. North Piney Point Road dead-ends at the St. Martins River. It connects to St. Martins Neck Road (MD Route 368). This latter roadway is state-owned and -maintained. 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. No comments were received from the State Highway Administration District 1 with regard to this application. 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 (WCOBE).

CHESAPEAKE/ATLANTIC COASTAL BAYS CRITICAL AREAS: According to Mr. Mitchell's response memo dated May 15, 2019, the petitioned area is located within the Atlantic Coastal Bays Critical Area (ACBCA). He notes that a portion of the subject properties involved in the rezoning request were recently awarded a Growth Allocation request by the State's Critical Areas Commission so all parcels are now designated as Limited Development Area (LDA). Previously a 4.71 acre portion was classified by the ACBCA as being within the Resource Conservation Area. Mr. Mitchell states that the LDA designation allows industrial uses as long as all development standards noted in § NR 3-107(c)(1 through 10) are able to be met. He further states that for all three parcels included in the proposed rezoning, a 100 foot Critical Area Buffer has been established from the mean high water lines of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands. He notes that any areas within the Buffer shall be maintained in natural vegetation and established if natural vegetation is not present throughout the Buffer and that as part of the Growth Allocation award, the buffer will be planted and managed for invasive species. Mr. Mitchell attached the comments of the Critical Area Commission and noted that Commission reiterated the maximum of 15 percent lot coverage and that the Commission had no objections to the proposed rezoning.

PLEASE NOTE THAT THE FOLLOWING HAS BEEN ADDRESSED BY THE ABOVE: According to Mr. Mitchell's memo dated February 28, 2018 (copy attached), the petitioned area is located within the Atlantic Coastal Bays Critical Area (ACBCA) and the property is designated as both Limited Development Area (LDA) and Resource Conservation Area (RCA). He states that the RCA designated area of the parcel does not allow for new commercial activities to be established and that any proposed industrial development must be located outside the RCA. Mr. Mitchell further states that according to NR 3-108(4), existing commercial, industrial, or institutional uses shall be allowed in the RCA and that under NR 3-108(5), new commercial, industrial, or institutional uses shall not be permitted in the RCA and additional land may not be zoned for those uses, unless said use falls under allowances made in NR 3-108(d) or a growth allocation is awarded. Mr. Mitchell notes that areas within the LDA portion of the two parcels (304 and 171) could allow for industrial uses if all development standards are able to be met. According to his memo, for all three parcels including the proposed rezoning, a 100 foot Critical Area Buffer will be established from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extend of tidal wetlands. Expansion of the Buffer beyond 100 feet will occur if contiguous sensitive areas, as noted in NR 3-104(c)(2) are present. Any areas within the buffer shall be maintained in natural vegetation and established if natural vegetation is not present throughout the Buffer. Mr. Mitchell further states that the only lot coverage that can occur in the 100 foot buffer, without a variance, is lot coverage that was permitted pre-Critical Area.

Mr. Mitchell additionally states that he attached the comments from the Critical Area

Commission (CAC) on this case and that they have recommended denial of the application because the requested zoning changes does not meet the requirements of the Critical Area law, including consistency with the existing Critical Area land classification (RCA). He states that the CAC's main points include:

- a. While the proposed I-1 Light Industrial District zoning could possibly be changed for portions of the parcels with LDA designation, the lot coverage limitation of 15 % would most likely preclude any expansion of the existing use on these parcels
- b. They are of the opinion that the mapping mistake for this zoning change is prohibited based on Critical Area law and regulations.
- c. The only option they see to increase the intensity of the development on these parcels is through the use of growth allocation.
- d. If the growth allocation is pursued, an amendment to the County's Critical Area program would also have to be made to allow alternative adjacency standards.

Please review the Critical Area Commission's attached letter for additional comment.

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:

Kathryn Gordon, Deputy Director, Economic Development: No objection to the proposed rezoning.

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?

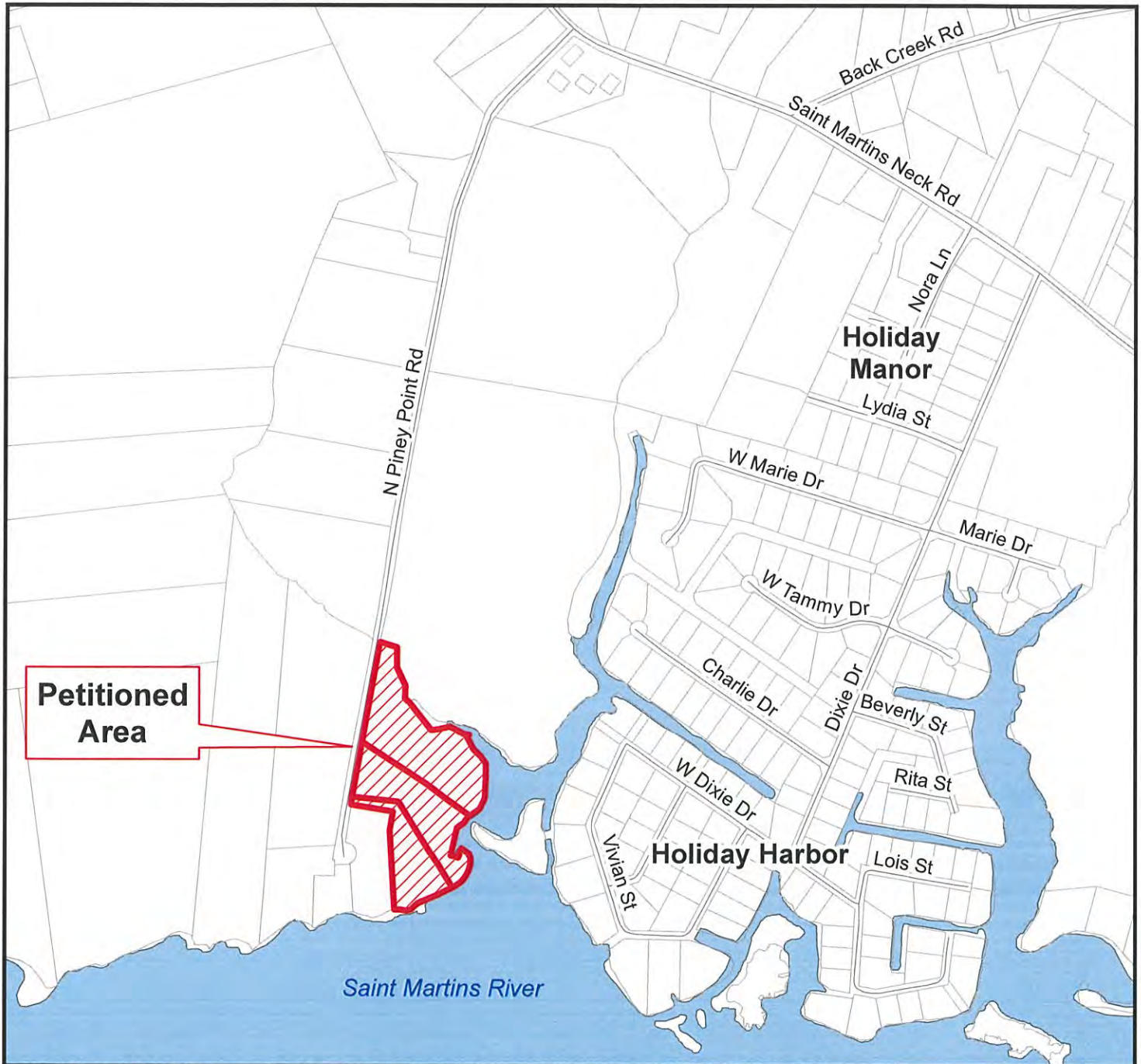


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418
E-1 Estatel District to I-1 Light Industrial District
Tax Map: 10, Parcels 4, 171 and 304

LOCATION MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared December 2017

0 500 1,000
Feet

Source: 2015 State Assessment & Taxation Data and GIS Parcel Layer

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. 418
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AERIAL MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared December 2017

0 500 1,000
Feet

Source: 2016 Aerial Imagery and GIS Parcel Layer

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

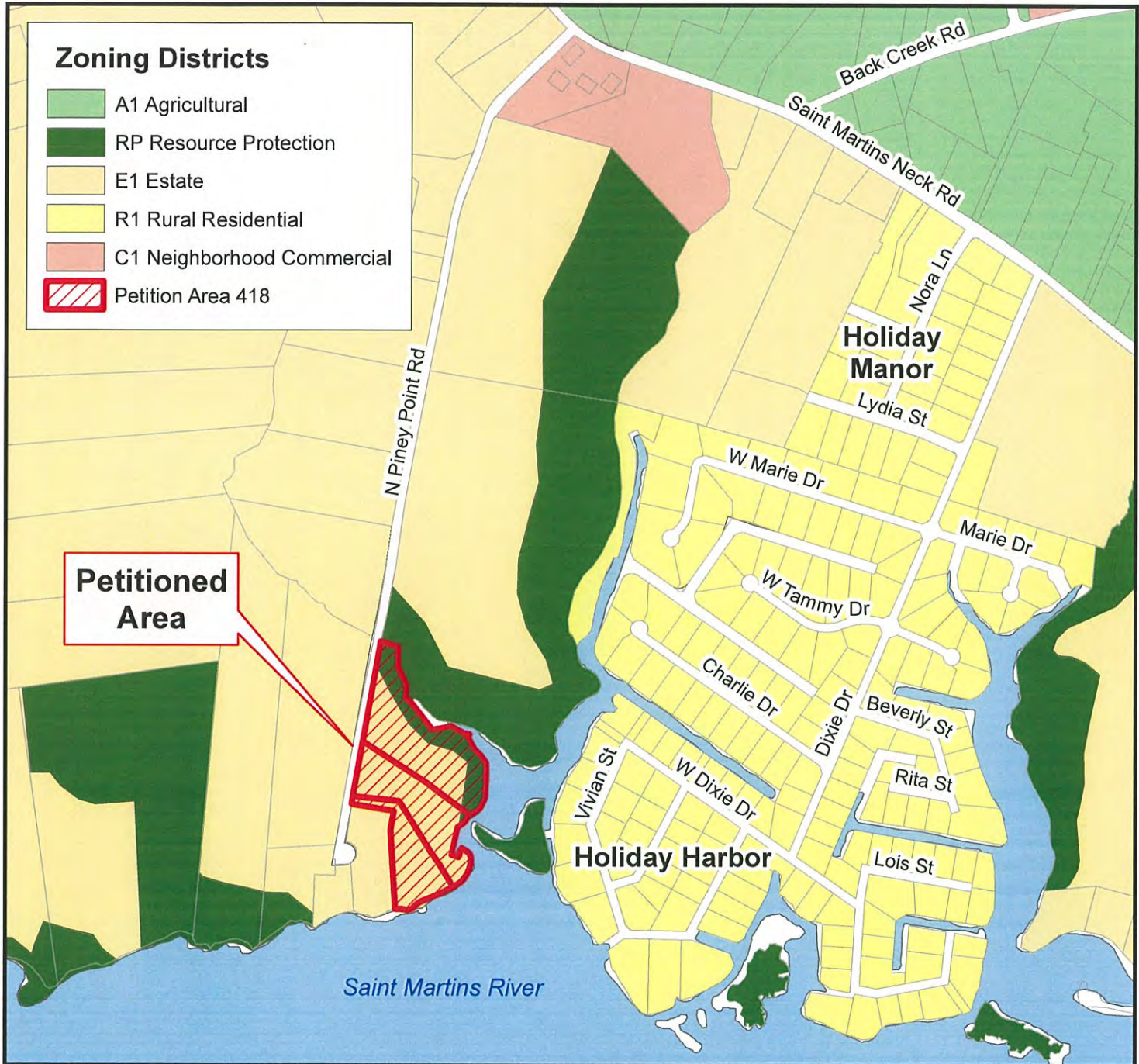


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418
E-1 Estatel District to I-1 Light Industrial District
Tax Map: 10, Parcels 4, 171 and 304

ZONING MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared December 2017

0 500 1,000
Feet

Source: 2006 Zoning District Map (current)

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

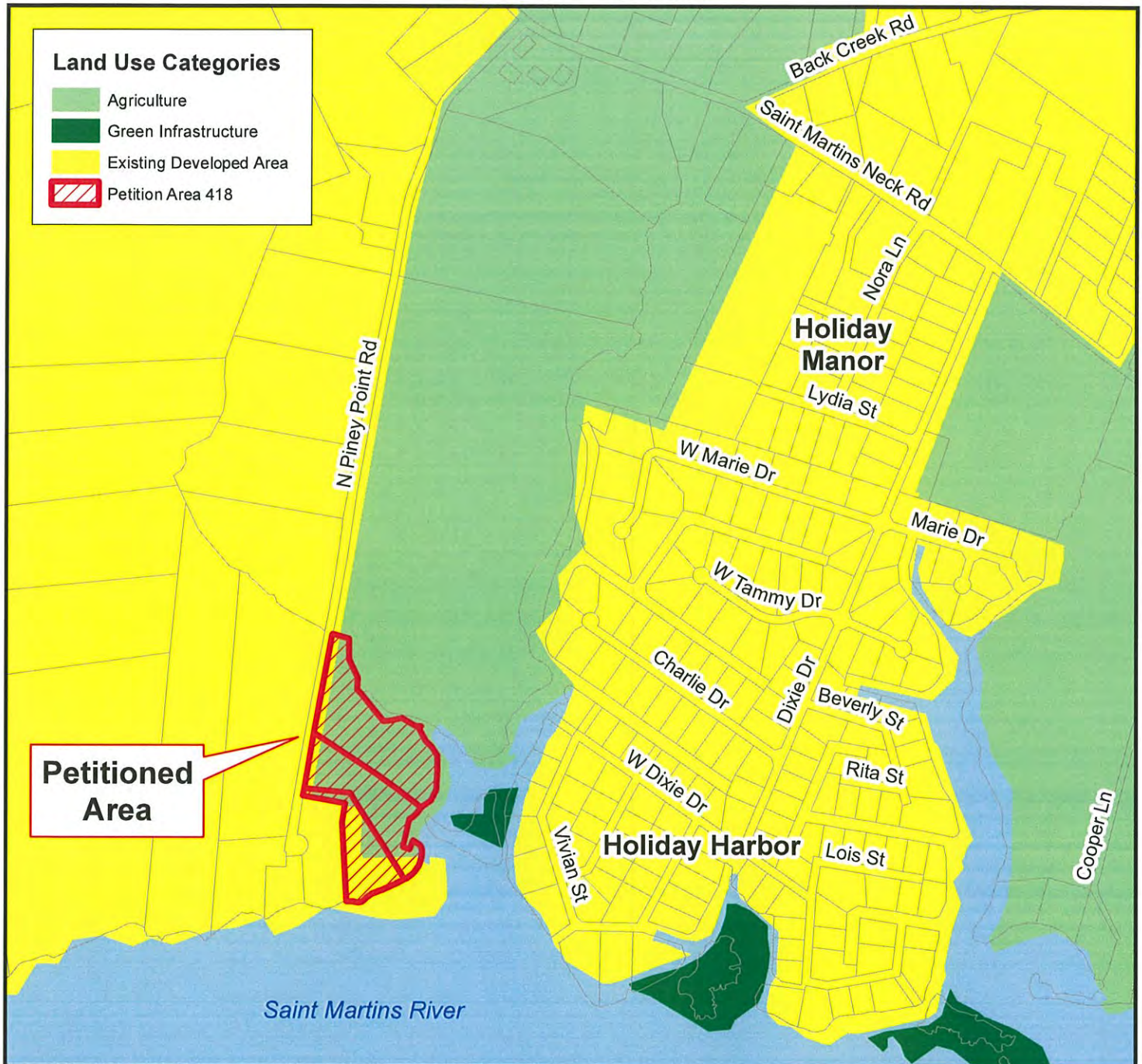


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418
E-1 Estatel District to I-1 Light Industrial District
Tax Map: 10, Parcels 4, 171 and 304

LAND USE MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared December 2017

Source: 2006 Land Use Map and GIS Parcel Layer

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

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Drawn By: KLH Reviewed By: PHW

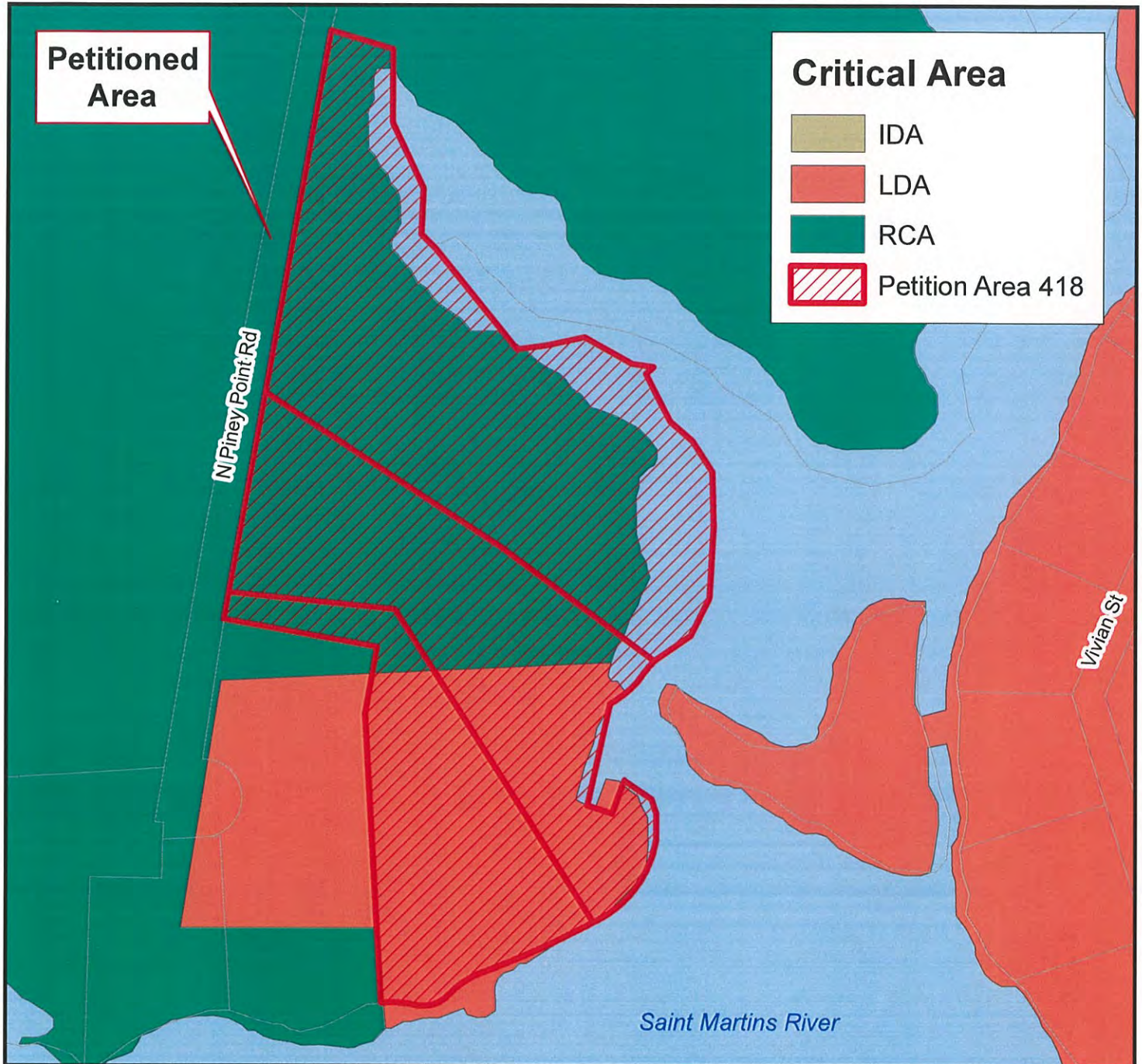


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418
E-1 Estatel District to I-1 Light Industrial District
Tax Map: 10, Parcels 4, 171 and 304

ATLANTIC COASTAL BAY CRITICAL AREA MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared December 2017

0 100 200
Feet

Source: 2002 Atlantic Coastal Bay Critical Area (current)

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

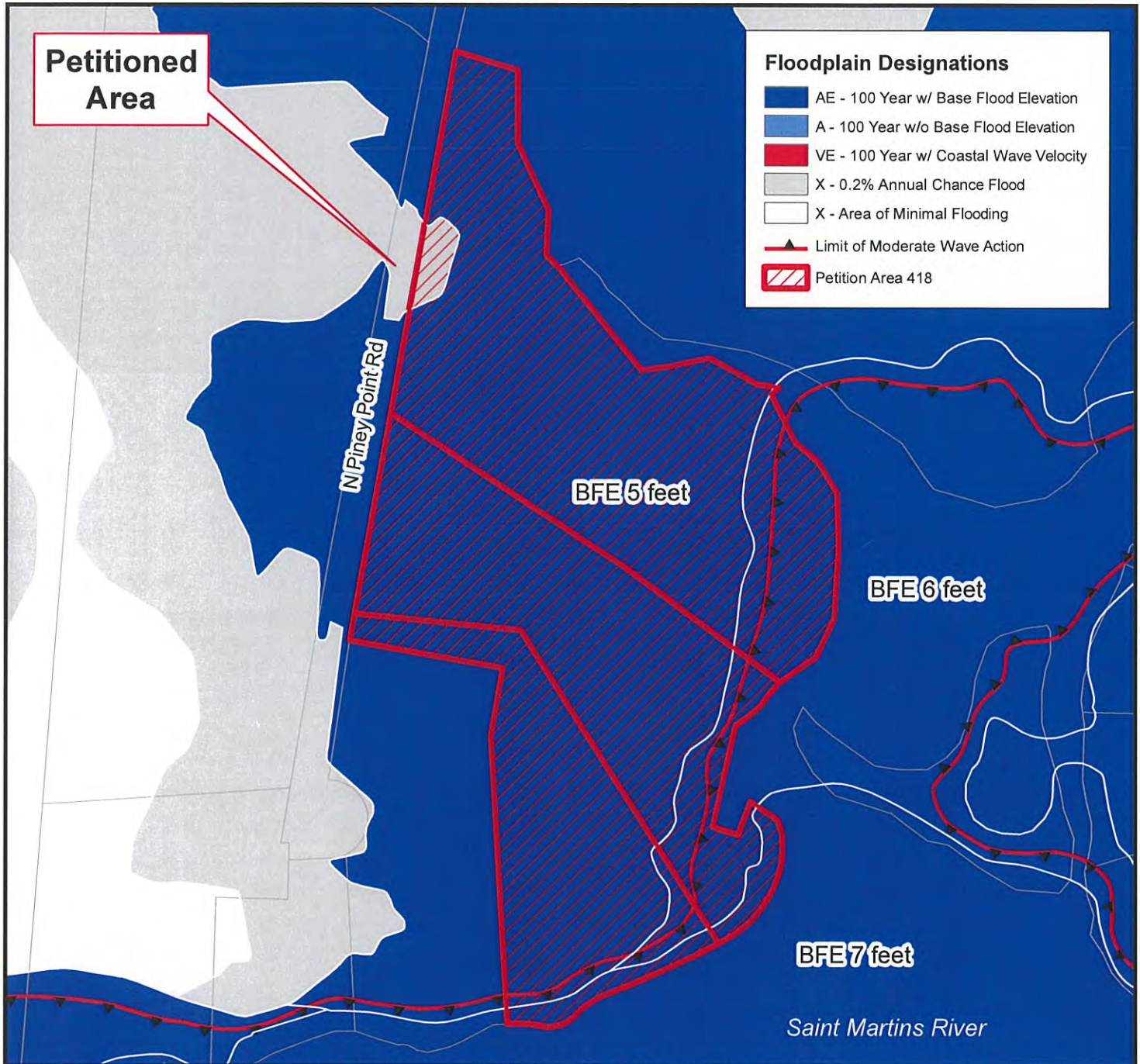


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418
E-1 Estatel District to I-1 Light Industrial District
Tax Map: 10, Parcels 4, 171 and 304

FLOODPLAIN MAP

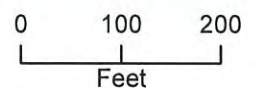


DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared December 2017

Source: 2015 FEMA Flood Insurance Rate Maps and GIS Parcel Layer

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



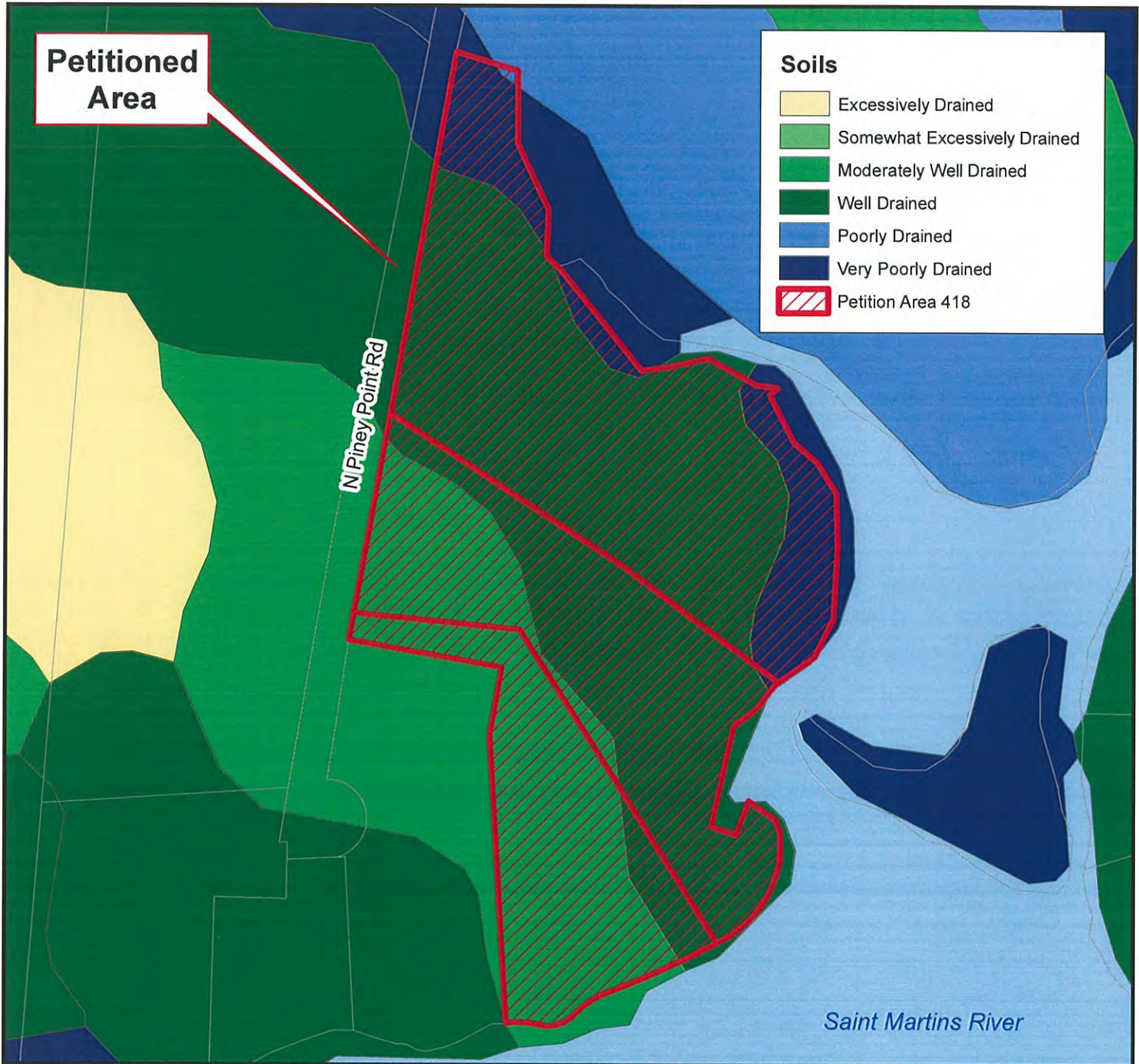


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418
E-1 Estatel District to I-1 Light Industrial District
Tax Map: 10, Parcels 4, 171 and 304

SOILS MAP



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared December 2017

Source: 2007 Soil Survey and GIS Parcel Layer

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

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Feet

Drawn By: KLH Reviewed By: PHW

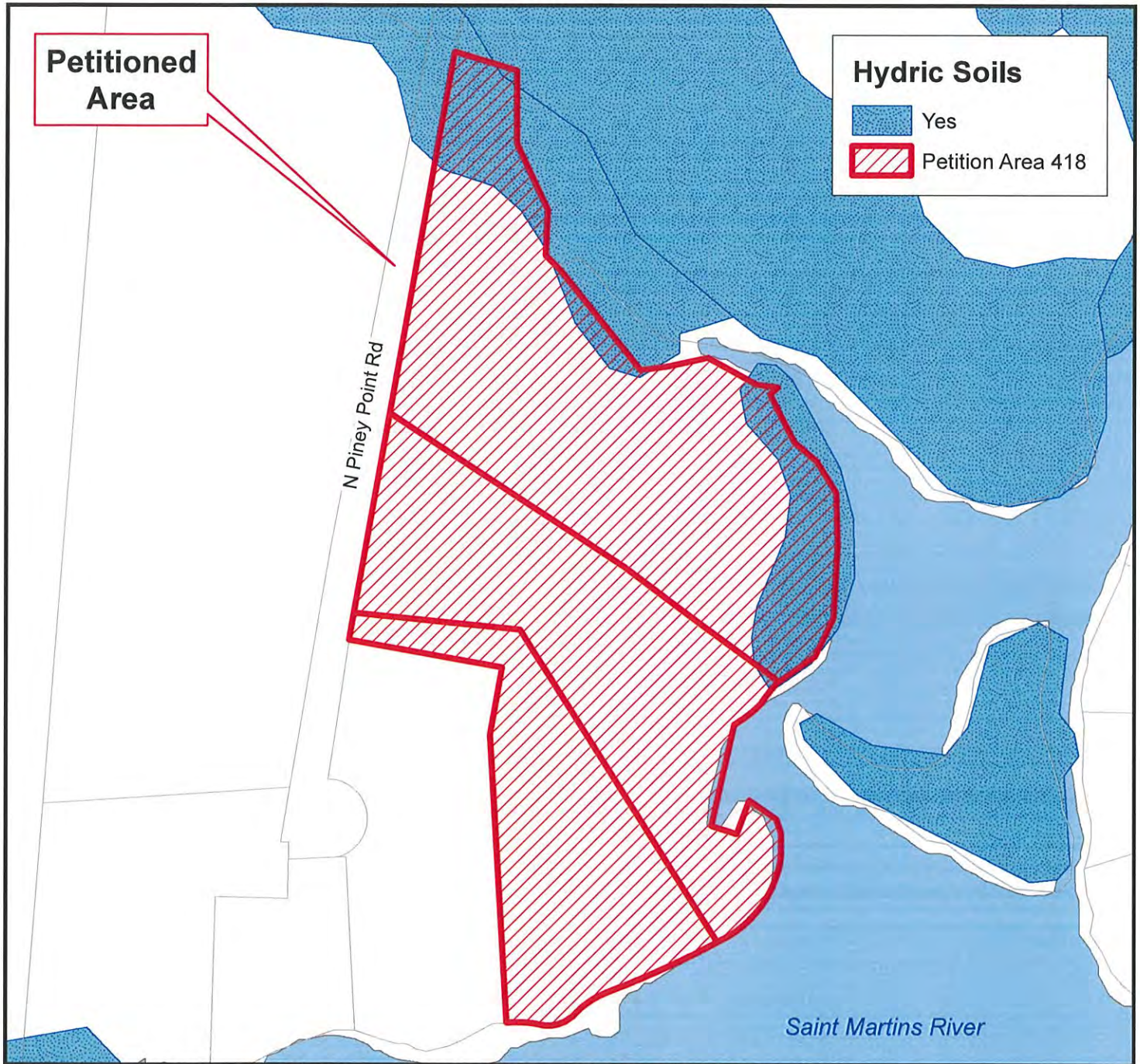


WORCESTER COUNTY, MARYLAND



REZONING CASE NO. 418
E-1 Estatel District to I-1 Light Industrial District
Tax Map: 10, Parcels 4, 171 and 304

HYDRIC SOILS MAP



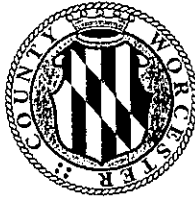
DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING
Technical Services Division - Prepared December 2017

Source: 2007 Soil Survey and GIS Parcel Layer

This map is intended to be used for illustrative purposes only and is not to be used for regulatory action.

0 100 200
Feet

Drawn By: KLH Reviewed By: PHW



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1201

SNOW HILL, MARYLAND 21863

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

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
Billy Birch, Director, Worcester County Emergency Services
Matthew Crisafulli, Sheriff, Worcester County Sheriff's Office
John H. Tustin, P.E., Director, Worcester County Public Works Department
John Ross, P.E., Deputy Director, Worcester County Public Works Department
Frank Adkins, Roads Superintendent, Worcester County Public Works Department
Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
Kathryn Gordon, Deputy Director, 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
David Collins, Fire Chief, Bishopville Volunteer Fire Department

FROM: Phyllis H. Wimbrow, Deputy Director *phw*

DATE: March 12, 2019

RE: Rezoning Case No. 418- Moore Boat, LLC/ Hugh Cropper, IV- Approximately 9.4 acres located on the east end of North Piney Point Road

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a meeting in Summer 2019. This application seeks to rezone approximately 9.4 acres of land from E-1 Estate District to I-1 Light Industrial District. Uses allowed in the district include, but are not limited to, wholesale & service establishments, light

manufacturing and repair establishments, commercial marina and marine yards, industrial parks, bulk storage or wholesaling of fuels and other flammable liquids, and other similar uses.

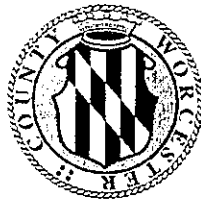
This application was originally submitted in January 2018 and subsequently sent to you for comment at that time. However, the applicant's attorney, Hugh Cropper, IV, asked that the application be set aside while he sought to resolve certain issues. Mr. Cropper has now asked that the application be reactivated. Because so much time has passed, I felt it prudent to request that you review the case again and provide comment.

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 MAY 15, 2019, 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 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 pwimbrow@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments

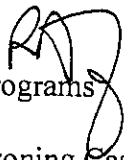


Worcester County

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. 418
Worcester County Tax Map 10, Parcels 4, 171, and 304
9.4 Acres E-1 Estate to I-2 Light Industrial District

Date: 5/14/19

This response to your request for comments is prepared for the map amendment application associated with the above referenced property. The Worcester County *Zoning and Subdivision Control Article*, Section ZS1-113(c)(3), states that the applicant must affirmatively demonstrate that there has been a substantial change in the character of the neighborhood since the last zoning of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The properties have both an Agricultural land use designation and a Existing Developed land use designation in the Land Use Map in the *Comprehensive Plan*. The existing developed portion of the three parcels is really confined to the southernmost portion along the waterfront areas where the existing structures are located on Parcels 171 and 304. The agricultural designation covers Parcel 4 in its entirety and extends through most of Parcel 304 and into the upper part of 171.
2. The subject properties have a designation of Sewer Service Category S-6 (no Planned Service) in the *Master Water and Sewerage Plan*.
3. Our well and septic records show the properties improved with existing individual well and septic for Parcels 304 and 171. Parcel 4 has an approved sewage reserve area. While there are limits, the onsite capacities should serve existing uses with some room for expansion of site uses in the future.

Citizens and Government Working Together

4. This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The parcels involved in this rezoning request were recently awarded a Growth Allocation request so all parcels are designated as Limited Development Area (LDA). The LDA designation does allow for industrial uses as long as all development standards as noted in NR 3-107(c)(1-10) are able to be met.
5. For all three parcels including the proposed rezoning, a 100 foot Critical Area Buffer has been established from the mean high water lines of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands. Any areas within the Buffer shall be maintained in natural vegetation and established if natural vegetation is not present throughout the Buffer. As part of the Growth Allocation award, the buffer will be planted and managed for invasive species.
6. We have attached the comments from the Critical Area Commission (CAC) on this case. They have reiterated the 15% lot coverage limit and noted they have no objections to the application.
7. If you have any questions on these comments, please do not hesitate to contact me.

Attachment

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

May 13, 2019

Ms. Jenelle Gerthoffer
Worcester County Department of Environmental Programs
One West Market Street – Room 1306
Snow Hill, Maryland 21863

Re: Moore Boat, LLC
Rezoning Application #418 (Revised)

Dear Ms. Gerthoffer:

Thank you for providing information on the proposed rezoning of approximately 9.4 acres within the Limited Development Area (LDA) from Estate District (E-1) to Light Industrial (I-1). The petitioned area is located on North Piney Point Road in Bishopville on Tax Map 10, Parcels 4, 171, and 304. Earlier this month, the Critical Area Commission approved a growth allocation request to convert 4.71 acres of Resource Conservation Area (RCA) to LDA on this property. The requested zoning change meets the requirements of the Critical Area law, including consistency with the existing Critical Area land classification of LDA; therefore, we do not have any objections to the application.

Please note that because the property is designated as LDA, it has a maximum of 15% lot coverage. If the property owner would like to increase the intensity of development on this property at a future date, growth allocation to change the designation to Intensely Developed Area (IDA) would be required, and an amendment to the County's Critical Area program would have to be made to allow alternative adjacency standards.

Please submit this letter to the Planning Commission as part of their record and notify the Commission in writing of the decision made in this case. If you have any questions or concerns, please call me at 410-260-3477.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Durant".

Kathryn Durant
Natural Resources Planner

File: WC 50-18

Phyllis Wimbrow

From: Kathryn Gordon
Sent: Wednesday, March 13, 2019 10:54 AM
To: Phyllis Wimbrow
Subject: Rezoning Cases 421 and 418

Good Morning Phyllis,

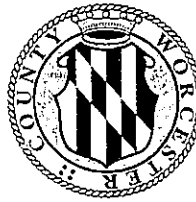
I have received and reviewed both rezoning cases referenced above and do not find anything that goes against my department's mission/plans.

Thank you and have a wonderful day!
Kathryn



Kathryn Gordon
Deputy Director
Worcester County Economic Development
100 Pearl Street, Suite B
Snow Hill, Maryland 21863

P: 410.632.3112
F: 410.632.5631
C: 410.430.8776



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

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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**WATER AND
WASTEWATER**
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FAX: 410-641-5185

M E M O R A N D U M

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: March 18, 2019
RE: Rezoning Case No. 418

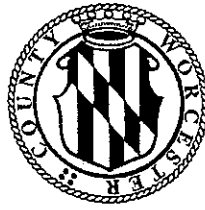
Upon review of the above referenced rezoning case, I offer the following comments:

Rezoning Case 418: 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 418.doc



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, MSN
Health Officer

MEMORANDUM

To: Phyllis H. Wimbrow, Deputy Director ^c

From: Edward Potetz, Director ^P
Environmental Health

Date: March 19, 2019

Re: Rezoning Case No. 418

This office has no objection to the proposed above-referenced rezoning case.

35

Phyllis Wimbrow

From: April Mariner
Sent: Tuesday, March 12, 2019 1:54 PM
To: Phyllis Wimbrow
Subject: FW: Request for Comment #418

April L. Mariner

Office Assistant IV
Worcester County Development Review & Permitting
amariner@co.worcester.md.us
410-632-1200 x1172

From: Rob Clarke -DNR- [<mailto:rob.clarke@maryland.gov>]
Sent: Tuesday, March 12, 2019 1:58 PM
To: April Mariner
Subject: Re: Request for Comment #418

Good Afternoon April,

I have no comments regarding this request.

Thanks,
Rob Clarke

Sent from my iPad

On Mar 12, 2019, at 09:41, April Mariner <amariner@co.worcester.md.us> wrote:

Good Morning Mr. Clarke, this is a request for comment for Rezoning Case #418. It was previously submitted last year but placed on hold so we are re-requesting comments. Thank you in advance.

April L. Mariner

Office Assistant IV
Worcester County Development Review & Permitting
amariner@co.worcester.md.us
410-632-1200 x1172

<Agency Memo for Rezoning Case #418.pdf>

Phyllis Wimbrow

From: Hugh Cropper [hcropper@bbcmlaw.com]
Sent: Tuesday, March 05, 2019 4:06 PM
To: Phyllis Wimbrow
Cc: Jack Burbage; Leighton1@Seacrets.com; bob@rdhand.com; 'Chris McCabe'; frank lynch; Robert Mitchell
Subject: Moore Boats, LLC

Mrs. Wimbrow:

On January 2, 2018, I filed an Application for Amendment of the Official Zoning Map with respect to Worcester County Tax Map 10, Parcels 4, 171, and 304, owned by Moore Boats, LLC. I requested a rezoning of the entire property (9.34 acres) to I-1, Light Industrial District. I believe that the application has been assigned Rezoning Case No. 418. I asked that the rezoning be placed on hold, as I pursued the Growth Allocation request.

The Growth Allocation will be the subject of a public hearing on April 2, 2019 before the Worcester County Commissioners.

At this time, on behalf of Moore Boats, LLC, I would like to proceed with Rezoning Case No. 418. If you require any additional information, please let me know.

Thank you, and have a great day.

Hugh Cropper IV
Booth Booth Cropper & Marriner, P.C.
9923 Stephen Decatur Highway, D-2
Ocean City, Maryland 21842
410-213-2681-Telephone
www.bbcmlaw.com

This message may contain privileged or confidential information that is protected from disclosure. If you are not the intended recipient of this message, you may not disseminate, distribute or copy it. If you have received this message in error, please delete it and notify the sender immediately by reply email or by calling 410-213-2681. Thank you.

Worcester County Commissioners
Worcester County Government Center
One W. Market Street, Room 1103
Snow Hill, Maryland 21863

PLEASE TYPE
OR PRINT IN
INK

APPLICATION FOR AMENDMENT OF OFFICIAL ZONING MAP

(Office Use One - Please Do Not Write In This Space)

Rezoning Case No. 418

Date Received by Office of County Commissioners: _____

Date Received by Development, Review and Permitting: (Rec'd 12/4/17) 1/2/18

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): 4, 171, and 304
C. Lot Number(s), if applicable: _____
D. Tax District Number: 5

III. Physical Description of Property

- A. Located on the East side of North Piney Point Road
approximately _____ to the _____ of _____.

- B. Consisting of a total of 9.4 acres of land.

P. 4 4.47 acs.
P. 171 2.01 acs.
P. 304 2.92 acs.

- C. Other descriptive physical features or characteristics necessary to accurately locate the petitioned area:

- D. Petitions for map amendments shall be accompanied by a plat drawn to scale showing property lines, the existing and proposed district boundaries and such other information as the Planning Commission may need in order to locate and plot the amendment on the Official Zoning Maps.

IV. Requested Change to Zoning Classification(s)

- A. Existing zoning classification(s): E-1, Estate District
(Name and Zoning District)
- B. Acreage of zoning classification(s) in "A" above: 9.4 acres
- C. Requested zoning classification(s): I-1, Light Industrial District
(Name and Zoning District)
- D. Acreage of zoning classification(s) in "C" above: 9.4 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:

Please see attached

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 Moore Boat, LLC

Mailing Address: 9923 Stephen Decatur Hwy., D-2, Ocean City,
MD 21842 Phone Number: 410-213-2681

E-Mail: hcropper@bbcmllaw.com

Date: November 30, 2017

C. Signature of Property Owner in Accordance with VI.A. above

Signature: 

Printed Name of Owner:

Moore Boat, LLC, Leighton Moore, Managing Member

Mailing Address: 12303 N. Piney Point Road, Bishopville, MD
21813

Phone Number: 410-524-4900

E-Mail: Leighton1@Seacrets.com

Date: November 30, 2017

(Please use additional pages and attach to application if more space is required.)

VII. General Information Relating to the Rezoning Process

- A. Applications shall only be accepted from January 1st to January 31st, May 1st to May 31st, and September 1st to September 30th of any calendar year.
- B. Applications for map amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.
- C. Any officially filed amendment or other change shall first be referred by the County Commissioners to the Planning Commission for an investigation and recommendation. The Planning Commission may make such investigations as it deems appropriate or necessary and for the purpose may require the submission of pertinent information by any person concerned and may hold such public hearings as are appropriate in its judgment.

The Planning Commission shall formulate its recommendation on said amendment or change and shall submit its recommendation and pertinent supporting information to the County Commissioners within 90 days after the Planning Commission's decision of recommendation, unless an extension of time is granted by the County Commissioners.

After receiving the recommendation of the Planning Commission concerning any such amendment, and before adopting or denying same, the County Commissioners shall hold a public hearing in reference thereto in order that parties of interest and citizens shall have an opportunity to be heard. The County Commissioners shall give public notice of such hearing.

- D. Where the purpose and effect of the proposed amendment is to change the zoning classification of property, the County Commissioners shall make findings of fact in each specific case including but not limited to the following matters:

population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development and existing environmental conditions for the area, including no adverse impact on waters included on the State's Impaired Waters List or having an established total maximum daily load requirement, the recommendation of the Planning Commission, and compatibility with the County's Comprehensive Plan. The County Commissioners may grant the map amendment based upon a finding that (a) there a substantial change in the character of the neighborhood where the property is located since

the last zoning of the property, or (b) there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Comprehensive Plan.

The fact that an application for a map amendment complies with all of the specific requirements and purposes set forth above shall not be deemed to create a presumption that the proposed reclassification and resulting development would in fact be compatible with the surrounding land uses and is not, in itself, sufficient to require the granting of the application.

- E. No application for map amendment shall be accepted for filing by the office of the County Commissioners if the application is for the reclassification of the whole or any part of the land for which the County Commissioners have denied reclassification within the previous 12 months as measured from the date of the County Commissioners' vote of denial. However, the County Commissioners may grant reasonable continuance for good cause or may allow the applicant to withdraw an application for map amendment at any time, provided that if the request for withdrawal is made after publication of the notice of public hearing, no application for reclassification of all or any part of the land which is the subject of the application shall be allowed within 12 months following the date of such withdrawal, unless the County Commissioners specify by formal resolution that the time limitation shall not apply.

ATTACHMENT IN SUPPORT OF REZONING APPLICATION,
MOORE BOAT, LLC

INTRODUCTION

Moore Boat, LLC, a Maryland Limited Liability Company, by its attorney, Hugh Cropper IV, respectfully submits the following in support of its Application for Amendment of Official Zoning Map:

REASONS WHY REZONING IS REQUESTED

This Application for Amendment of Official Zoning Map is based upon a mistake in the November 3, 2009 Comprehensive Rezoning.

The subject property is three (3) separate parcels, consisting of a total of 9.4 acres of land, located at the east end of North Piney Point Road, in Bishopville, Maryland.

Walter J. Hudson acquired the original waterfront parcel, over one hundred (100) years ago, on January 5, 1894. After Mr. Hudson's death, his wife, Eva Hudson, conveyed the property to their son, also Walter Hudson, on June 26, 1940. Subsequently, Walter Hudson's son and daughter-in-law, Walter J. Hudson, Jr. and Judy Hudson acquired title to the original waterfront parcel. Mr. and Mrs. Hudson acquired additional parcels, for a total of 9.4 acres.

The property remained in the Hudson family from 1894 until September 30, 2005, when it was sold.

Walter J. Hudson, Jr. was in the boat repair/maintenance/construction business. Mr. Hudson operated Hudson's Marine Railway for many, many years.

Back in the 1960's, 70's, and 80's, the business was very active. Large

boats were pulled from the St. Martins River by a frame on an actual railway, which backed down into the water. Large boats travelled to this location to be pulled out for many, many years.

Virtually the entire property was covered with the storage of boats. These boats were maintained, the bottoms were painted, engines repaired, etc.

Mr. Hudson was also in the boat building business. Mr. Hudson built numerous boats on the property. These boats ranged in size from Chincoteague scows, to sportfishing vessels.

Mr. Hudson provided heavy repairs for vessels. Mr. Hudson and his son repaired all types of boat damage, specifically fiberglass work. They replaced propellers, shafts, rudders, etc.

Mr. Hudson also had a retail business on the property. He sold bottom paint, zincs, boat parts, etc.

Boats were frequently moored at the property.

The use of the marine railway became antiquated, and Mr. Hudson purchased a travel lift. The travel lift is a large structure on tires, which lifts boats from the water with large straps. It was not unusual for Mr. Hudson to lift 50 or 60 foot vessels out of the water for maintenance and repair.

Mr. Hudson's business of pulling boats from the water, and storing them for the winter, began to suffer when Sunset Marina and Ocean City Fishing Center opened in West Ocean City, and both businesses installed travel lifts. It simply wasn't practical for large boats to travel up the St. Martin's River, when they could be pulled in West Ocean City. However, Mr. Hudson's repair and

maintenance business remained vibrant. He also continued to build boats, typically wooden vessels reinforced with fiberglass cloth and resin.

Mr. Hudson discontinued the operation in 2005 when he sold the property.

Moore Boat, LLC acquired the property on September 12, 2008, and took over the fabrication and maintenance of boats. Moore Boat, LLC constructed and repaired boats at the property. This was an active business as of November 3, 2009, the date of the Comprehensive Rezoning.

Back in 2008 – 2009, it was contemplated that the property would be developed as residential. This was the growing trend during the real estate boom, at that time. As a result, the Worcester County Commissioners mistakenly (albeit in good faith) designated the property as E-1, Estate District, which provided for two (2) acre lots.

The E-1, Estate District zoning was a mistake for several reasons. Most importantly, it created a non-conforming use. The property was being utilized for boat fabrication, repair, maintenance, and storage. This is not permitted in the E-1, Estate District.

The property is in the Critical Area, which has a one (1) per twenty (20) acre residential density. The E-1 Estate District zoning was inapplicable and inconsistent, because it provided for one (1) per two (2) acre density.

At the time (and today), there was a strong need for boat fabrication and repair facilities.

Therefore, the applicant asserts a mistake in the November 3, 2009 Comprehensive Rezoning. The property should have been zoned consistent

with the use of many, many years.

The L-1, Light Industrial zone, provides for commercial marinas and marine yards, including fueling, boat launching and recovery, dry storage of seaworthy boats and operable condition, maintenance facilities for all types of hull, deck, and interior repairs and painting and boat construction. This is precisely the use of the property for many, many years.

With respect to the Comprehensive Plan, the property is designated as Existing Developed Area ("EDA"). The EDA designation provides for in-fill development. The continuation and expansion of the existing marine yard would be consistent with the in-fill development.

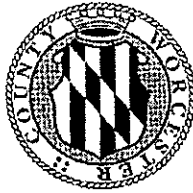
The property is appropriate for all of the uses in the L-1, Light Industrial District, including storage. Historically, paint, fuel, fiberglass resin, and other chemicals have been stored at the property for probably fifty (50) years.

Under the terms of the Comprehensive Plan, the L-1, Light Industrial District zoning is more appropriate.

Respectfully submitted,



Hugh Cropper IV
Attorney for Moore Boat, LLC



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. 418
Worcester County Tax Map 10, Parcels 4, 171, and 304
9.4 Acres E-1 Estate to I-2 Light Industrial District

Date: 2/28/18

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 of the property or that a mistake has been made in the existing zoning classification. The application argues that there was a mistake in the Comprehensive Rezoning that was approved by the County Commissioners on November 3, 2009. The Code requires that the Commissioners find that the proposed "change in zoning" would be more desirable in terms of the objectives of the *Comprehensive Plan*.

The Department of Environmental Programs has the following comments:

1. The properties have both an Agricultural land use designation and a Existing Developed land use designation in the Land Use Map in the *Comprehensive Plan*. The existing developed portion of the three parcels is really confined to the southernmost portion along the waterfront areas where the existing structures are located on Parcels 171 and 304. The agricultural designation covers Parcel 4 in its entirety and extends through most of Parcel 304 and into the upper part of 171.
2. The subject properties have a designation of Sewer Service Category S-6 (no Planned Service) in the *Master Water and Sewerage Plan*.
3. Our well and septic records show the properties improved with existing individual well and septic for Parcels 304 and 171. Parcel 4 has an approved sewage reserve area.
4. This proposed rezoning is located within the Atlantic Coastal Bays Critical Area (ACBCA). The property is designated as both Limited Development Area (LDA) and

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863-1249
TEL: 410-632-1220 FAX: 410-632-2012

47

Resource Conservation Area (RCA). The RCA designated area of the parcel does not allow for new commercial activities to be established. Any proposed industrial development must be located outside the RCA. According to NR 3-108(4), *existing* commercial, industrial, or institutional uses shall be allowed in the RCA. Under NR 3-108(5), new commercial, industrial, or institutional uses shall not be permitted in the RCA and additional land may not be zoned for those uses, unless said use falls under allowances made in NR 3-108(d) or a growth allocation is awarded.

5. Areas within the LDA portion of the two parcels (304 and 171) could allow for industrial uses if all development standards are able to be met.
6. For all three parcels including the proposed rezoning, a 100 foot Critical Area Buffer will be established from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands. Expansion of the Buffer beyond 100 feet will occur if contiguous sensitive areas, as noted in NR 3-104(c)(2), are present. Any areas within the Buffer shall be maintained in natural vegetation and established if natural vegetation is not present throughout the Buffer. The only lot coverage that can occur in the 100 foot buffer, without a variance, is lot coverage that was permitted pre-Critical Area.
7. We have attached the comments from the Critical Area Commission (CAC) on this case. They have recommended denial of the application because the requested zoning change does not meet the requirements of the Critical Area law, including consistency with the existing Critical Area land classification (RCA). Their main points include:
 - a. While the proposed I-1 zoning could possibly be changed for portions of the parcels with LDA designation, the lot coverage limitation of 15% would most likely preclude any expansion of the existing use on these parcels.
 - b. They are of the opinion that the mapping mistake for this zoning change is prohibited based on Critical Area law and regulations.
 - c. The only option they see to increase the intensity of the development on these parcels is through the use of a growth allocation.
 - d. If the growth allocation is pursued, an amendment to our Critical Area program would also have to be made to allow alternative adjacency standards.

If you have any questions on these comments, please do not hesitate to contact me.

Attachment

Citizens and Government Working Together

WORCESTER COUNTY GOVERNMENT CENTER 1 WEST MARKET STREET, ROOM 1306 SNOW HILL, MARYLAND 21863-1249
TEL: 410-632-1220 FAX: 410-632-2012

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
dnr.maryland.gov/criticalarea/

February 14, 2018

Ms. Joy Birch
Dept. of Environmental Programs
Worcester County Government
Room 1306
1 West Market St. Snow Hill, MD 21863

Re: Moore Boat, LLC
Rezoning Application #418

Dear Ms. Birch:

Thank you for providing information on the proposed rezoning of 8.2 acres within the Resource Conservation Area (RCA) and Limited Development Area (LDA) from Estate District (E-1) to Light Industrial (I-1). The petitioned area is located on North Piney Point Road in Bishopville on Tax Map 10, Parcels 4, 171 and 304. A portion of Parcels 148 and 219 are located within the Critical Area and mapped RCA. Parcel 4 is 5.5 acres entirely in the RCA; Parcels 304 and 171 are comprised of both RCA and LDA. The requested zoning change does not meet the requirements of the Critical Area law, including consistency with the existing Critical Area land classification; therefore we recommend denial of the application.

Applicant's Petition

The applicant is arguing that a mapping mistake was made in the 2009 Comprehensive Rezoning. In order to approve a zoning map amendment on the basis of mistake in the existing zoning, a local jurisdiction must determine that the change is wholly consistent with the Critical Area land classification (Natural Resources Article 8-1809(h)(2)). New commercial and industrial uses are prohibited in the RCA, unless the use is explicitly authorized under a local program amendment approved by the Critical Area Commission. The Light Industrial zone is clearly not consistent with the RCA classification as evidenced by the description of this zone in the County's zoning code as being intended to provide for business and industry, characterized by light manufacturing, warehousing and wholesale distribution and which allows commercial marinas and marine yards. COMAR 27.01.02.05 (6) states that "*additional industrial or commercial facilities may not be located in the resource conservation area unless the use is authorized by a local program.*" Therefore, the proposed rezoning may not be approved within any area of RCA.

Ms. Joy Birch
Moore Boat, LLC
February 14, 2018
Page Two

The existing use of boat fabrication, repair, and maintenance is located predominately, though not entirely, on the LDA portion of the petitioned area. While the I-1 zoning could possibly be changed for portions of the parcels with LDA designation, the lot coverage limitation of 15% would most likely preclude any expansion of this business on these parcels.

Mapping Change Through Growth Allocation

This office is of the opinion that a mapping mistake to change the petitioned parcel from Estate District to Light Industrial District in the RCA is prohibited based on the Critical Area Law and Critical Area regulations referenced above. It appears that the only option to increase the intensity of development on this property is through the use of growth allocation. If the property owner and the County want to pursue this avenue, all growth allocation standards would have to be met. An amendment to the County's Critical Area program would also have to be made to allow alternative adjacency standards.

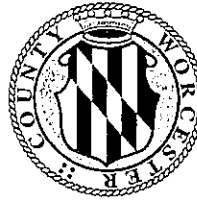
Please submit this letter to the Planning Commission as part of their record and notify the Commission in writing of the decision made in this case. You may contact me at 410-260-3482 with any questions or concerns.

Sincerely,



M. Claudia Jones
Science Advisor
WC 50-18

¹The character of the land surrounding the petitioned parcel was considered at the time of the original mapping for the Atlantic Coastal Bays Critical Area Program. Worcester County was required to designate all lands as either Intensely Developed Area (IDA), Limited Development Area (LDA) or RCA based on existing land uses and development. The IDA mapping designation applied to developed areas where residential, commercial, institutional, and/or industrial uses predominated had a density of at least four dwellings per acres, or, public sewer with a lower density, relatively little natural habitat, and were at least 20 acres in size. A Limited Development designation applied to those areas that were developed in low or moderate intensity uses and were not dominated by agriculture wetlands, forests, etc. Resource Conservation Areas were specifically defined as those areas characterized by nature-dominated environments and resource utilization activities with a density of less than one dwelling unit per 5 acres. The RCA and LDA portions of the petitioned area were correctly mapped based on the mapping criteria.



Worcester County
DEPARTMENT OF PUBLIC WORKS

6113 TIMMONS ROAD
SNOW HILL, MARYLAND 21863

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

MEMORANDUM

TO: Phyllis H. Wimbrow, Deputy Director, DRP
FROM: John H. Tustin, P.E., Director
DATE: January 12, 2018
SUBJECT: Rezoning Case No. 418 – N. Piney Point Road

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

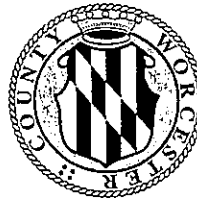
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TEL: 410-632-5675
FAX: 410-632-1753

**WATER AND
WASTEWATER**
TEL: 410-641-5251
FAX: 410-641-5185

.....
As requested, I have had the opportunity to review the attached document from your office, dated January 8, 2018, and offer no comments on the rezoning proposal.

Should you have any questions/concerns please feel free to contact me.

Attachment



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

M E M O R A N D U M

JOHN H. TUSTIN, P.E.
DIRECTOR

JOHN S. ROSS, P.E.
DEPUTY DIRECTOR

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

TO: Phyllis H. Wimbrow, Deputy Director
FROM: Frank J. Adkins, Roads Superintendent (FA)
DATE: January 30, 2018
RE: Rezoning Case No. 418

DIVISIONS

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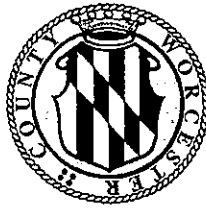
.....
Upon review of the above referenced rezoning case, I offer the following comments:

Rezoning Case 418: No comments at this time.

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

cc: John H. Tustin, P.E., Director

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Worcester County

HEALTH DEPARTMENT


P.O. Box 249 • Snow Hill, Maryland 21863-0249
www.worcesterhealth.org

Snow Hill (Main Office)
410-632-1100
Fax 410-632-0906

Rebecca L. Jones, RN, BSN, MSN
Health Officer

MEMORANDUM

To: Phyllis H. Wimbrow, Deputy Director

From: Edward Potetz, Director 
Environmental Health

Date: January 19, 2018

Re: Rezoning Case No. 418

This office has no objection to the proposed above-referenced rezoning case.

53

Phyllis Wimbrow

From: April Mariner
Sent: Monday, January 08, 2018 12:13 PM
To: Phyllis Wimbrow
Subject: FW: Rezoning Case #418

April L. Mariner



Office Assistant III
Worcester County Development Review & Permitting
amariner@co.worcester.md.us
410-632-1200 x1172

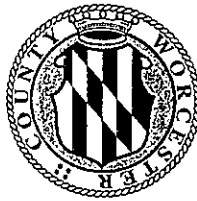
From: Rob Clarke -DNR- [<mailto:rob.clarke@maryland.gov>]
Sent: Monday, January 08, 2018 12:03 PM
To: April Mariner
Subject: Re: Rezoning Case #418

April,

Happy New Year!

I have no comments on this rezoning request.

 <p>CHANGING Maryland <i>for the Better</i></p>  <p>dnr.maryland.gov</p>	<p>Rob Clarke</p> <p>Acting Project Manager</p> <p>Maryland Forest Service</p> <p>Department of Natural Resources</p> <p>10990 Market Lane</p> <p>Princess Anne, MD 21853-2910</p> <p>Office: 410-651-2004</p> <p>Mobile: 443-235-1636</p> <p>Rob.Clarke@Maryland.gov</p>
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DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER

ONE WEST MARKET STREET, ROOM 1201

SNOW HILL, MARYLAND 21863

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

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

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMO

TO: Robert Mitchell, Director, Worcester County Environmental Programs
Fred Webster, Director, Worcester County Emergency Services
Reggie Mason, Sheriff, Worcester County Sheriff's Office
John H. Tustin, P.E., Director, Worcester County Public Works Department
John Ross, P.E., Deputy Director, Worcester County Public Works Department
Frank Adkins, Roads Superintendent, Worcester County Public Works Department
Jeff McMahon, Fire Marshal, Worcester County Fire Marshal's Office
Merry Mears, Director, 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
David Collins, Fire Chief, Bishopville Volunteer Fire Department

FROM: Phyllis H. Wimbrow, Deputy Director *PHW*

DATE: January 8, 2018

RE: Rezoning Case No. 418- Moore Boat, LLC/ Hugh Cropper, IV- Approximately 9.4 acres located on the east end of North Piney Point Road

The Worcester County Planning Commission is tentatively scheduled to review the above referenced rezoning application at a meeting in Mid- 2018. This application seeks to rezone approximately 9.4 acres of land from E-1 Estate District to I-1 Light Industrial District. Uses allowed in the district include, but are not limited to, wholesale & service establishments, light

Citizens and Government Working Together

manufacturing and repair establishments, commercial marina and marine yards, industrial parks, bulk storage or wholesaling of fuels and other flammable liquids, and other similar uses.

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 MARCH 1, 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 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 pwimbrow@co.worcester.md.us. On behalf of the Planning Commission, thank you for your attention to this matter.

Attachments



10

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

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MADISON J. BUNTING, JR.
JAMES C. CHURCH
THEODORE J. ELDER
JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

To: Harold Higgins, Chief Administrative Officer
From: Maureen Howarth, County Attorney *MH*
Re: Record Retention Consultant
Date: August 12, 2019

The County created record retention and disposal schedules back in 2002 with the help of a consultant. The schedules were approved by the Maryland State Archivist as required. This "retention program" has not been reviewed since 2002. The current program only address hard copy records and does not address the electronic records the County now keeps. For example, the retention of e-mails and text messages are not addressed but we also do not address the use of Docuware. By law the County cannot destroy any record unless it has been held for the required time under the record retention on the schedule. If the record is not on the schedule, it is required to be held indefinitely.

P. 21

I did an online search looking for consultants that assist with updating record retention programs. I also reached out to the Maryland State Archivist for names of companies they knew did this type of work as the Archivist has to review and approve the program. The Archivist provided several names.

In February we sent letters to 6 companies (attached). We were contacted by 4, however, only two submitted proposals. Cadence Group responded in conjunction with GRM Information Management and Barn Allen Technologies, Inc. We did this solicitation in advance of the FY 20 budget so our Budget Officer had an estimated cost planned for in the budget. Ms. Whited informs me there is \$42,000 set aside for this project in Other General Government. The project is a professional service, thus bidding was not required.

Cadence and GRM requested to meet with staff prior to submitting their proposal to obtain a better understanding of the County's situation. Barn Allen submitted a list of questions before submitting their proposal. Both Cadence/GRM and Barn Allen were provided a list of departments that would be involved and our organizational chart. Both companies have offices in Montgomery County, Maryland.

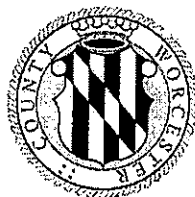
The references provided by both companies were contacted and we received only one response regarding Barn Allen which was positive.

The proposals were reviewed by myself, Brian Jones (Director of Information Technology), and Missy Mason (Document Imaging Supervisor). We submitted a list of questions to the companies. Both proposals were marked confidential thus we informed the companies that the Commissioners make their decisions in open session, the proposals are provided to them in open session and reminded the companies the County is subject to the Public Information Act. Cadence made minor redactions to their proposal to allow for public review, however, Barn Allen chose to withdraw their proposal. I asked if Barn Allen would redact their proposal and I did not receive a response.

We recommend contracting with Cadence for the proposed price of \$39,620. Cadence's approach to simplify our record retention schedules by creating consistency across County departments and having the same retention period for hard copy and electronic records should prove to be of great benefit. Cadence will also work with the State Archivist at the beginning of the project to ensure our approach and format is acceptable. This is a major project but it needs to be done. Once the project is completed, employees can be trained on proper destruction and hopefully the County will have a more robust retention program.

-p. 5

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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THEODORE J. ELDER
JOSHUA C. NOROSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

February 4, 2019

Cadence Group
Metro Plaza II
8403 Colesville Rd, Suite 1100
Silver Spring, MD 20910

Re: Records Retention and Disposal Program

Dear Sir/Madam:

Worcester County, Maryland is in the process of soliciting proposals to update our current Records Retention Program. We have a program that was implemented in 2002 that outlines a retention and disposal schedule and said schedule was approved by the Maryland State Archivist. However, our current program only addresses hard copies and does not address the digital records we now have. At the time of our original schedule development, we did not have electronic records. Worcester County has approximately 21 departments that would require their records retention program updated to reflect the electronic records the department has and to update any retention periods for the hard copy records. Should your company be interested in providing your services to Worcester County, we request that you send us a proposal to include the approximate cost and time frame it would take to complete this process.

We look forward to hearing from you. Should you need additional information, please feel free to contact me at this office.

Sincerely,

A handwritten signature in black ink that reads "Maureen Howarth".

Maureen F.L. Howarth
County Attorney

H:\coatty\records retention proposal.digital

Vendor List

BarnAllen Technologies, Inc.
1700 Rockville Pike, Suite 300
Rockville, MD 20852

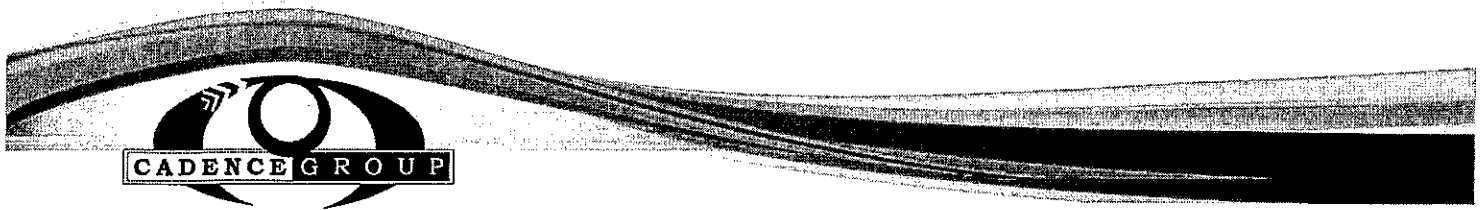
Cadence Group
Metro Plaza II
8403 Colesville Rd, Suite 1100
Silver Spring, MD 20910

GRM Information Management
215 Coles St.
Jersey City, New Jersey 07310

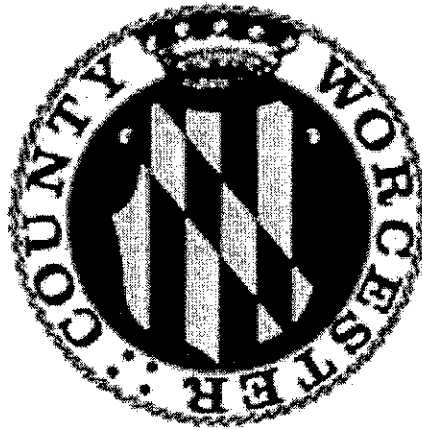
History Associates Headquarters
300 N. Stonestreet Ave
Rockville, MD 20850-1655

Metropolitan Archives
2270 Beaver Rd
Landover, MD 20785

The Nolan Group
819 E. Baltimore St.
Baltimore, MD 21201



Records Retention Schedule Statement of Work For



**Submitted by:
Cadence Group
March 8, 2019, Version 2.0**

1095 Zonolite Road, Suite 105, Atlanta GA 30306
8401 Colesville Road, Suite 1100, Silver Spring MD 20910
Tina Teree Baker, ERM^M, IGP, President
Michael P Allen, MBA, CRM, IGP, Senior Consultant
(404) 874-0544

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Email Strategy Development Workshop	Error! Bookmark not defined.
Legal Research	Error! Bookmark not defined.
Mapping of Departmental Information Repositories to RRS	Error! Bookmark not defined.
Ongoing Compliance Support leveraging the Compliance Help Desk Platform ..	Error! Bookmark not defined.
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STATEMENT OF NEED

Worcester County, Maryland (County), established in 1742, is seeking to update its records retention schedule (RRS) and improve records policy compliance and practices throughout county agencies. The current RRS was approved by the Maryland State Archives in 2002 and primarily references paper records. Additionally, many County departments are not fully aware of the records policy or RRS, nor of the risks associated with non-compliance. As such, Worcester County is seeking assistance from an experienced Records & Information Management (RIM) consulting firm in executing the following **Primary Objectives**:

- ▶ Update the County's Records Retention Schedule
- ▶ Records Retention Schedule (RRS) Liaison Training

Cadence Group is capable of providing **Optional Services** to meet additional needs at Worcester County. These needs may include:

- ▶ Compliance Support
- ▶ Taxonomy/File Plan Development and Records Cleanup Strategy
- ▶ Email Strategy Workshop

The Cadence Group Team looks forward to the opportunity of working with Worcester County to support the development and implementation of all facets of its Records & Information Management program.

PROPOSED SOLUTION

Overview

Cadence Group offers specific solutions to help Worcester County meet the Records & Information Management (RIM) objectives identified in the Statement of Need above. These include the Primary Objectives and Optional Services that can address the needs of Worcester County and are recommended based on our experience with similar municipalities.

Cadence Group will utilize highly skilled Records and Information Management (RIM) consultants. Our specialists have attained their expertise through many years of diverse experience providing world-class consulting, program management, and training and implementation support. They have gained broadly based and extensive knowledge from service with Fortune 500 companies, as well as Local, State and Federal agencies. Cadence Group will leverage this experience to provide Worcester County with a best-in-class solution to meet its compliance objectives.

Please refer to the Appendices for additional information about Cadence Group, and a few of our Key Personnel available to support the proposed work.

Records Retention Schedule Update - Primary Objectives

Cadence Group proposes the following tasks and associated deliverables as part of the RIM Project:

Project Planning and Management

Cadence Group works with Worcester County to finalize the plans and timeline for the project. Cadence Group's Project Manager uses the plan to manage the project deliverables, budget, timeline, and regular project status reporting.

During the initial post-award planning session (one hour or less), the Cadence Group team works with Worcester County to identify the project sponsor, designated legal contact, and representatives from each department. The Cadence Group team also develops a communication plan for the life of the project.

If requested, Cadence Group can begin the process of developing an Information Mapping of department repositories. (See Optional Services below.)

RRS Development – Primary Objective

The primary objective of Cadence Group's RRS Development Methodology is to support simplified records retention practices, so that departments can easily use, and management can easily administer, the schedule. This is accomplished by creating a minimal number of categories based upon function, business process, and the associated unique combination of business, legal, and regulatory retention requirements.

To that end, similar categories will be combined on the master schedule, which will contain both department-specific and County-wide record categories.

Retention Requirements

Retention requirements are compliant with records retention schedule requirements provided by Maryland's State Archives. Optionally, Cadence Group then conducts legal research (if requested) and updates the draft RRS as needed based upon this research.

Project Briefing for Departments

Once a draft RRS is developed, Cadence Group conducts a Project Briefing for all departments, either in-person and/or via an online meeting. At the meeting, participants should include the executive sponsor(s), department contacts (e.g., records coordinators, liaisons, administrators, and/or subject matter experts), and department heads. Participating departments include:

- County Commissioners
- Development Review & Permitting
- Economic Development
- Emergency Services
- Environmental Programs
- Fire Marshall
- Human Resources
- Information Technology
- Jail
- Landfill
- Libraries
- Liquor Control
- Maintenance
- Parks Department
- Pocomoke Welcome Center
- Public Works
- Recreation
- Roads
- Sheriff
- State's Attorney
- Tourism
- Treasurer
- Water and Wastewater

The purpose of the meeting is to facilitate introductions and project buy-in among the participants across the enterprise and to begin fostering change management goals surrounding the RIM initiative. Although the specific meeting agenda is established during the planning phase, the discussion topics generally include project goals,

benefits, timeline, responsibilities, and an overview of the draft RRS and Cadence Group's Compliance Help Desk SharePoint platform (see additional information below).

Liaison Training

Based on the primary objectives, Cadence Group recommends delivering training for the department liaisons during the project briefing session before the overview of the draft RRS and Cadence Group's Compliance Help Desk SharePoint platform. The training will provide a strong foundation for understanding and appreciating their responsibilities associated with the Records Retention Schedule review. Training will include the following:

- ▶ Functional understanding of the purpose of the RIM Policy and Records Retention Schedule
- ▶ Know what to retain and in what format
- ▶ Understand the lifecycle of records (physical and electronic)
- ▶ Control records disposal activities
- ▶ Records security considerations

RRS Review Demonstrations/ Support Sessions

Cadence Group sets up three (3) online meeting times to answer questions about the RRS review tasks. We demonstrate how to leverage the Compliance Help Desk platform to efficiently assess multiple aspects of the RRS. The purpose of these demos is to familiarize departmental personnel with leveraging the platform capabilities to review the RRS, as well as to stimulate thinking about the records they create and maintain.

Departmental Records Discussions

Departmental feedback during these sessions is essential to the development of the RRS, buy-in for retention recommendations, and to determine if there are any additional records categories or typical records.

Our current estimate is based on an additional five (5) interview sessions that are conducted to resolve complex workflow, information management and collaboration issues; address ownership questions (i.e., custodial responsibilities); and capture privacy considerations. These sessions will typically include multiple departments with related business processes.

Records Retention Schedule Management Tool

The Records Retention Schedule is deployed in our Compliance Help Desk platform (MS SharePoint environment) which supports the review and finalization of the RRS. This platform, hosted by Cadence Group, facilitates the effective and consistent documentation of the RRS data. Capabilities include:

- ▶ Using the platform to capture and report RRS information Supporting department review and finalization of the Records Retention Schedule.

- ▶ Storing contact information for liaisons/custodians from each department.
- ▶ Request Tracking and automated notifications
- ▶ Other (OPTIONAL) functionality offered by the Compliance Help Desk platform can be provided upon request
- ▶ During the site setup phase, privileges are assigned, and user IDs/passwords are emailed to all project participants.

Meet with State Archivist

Cadence Group will meet with the Maryland State Archivist to review the records retention schedule format, consolidated county approach, and retention periods that are acceptable to the State Archives.

Finalize Records Retention Schedule

The RRS is updated to include departmental feedback and risk mitigation strategies based on feedback from the designated legal contact as well as industry best practices. Cadence Group will export RRS data to MS Excel, which can be used for submission to the State Archives and if needed, for upload into an electronic document and records management system in the future

(Optionally) After the RRS development phase is complete, Cadence Group can offer ongoing access to the Compliance Help Desk platform and RIM expertise,.

Optional Support

Cadence Group is capable of supporting Worcester County's secondary Records and Information Management objectives, including:

Legal Research

Cadence Group completes statutory and regulatory research on records management requirements and provides U.S. Federal and MD State legal citations.

Legal/regulatory requirements identified through legal research, including privacy and paper/wet signature requirements, are analyzed and applied to the RRS. Cadence Group presents the RRS and legal research results and cross-referenced legal citations to the county's designated legal contact. Cadence Group does not provide legal advice; if appropriate, Worcester County should seek legal advice from inside or outside counsel. Once the RRS is finalized and approved, it will serve as the basis for managing the retention of records going forward.

Email Strategy Development Workshop

Cadence Group can help significantly improve email access, compliance, and performance through organization and storage management strategies. In Cadence Group's Email Strategy Develop Workshop we teach your key stakeholders about the multiple factors involved in an overall email strategy, review best practices, compliance requirements, and the decisions that need to be made by your organization. The results of the workshop will provide your organization an effective email management strategy.

Additional optional services include:

Mapping of Departmental Information Repositories to RRS

Ongoing Compliance Support leveraging the Compliance Help Desk Platform

Shared Drive Assessment, Taxonomy/File Plan Development, and Cleanup Strategy

Conclusion

The success of the Cadence Group rests directly on our ability to consistently ensure high levels of quality for each step in a project. Cadence Group's quality approach ensures work will continue to be performed in an accurate, timely, responsive manner, while emphasizing customer service and verifying compliance with performance standards and other contract requirements. Our company specializes in Records & Information Management and provides the services of a highly qualified, interdisciplinary Team of about 70 employees. Cadence Group emphasizes a customer-driven approach throughout our methodology. Our corporate mission dictates client service as the paramount element of every engagement.

Thank you for the opportunity to present this proposal. We look forward to supporting Worcester County's Records & Information Management program.

PROJECT FEES – Estimated Time and Materials

The primary objectives can be accomplished in 4 months from the initial post-award planning meeting if the interviews can be scheduled within three weeks.

PROPOSED SOLUTION	INVESTMENT*	ACCEPTANCE**
Project Management, Information Gathering, Records Retention Schedule Development, Training, Support and platform access (estimated hourly)	\$37,620.00	
Materials Handling (fixed fee)	\$ 2,000.00	
OPTIONAL: Email Strategy Workshop	\$ 5,000.00	
OPTIONAL: Legal and Regulatory Research U.S. Federal and Maryland	TBD	

*Plus expenses; Cadence Group anticipates nominal travel-related expenses and, if incurred, will work to keep travel expenses to a minimum.

**Before signing this Proposal, please indicate which objectives you are selecting by inserting your initials in this column.

Hourly Rates:

Hourly Rates used to calculate Estimated Project Costs. Hourly Rates will be billed for any Optional Services or any additional support as requested in writing (e-mail acceptable) from the designated client contact.

Resource	Pricing per hour
Information Management Consultant II	\$215.00
Information Management Consultant I	\$175.00
Systems/Information Architect	\$140.00
Project Manager	\$130.00
Records/Information Manager	\$90.00

The timeline and estimated costs assume that Worcester County will:

- ▶ Provide a primary contact for Cadence Group
- ▶ Provide information as requested
- ▶ Schedule Key interviews based on agreed timeline
- ▶ Reimburse all approved Expenses

ACCEPTANCE

This Statement of Work becomes a supplement to the Contract Services Agreement between the parties designated below and by reference becomes a part thereof.

Invoice Schedule: Monthly invoices will be submitted based on time and materials by the 15th of each month. Fixed Fee components will be invoiced for 50% at startup. The remaining 50% will be invoiced upon completion of the deliverables.

Invoice Terms: Invoices will be submitted with fees and any reimbursable expenses. Payment is due upon receipt.

Billing Address: **Organization Name:** Worcester County, Maryland
Address: 1 W. Market St.
 Snow Hill, MD 21863
 Attn: Maureen Howarth

Place of performance: Snow Hill, MD and Cadence Group Remote Location(s)

Terms: The terms of this Statement of Work are effective **4/1/2019**. Parties agree to provide 30 days written notice to terminate the Statement of Work.

The signatories below agree with the description of services, payment schedule and terms as defined in this Statement of Work, but only the objectives as accepted within the Timeline and Project Fees section. The signatories below also agree they are authorized to commit their respective organization to this agreement.

Signature

Signature

Name

Name

Title

Title

Date

Date

Worcester County, Maryland

The Cadence Group, Inc.

~

APPENDIX A -- CADENCE GROUP - OVERVIEW

Cadence Group (CG) is an information management company that helps businesses and government organizations efficiently acquire, organize, protect, and disseminate information. CG's clients are able to optimize information assets, maintain compliance, and get the highest return from their investment in people and technology. Whether you need research services, a records compliance assessment, a custom application solution, or the staff to run an information center, CG has a history of service with proven performance in providing the necessary consulting, staffing, and managed services.

Since opening the doors in 1988, Cadence Group has consistently received excellent service ratings from clients and has thus maintained long-standing relationships. Cadence Group provides Records and Information Management solutions that help private and public organizations achieve the most economical, efficient, and regulatory-compliant processes for managing paper records and electronic information.

Unlike traditional Records Management software companies or off-site records storage companies that focus on only one discipline, Cadence Group objectively considers the broad implications of information management decisions. CG helps clients reduce risk, control costs, and leverage best practices, information organization decisions, and existing technologies across the enterprise. Cadence Group's Team of highly skilled consultants, researchers, and librarians creates taxonomies and metadata that organize records and information for optimal access while ensuring compliance. CG's consultants also develop roadmaps to help reduce risk while improving efficiency and reducing the costs associated with records and information management. CG designs, staffs, and manages both virtual and physical Information Centers using the information industry's best practices. In addition, CG's Help Desk Support and Staff Training ensure that the user has a strong foundation and then has the support necessary to quickly obtain information they need to be effective and compliant. CG's broad, unbiased approach to Records and Information Management helps clients meet fiduciary obligations, ensure compliance, and enforce consistent retention policies across the enterprise. CG also helps organizations reduce off-site and on-site storage costs, protect vital records, and cost-effectively gain online access to frequently used records.



APPENDIX B – CADENCE GROUP CLIENTS

Since 1988, Cadence Group has a long history of identifying, understanding, and implementing solutions for information organization and governance problems. Cadence Group's Records and Information Management clients have included many federal, state, and local government agencies, as well as corporations in a broad range of industries. Cadence Group's most similar past performance includes clients such as City of Waco, TX, Frederick County, Maryland, and Murray City, Utah which are further described in Appendix D.

~

APPENDIX C – EXPERIENCE OF KEY PERSONNEL

Tina Teree Baker, IGP, ERMSM

President

Tina Teree Baker is Founder and President of Cadence Group. She leads over 70 employees creating efficient, compliant, and adaptable Records & Information Management solutions for federal agencies and global corporations across a broad range of industry and size. She brings 25 years of experience leading teams in developing and operationalizing world class records and information management programs. She is a Certified Information Governance Professional and has a master's designation in Electronic Records Management and a BIS in Computer Graphics.

Ms. Baker is a National Partner for Women Impacting Political Policy (WIPP) and is a past recipient of the Enterprising Woman of the Year Award. She is an active member of the Association of Records Managers and Administrators (ARMA) and the Association for Intelligent Information Management (AIIM) and regularly speaks on the topics such as governance programs, sustainable compliance, electronically stored information management, defensible destruction, and government contracting.

Michael P. Allen, MBA, CRM, IGP

Senior Consultant/Client Relationship Manager

Mr. Allen has over 25 years of broad-based professional experience in the Records & Information Management field as both a practitioner and a department director. He has served a diverse client base in the corporate and non-profit sectors, as well as at the Federal, State and Local Government levels. His primary areas of expertise include Information Governance program assessment and maturity modeling, records management program audits, records conversion project management, management of large-scale records centers, departmental records management and software requirements analysis. Mr. Allen successfully completed the Records Management Training Program (administered by NARA) and is actively certified as a Certified Records Manager (CRM) and Information Governance Professional (IGP). He has served in leadership positions for multiple chapters of ARMA International and regularly delivers presentations at the "ARMALive" international conference.

Mary Beth Weaver, MLS, CRM, PMP, ERMp, CIP

Vice President of DC Services

Ms. Weaver has over 16 years of professional experience as a Records and Information Management consultant providing expertise in Electronic Records Cleanup, ECM Technology Assessments, Records Facility Storage and Project Management in public and private sectors. Mary Beth is responsible for managing our Washington DC area portfolio of records management, library, and SharePoint information management contracts in addition to serving as a consultant to the fields of records and information management. Her areas of expertise include providing consultative services concerning all facets of records management engagements, including strategic development of programs and policies, supervising

operational activities such as records inventories, scheduling and clean-up activities, and advising senior management on Records & Information Management, enterprise content and data management, and knowledge management.

Rosa Lee Dickens, MA, MLIS, Certified Archivist, NARA Certified Federal Records Management Senior Information Management Specialist

Ms. Dickens has over 20 years experience and has managed, consulted and assisted on a variety of information management projects, such as serving as records manager and assistant records manager for a Mortgage Loan institution which involved directing all activities for the managing of their records management program for active and inactive records, disposition, records retrieval and storage, and records destruction. For many Cadence Group clients, she is responsible for the review, legal research (Federal and State regulations), creation and update of records retention schedules, and best practice recommendations for records originating at that branch. As senior archivist for the National Park Services, Ms. Dickens performed the assessment, inventory, organization, cataloging, file preparation and preservation of various materials. As project manager for a county library, she was responsible for the cataloging and processing of both book and non-book materials. She also performed an extensive survey of records and document management software systems for an Electric Membership Corporation and guided the subsequent implementation.

APPENDIX D – RELEVANT ENGAGEMENTS

City of Waco, Texas

The City contracted with Cadence Group to provide a comprehensive assessment of its Records & Information Management Program. Cadence Group used a comprehensive approach to collecting information across multiple City Departments while minimizing operational disruption, including:

- ▶ Delivering a presentation to relevant stakeholders to build support for the study
- ▶ Interviewing key management stakeholders and departmental employees
- ▶ Auditing departmental information management practices
- ▶ Inspecting the City Records Center and historical archive
- ▶ Conducting a comprehensive technology and systems survey

Cadence Group consultants then analyzed the information gathered and the results from the audits and survey to develop best practice recommendations and an implementation roadmap. Cadence Group delivered an executive presentation containing its analysis and the following deliverables:

- ▶ Program Assessment based on the Information Governance Maturity Model
- ▶ Strategic recommendations centered around IG Program Governance, Procedure Development & Training, Technology, Compliance and Information Security
- ▶ Departmental Audit scoring and priority recommendations
- ▶ Implementation Roadmap

The City Secretary invited Cadence Group to present the study findings and recommendations to the City Council, focusing on a high-impact area of cost savings and efficiency gains for the City.

Frederick County, Maryland

Frederick County was operating under an outdated and Records Retention Schedule (RRS) that was difficult to interpret. As a result, departmental compliance was low. The County contracted with Cadence Group to perform the following deliverables:

- ▶ Develop a brand new base retention schedule, using the State of Maryland Schedule as a template.
- ▶ Meet with the State Archivist to gain approval for the new template.
- ▶ Interview key stakeholders from 23 County departments to identify the type of records that are created, received and retained.
- ▶ Update the base template to incorporate the feedback obtained from the department interviews.
- ▶ Simplify the base template by removing irrelevant and duplicate record categories and grouping remaining records by function.

The County Board of Commissioners voted 5-0 to approve and implement the updated schedule.

Murray City, Utah

Murray City sought assistance in assessing the gaps in its records and information management processes with the intent of ensuring they were in compliance with city, state and federal requirements regarding paper and electronic records. Cadence Group conducted interviews with key stakeholders in the city and provided recommendations on policy, procedures, staff training, technology solutions, and monitoring and enforcement procedures. Cadence Group subsequently supported the city with policy development and developed a simplified functional schedule that would enable efficient use by all departments and offices within Murray City. The simplified schedule was based on the regulatory requirements of the City, the Utah State records retention schedule and federal government codes and regulations.

"We hired Cadence Group to guide us in assessing our records management needs and then implementing the required policies and procedures to bring Murray City into compliance with city, state and federal requirements regarding paper and electronic records. They provided us with a multi-year project roadmap, projected records storage requirements for five years, built a foundation for classifying electronic records, developed a records retention schedule and more. As a result, we now have a compliant records management solution in place that helps Murray City mitigate risks from legal exposure and regulatory non-compliance while gaining the benefits of better business practices."

- Carol Heales, Murray City, Utah

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DEPARTMENT OF GENERAL SERVICES
RECORDS MANAGEMENT DIVISION
RECORDS RETENTION AND DISPOSAL SCHEDULE

Schedule No. C-940

Page 1 of 5

Agency
Worcester County

Division/Unit
Treasurer's Office/ Water and Waste
Water Landfill

Item No	Description	Retention
1	Property transfer records – transfers when property sells	Retain 3 years, then destroy
2	Inspections – Worcester County plumbing permit application	Permanent. Transfer periodically to the Maryland State Archives.
3	Hook up permits	Permanent. Transfer periodically to the Maryland State Archives.
4	Payroll – processes reimbursement to County, purchase orders, payroll and payroll tax reimbursements (financial sheets)	Retain for 3 years and until all audit requirements have been met, then destroy.
5	BC/BS reimbursements – reimbursement county, purchase order	Retain for 3 years and until all audit requirements have been met, then destroy.
6	Collections – Isle of Wight	Retain for 3 years and until all audit requirements have been met, then destroy.
7	Month-end reports – spreadsheets, totals page	Retain for 2 years, then destroy.
8	Retiree BC/BS reports – retiree payments, check copy, deposit slip copy	Retain for 3 years and until all audit requirements have been met, then destroy.

Approved by Department, Agency or Division Representative

Date 12/31/01

Signature Harold L. Higgins

Type Name Harold Higgins

Title Finance Officer

Schedule Authorized by State Archivist

Date MAR 05 2002

Signature Edward C. Papenfuss

DEPARTMENT OF GENERAL SERVICES
RECORDS MANAGEMENT DIVISION
RECORDS RETENTION AND DISPOSAL SCHEDULE
(CONTINUATION SHEET)

Schedule No. C-940

Page 2 of 5

Item No	Description	Retention
9	Billing adjustments – meter corrections – financials	Retain for 3 years and until all audit requirements have been met, then destroy.
10	Meter card copies – goes to Ocean Pines to check meter readings that appear to be inaccurate	Retain for 3 years, then destroy.
11	Meter cards – Newark only, original cards	Retain for 3 years after latest date on card, then destroy.
12	Audit reports – outside	Permanent. Transfer periodically to the Maryland State Archives.
13	Front foot fee aka EDU equivalent dwelling unit	Retain for 5 years, then destroy.
14	Back up report to transfer/inspections – copies of records used to make changes	Retain for 10 years, then destroy.
15	Tax sale information – correspondence, CPO financial reports	Retain information regarding auctions and redemptions for 5 years and until all audit requirements have been met, then destroy; retain tax sale books and foreclosures for 25 years and until all audit requirements have been met, then destroy.
16	Cash receipts reports	Retain for 3 years, then destroy.
17	Billing registers	Retain for 3 years, then destroy.
18	Month end/close out	Retain for 3 years and until all audit requirements have been met, then destroy.

DEPARTMENT OF GENERAL SERVICES
RECORDS MANAGEMENT DIVISION
RECORDS RETENTION AND DISPOSAL SCHEDULE
(CONTINUATION SHEET)

Schedule No. C-940

Page 3 of 5

Item No	Description	Retention
19	Set up for new district	Screen annually. Destroy material having no further fiscal, legal or operational value. Retain permanently any material that serves to document the origin, development and accomplishments of the department. Transfer periodically to the MD State Archives.
20	Penalty reports	Retain for 3 years and until all audit requirements have been met, then destroy.
21	Bank deposits	Retain for 3 years, then destroy.
22	Correspondence – purchase orders with letter, return check information with letter, collections correspondence	Retain for 3 years after settled, then destroy.
23	Cut off/ cut on – printout of list of those cut off/on, individual inquiry report	Retain for 3 years and until all audit requirements have been met, then destroy.
24	Meter reader requests	Retain for 3 years, then destroy.
25	Confirmation – to Ocean Pines, similar to a work order	Retain for 1 year, then destroy.
26	Liens – from Ocean City, MD marine utilities	Retain for 3 years after liens are released and until all audit requirements have been met, then destroy.
27	Bank statements	Retain for 3 years and until all audit requirements have been met, then destroy.
28	Disbursements – receipts, disbursements, journal entries	Journal entries – retain for 20 years or until computer system provides more detail, then retain 3 years, then destroy; all other documents, retain for 3 years and until all audit requirements have been met, then destroy.

**DEPARTMENT OF GENERAL SERVICES
RECORDS MANAGEMENT DIVISION
RECORDS RETENTION AND DISPOSAL SCHEDULE
(CONTINUATION SHEET)**

Schedule No. C-940

Page 4 of 5

Item No	Description	Retention
29	W-9s	Retain for 3 years and until all audit requirements have been met, then destroy.
30	Treasurer's receipts	Retain for 5 years and until all audit requirements have been met, then destroy.
31	Shared facilities – water and waste water – escrow accounts, receipts and disbursements, correspondence	Retain for 3 years after close and until all audit requirements have been met, then destroy.
32	Bond information – legal purchase documentation, correspondence	Retain for 20 years, then destroy.
33	Work orders – reimbursement records	Retain paper for 1 year and computerized records for 3 years and until all audit requirements have been met, then destroy.
34	Treatment plant information – maps, correspondence re: easements, line extension, hookups	Screen annually. Destroy material having no further fiscal, legal or operational value. Retain permanently any material that serves to document the origin, development and accomplishments of the department. Transfer periodically to the MD State Archives.
35	Special funds – capital projects and other ongoing (not FY), confiscated money, bad checks	Retain for 3 years after project closes and until all audit requirements have been met, then destroy.
36	Water and waste water – checks, deposit slips	Retain for 3 years, then destroy

DEPARTMENT OF GENERAL SERVICES
RECORDS MANAGEMENT DIVISION
RECORDS RETENTION AND DISPOSAL SCHEDULE
(CONTINUATION SHEET)

Schedule No. C-940

Page 5 of 5

Item No.	Description	Retention
37	Water and sewer station – financials, correspondence, invoices, easements,	Screen annually. Destroy material having no further fiscal, legal or operational value. Retain permanently any material that serves to document the origin, development and accomplishments of the department. Transfer periodically to the MD State Archives.
38	Landfill starts here: Permits, application – application for solid waste transfer station permit	Retain paper and computer records for 3 years, then destroy.
39	Billing – check copies, purchase orders copies, commission list for meeting, check register	Retain for 3 years and until all audit requirements have been met, then destroy.
40	Landfill statements – billing statements and other financial activity for each customer	Retain for 3 years and until all audit requirements have been met, then destroy.
41	Reconciliations	Retain for 1 year, then destroy.
42	Bank statements	Retain for 3 years and until all audit requirements have been met, then destroy.
43	Ticket report – report showing all deposits, includes deposit slip copies	Retain for 3 years and until all audit requirements have been met, then destroy.
44	Cash sheet record	Retain for 1 year, then destroy.

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



11

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

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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

August 12, 2019

TO: Worcester County Commissioners
FROM: Karen Hammer, Office Assistant IV
SUBJECT: Pending Board Appointments - Terms Beginning January 1, 2019

Attached, please find copies of the Board Summary sheets for all County Boards or Commissions (6) which have current or upcoming vacancies (8 total). They are as follows: Housing Review Board (1), Local Development Council For The Ocean Downs Casino (1), Property Tax Assessment Appeal Board (1), (3 nominees due to Governor), Social Services Advisory Board (1), Solid Waste Advisory Committee (3), and Water and Sewer Advisory Council for the West Ocean City Service Area (1). I have circled the members whose terms have expired on each of these boards.

Please note that the Worcester County Property Tax Assessment Appeal Board still requires one nomination for the alternate position as Mr. Flater has resigned. Mr. John Glorioso has resigned from the Housing Review Board (Church). The Solid Waste Advisory Committee has three positions available for nominations, Bob Augustine (Church) and Jamey Latchum (Town of Berlin), have both resigned and James Rosenberg (Bertino). James Rosenberg also served on the Local Development Council For The Ocean Downs Casino (Bertino) as a resident member from Ocean Pines. The Social Services Advisory Board has one position available due to the resignation of Maria Campione-Lawrence (Mitrecic). Mr. Andrew Del Corro no longer lives in West Ocean City and has therefore resigned from the Water and Sewer Advisory Council for the West Ocean City Service Area (Church). FYI, R. Charles Nichols has been reappointed to the Board of License Commissioners. (See attached letter)

Most of these Boards and Commissions specify that current members' terms expired on December 31st. Current members will continue to serve beyond their term until they are either reappointed or a replacement is named. Please consider these reappointments or new appointments during August.

Pending Board Appointments - By Commissioner

District 1 - Nordstrom

All District Appointments Received. Thank you!

District 2 - Purnell

All District Appointments Received. Thank you!

District 3 - Church

- p. 3 - Housing Review Board (John Glorioso) - 3-year
- p. 10 - Solid Waste Advisory Board - (Bob Augustine)- 4yr.
- p. 11 - Water and Sewer Advisory Council for the West Ocean City Service Area (Andrew Del Corro) - 4-year

District 4 - Elder

All District Appointments Received. Thank you!

District 5 - Bertino

- p. 6 - Local Development Council For The Ocean Downs Casino (James Rosenberg) - 4-year
- p. 10 - Solid Waste Advisory Committee (James Rosenberg) -4-year

District 6 - Bunting

All District Appointments Received. Thank you!

District 7 - Mitrecic

- p. 8 - Social Services Advisory Board - (Maria Campione-Lawrence)- 3yr.

All Commissioners

- p. 7 - (1) Property Tax Assessment Appeal Board (Gary M. Flater - alternate-Snow Hill has resigned)
 - Must submit 3 nominees to the Governor for his consideration in making the appointment - 5-year
 - Currently waiting for the Governor's approval for the nomination of Ms. Martha Bennett.
- p. 9 - Solid Waste Advisory Board - Jamey Latchum (Town of Berlin)- 4yr.

HOUSING REVIEW BOARD

Reference: Public Local Law §BR 3-104

Appointed by: County Commissioners

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

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

Compensation: \$50 per meeting (policy)

Meetings: As Needed

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

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

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Terms(s)</u>
C. D. Hall	D-1, Lockfaw	Pocomoke	10-13-16, 16-19
Debbie Hileman	D-6, Bunting	Ocean Pines	10-13-16, 16-19
John Glorioso	D-3, Church	Ocean Pines	*06-11-14-17, 17-20
Scott Tingle	D-4, Elder	Snow Hill	14-17, 17-20
Donna Dillon	D-5, Bertino	Ocean Pines	08-11-14-17, 17-20
Sharon Teagle	D-2, Purnell	Ocean Pines	00-12-15-18, 18-21
Jake Mitrecic	D-7, Mitrecic	Ocean City	15-18, 18-21

Prior Members:

Phyllis Mitchell	Albert Bogdon (02-06)
William Lynch	Jamie Rice (03-07)
Art Rutter	Howard Martin (08)
William Buchanan	Marlene Ott (02-08)
Christina Alphonsi	Mark Frostrom, Jr. (01-10)
Elsie Purnell	Joseph McDonald (08-10)
William Freeman	Sherwood Brooks (03-12)
Jack Dill	Otho Mariner (95-13)
Elbert Davis	Becky Flater (13-14)
J. D. Quillin, III (90-96)	Ruth Waters (12-15)
Ted Ward (94-00)	
Larry Duffy (90-00)	
Patricia McMullen (00-02)	
William Merrill (90-01)	
Debbie Rogers (92-02)	
Wardie Jarvis, Jr. (96-03)	

* = Appointed to fill an unexpired term

BOARD OF LICENSE COMMISSIONERS

FVI

Reference: Article 2B, Section 15-101 - Annotated Code of Maryland

Appointed by: Governor (with advice and consent of Senate, if in session)

Function: Regulatory
Issue alcoholic beverages licenses provided for by State Law

Number/Term: 3 (1 alt.) 4 years
Terms Expire June 30th

Compensation: Chairman = \$2,500 per year
Members = \$2,100 per year
Set by County Commissioners (minimum established by Art. 2B, §15-109(y))

Meetings: 1 per month

Special Provisions: Chairman appointed by Governor

Staff Contact: April Payne, Liquor License Administrator
Department of Development Review & Permitting (410-632-1908)

Current Members

	Martha W. Pusey	Snow Hill	16-20
C)	William E. Esham, Jr.	Ocean City	* 86-87-91-96-01-05-09-13-17, 17-21
	Reese F. Cropper, III (alt.)	West Ocean City	17-21
	<u>R. Charles Nichols, Jr.</u>	<u>Berlin</u>	<u>07-11-15, 15-19, 19-23</u> <u>Reappointed</u>

Prior Members: Since 1972

William Esham
William Scott
Earl T. Grant
Elton J. Killmon
Charles S. Jenkins, Sr.
Thomas K. Coates
Paul C. Ewell (93-97)
David Bruning (88-97)
Lawrence T. Whitlock (95-03)
G. Marvin Steen (96-05)
L.B. McClafin (03-07)
W. Leonard Brown (96-12)
Marc L. Scher (12-16)
John F. Hess, Sr.-alt. (05-17)

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* = Appointed to fill an unexpired term

STATE OF MARYLAND
OFFICE OF THE GOVERNOR



LAWRENCE J. HOGAN, JR.
GOVERNOR

STATE HOUSE
100 STATE STREET
ANNAPOLIS, MARYLAND 21401-1933
(410) 974-3991
TOLL FREE: 1-800-811-8336
(IF USERS CALL VIA MD RL 11)

July 1, 2019

R. Charles Nichols, Jr.
10527 Calvin Lane
Berlin, Maryland 21811

Dear Mr. Nichols:

Having great confidence in your dedication to public service, it is my pleasure to reappoint you a member of the Worcester County Board of License Commissioners for a term of four years from July 1, 2019. Your appointment, which is effective immediately, will require confirmation by the Maryland State Senate. Therefore, on the first day of the next legislative session, I will submit your name for advice and consent of the Senate. Thank you for making this strong personal and professional commitment to serve the best interests of our citizens. I know we will succeed in our goal to make a positive difference for all Marylanders, especially with your assistance and support.

It will be necessary for you to take an oath of office within the next thirty days as required by law. For your convenience, your commission has been forwarded to the Clerk of the Circuit Court in Snow Hill, One West Market Street, Room 104, where you are to appear.

Persons who serve on most State boards and similar entities are subject to the Maryland Public Ethics Law. For further information and questions regarding conflict of interest matters and annual financial disclosure statements, please contact the State Ethics Commission at 410-260-7770.

Once again, thank you for your commitment and service to our great state. If you have any questions, you should contact my appointments office at 410-974-2611. Staff will be able to answer any questions you might have.

Sincerely,

A handwritten signature in black ink that reads "Lawrence J. Hogan, Jr.".

Lawrence J. Hogan, Jr.
Governor

Please visit the Appointments Office Website at: govappointments.maryland.gov

5

LOCAL DEVELOPMENT COUNCIL FOR THE OCEAN DOWNS CASINO

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

Appointed by: County Commissioners

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

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

Compensation: None

Meetings: At least semi-annually

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

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

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Represents/Resides</u>	<u>Years of Term(s)</u>
Mary Beth Carozza		Maryland Senator	14-18, 18-22
Wayne A. Hartman		Maryland Delegate	18-22
Charles Otto		Maryland Delegate	14-18, 18-22
Roxane Rounds	Dist. 2 - Purnell	Resident - Berlin	*14-15, 15-19
Michael Donnelly	Dist. 7 - Mitrecic	Resident - Ocean City	*16-19
Mark Wittmyer	At-Large	Business - Ocean Pines	15-19
Mayor Charlie Dorman	Dist. 4 - Elder	Resident - Snow Hill	12-16, 16-20
Rod Murray °	Dist. 6 - Bunting	Resident - Ocean Pines	*09-12-16, 16-20
Mayor Rick Meehan °	At-Large	Business - Ocean City	*09-12-16, 16-20
Mayor Gee Williams °	Dist. 3 - Church	Resident - Berlin	09-13-17, 17-21
Jim Rosenberg °	Dist. 5 - Bertino	Resident - Ocean Pines	09-13-17, 17-21
David Massey °	At-Large	Business - Ocean Pines	09-13-17, 17-21
Bobbi Sample	Ocean Downs Casino	Ocean Downs Casino	17-indefinite
Cam Bunting °	At-Large	Business - Berlin	*09-10-14-18, 18-22
Matt Gordon	Dist. 1 - Nordstrom	Resident - Pocomoke	19-22

Prior Members:

Since 2009

J. Lowell Stoltzfus ° (09-10)	Todd Ferrante ° (09-16)
Mark Wittmyer ° (09-11)	Joe Cavilla (12-17)
John Salm ° (09-12)	James N. Mathias, Jr. ° (09-18)
Mike Pruitt ° (09-12)	Ron Taylor ° (09-14)
Norman H. Conway ° (09-14)	
Michael McDermott (10-14)	
Diana Purnell ° (09-14)	
Linda Dearing (11-15)	

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

PROPERTY TAX ASSESSMENT APPEAL BOARD

Reference: Annotated Code of Maryland, Tax-Property Article, §TP 3-102

Appointed by: Governor (From list of 3 nominees submitted by County Commissioners)
- Nominees must each fill out a resume to be submitted to Governor
- Nominations to be submitted 3 months before expiration of term

Function: Regulatory
- Decides on appeals concerning: real property values and assessments, personal property valued by the supervisors, credits for various individuals and groups as established by State law, value of agricultural easements, rejection of applications for property tax exemptions.

Number/Term: 3 regular members, 1 alternate/5-year terms
Terms Expire June 1st

Compensation: \$15 per hour (maximum \$90 per day), plus travel expenses

Meetings: As Necessary

Special Provisions: Chairman to be designated by Governor

Staff Contact: Department of Assessments & Taxation- Janet Rogers (410-632-1196)
Ext:112

Current Members:

Gary M. Flater (Alternate)	Snow Hill	13-18	Resigned
Arlene C. Page	Bishopville	18-23	
Steven W. Rakow	Ocean Pines	*19-23	
Martha Bennett	Berlin	19-23	

C) = Chairman

Prior Members: Since 1972

Wilford Showell	Delores W. Groves (96-99)
E. Carmel Wilson	Mary Yenney (98-03)
Daniel Trimper, III	Walter F. Powers (01-04)
William Smith	Grace C. Purnell (96-04)
William Marshall, Jr.	George H. Henderson, Jr. (97-06)
Richard G. Stone	Joseph A. Calogero (04-09)
Milton Laws	Joan Vetare (04-12)
W. Earl Timmons	Howard G. Jenkins (03-18)
Hugh Cropper	Robert D. Rose (*06-17)
Lloyd Lewis	Larry Fry (*10-14 alt)(14-18)
Ann Granados	
John Spurling	
Robert N. McIntyre	
William H. Mitchell (96-98)	

* = Appointed to fill an unexpired term

Updated: May 21, 2019
Printed: August 12, 2019

SOCIAL SERVICES ADVISORY BOARD

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

Appointed by: County Commissioners

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

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

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

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

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

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

Current Members:

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

* = Appointed to fill an unexpired term

SOCIAL SERVICES BOARD
(Continued)

Prior Members: (Since 1972)

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

* = Appointed to fill an unexpired term

Updated: August 6, 2019
Printed: August 12, 2019

SOLID WASTE ADVISORY COMMITTEE

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

Appointed by: County Commissioners

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

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

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

Meetings: At least quarterly

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

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

Current Members:

<u>Member's Name</u>	<u>Nominated By</u>	<u>Resides</u>	<u>Years of Term(s)</u>
Mike Poole	D-6, Bunting	Bishopville	11-15, 15-19
Michael Pruitt	Town of Snow Hill		*15, 15-19
Bob Augustine	D-3, Church	Berlin	16-20 Resigned
Granville Jones	D-7, Mitrecc	Berlin	*15-16, 16-20
George Tasker	Town of Pocomoke City		*15-16, 16-20
Rodney Bailey	D-2, Purnell	Berlin	*19-21
Jamey Latchum	Town of Berlin		*17, 17-21 Resigned
Steve Brown	Town of Ocean City		*10-13-17, 17-21
George Linvill	D-1, Nordstrom	Pocomoke	14-18, 18-22
James Rosenberg	D-5, Bertino	Ocean Pines	*06-10-14-18, 18-22
George Dix	D-4, Elder	Snow Hill	*10-10-14-18, 18-22

Prior Members: (Since 1994)

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

* = Appointed to fill an unexpired term

**WATER AND SEWER ADVISORY COUNCIL
WEST OCEAN CITY SERVICE AREA**

Reference: County Commissioners' Resolution of November 19, 1993

Appointed by: County Commissioners

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

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

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

Meetings: Monthly

Special Provisions: Must be residents/ratepayers of West Ocean City Service Area

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

Current Members:

<u>Member's Name</u>	<u>Resides/Ratepayer of</u>	<u>Terms (Years)</u>
Deborah Maphis	West Ocean City	95-99-03-07-11-15, 15-19
Gail Fowler	West Ocean City	99-03-07-11-15, 15-19
Andrew Delcorro	West Ocean City	*14-16, 16-20
Todd Ferrante	West Ocean City	13-17, 17-21
Keith Swanton	West Ocean City	13-17, 17-21

Prior Members: (Since 1993)

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

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

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
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
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JOSHUA C. NORDSTROM

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103
SNOW HILL, MARYLAND

21863-1195

August 12, 2019

TO: Worcester County Commissioners
FROM: Karen Hammer, Office Assistant IV
SUBJECT: Worcester County Youth Council

Attached, is the annual report for the Worcester County Youth Council for the 2018-19 school year. The Worcester County Youth Council have nominated 2 new applicants; Lucas Matthews and Meredith Taylor (see attachments). The Youth Council would like to reappoint 4 current members for a 1-year term; Caroline Matthews, Craig Birkhead-Morton, Richard Poist and Chloe Goddard.

p.5

Also attached is a synopsis of the activities and achievements the Youth Council engaged with the community last year.

p.6

Please consider these appointments for the 2019-2020 year.

WORCESTER COUNTY YOUTH COUNCIL

Reference: Resolution No. 06-2, adopted February 21, 2006

Appointed by: County Commissioners

Functions: Advisory
Share information about youth-related concerns; promote internal and external assets among youth in order to prevent unhealthy behaviors which may result in harm or reduced opportunities for success; and provide information to County Commissioners, County agencies, and Youth Serving organizations specific to youth development and resources.

Number/Term: Up to 25 with 5 from each community/two-year terms
Terms Expire April 30th

Compensation: None

Meetings: Monthly, unless otherwise determined by the Council

Special Provisions: Members who have more than two unexcused absences may be recommended for replacement by the Youth Council.

Staff Contact: Mimi Dean, Health Department - Prevention Services - (410-632-1100)

Advisors: Tamara Mills, Worcester County Board of Education - (410-632-5031)

Kari Lamboni, Worcester County Health Department - (410-632-1100, x1102)

Crystal Bell, Worcester County Health Department - (410-632-1100, x1108)

Tyrone Mills, Worcester County Board of Education - (410-632-5084)

Current Members:

<u>Member's Name</u>	<u>School Attending</u>	<u>Area Representing</u>	<u>Year(s) of Term(s)</u>
Caroline Matthews	Pocomoke	Pocomoke	17-19
Craig Birckhead-Morton	Snow Hill	Snow Hill	17-19
Richard Poist	Stephen Decatur	Ocean City	17-19
Chloe Goddard	Snow Hill	Snow Hill	16-18, 18-20
Abby Boyce	Pocomoke	Pocomoke	18-20
Tamari Cutler	Pocomoke	Pocomoke	18-20
Aaron Cohen	Stephen Decatur	Ocean City	18-20

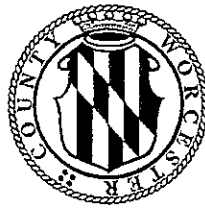
ReAppoint
1-yr

Prior Members: (Since 2006)

Mallory Miller (06-07)
Irene Mertz (06-07)
Codee Buckler (06-07)
Sabrina Kunciw (06-07)
Abigail Duffield (06-07)
Ashley Brodie (06-07)
Morgan Crank (06-07)
Justin Lewis (06-07)
Amber Sparks (06-07)
Marshall Wool (06-07)
Monique Douglas (06-07)
Ebony Marshall (06-07)
Ashley Cody (06-07)
Lorissa McAllister (06-07)
Dominique Kunciw (06-08)
Brittany Cottman (06-08)
Ronata Thomas (06-08)
Matthew Smarte (07-08)
Keith Spangler (07-08)
Clayton Perry (07-08)
Marissa Dean (07-08)
Charnell Fitchett (07-08)
Quavis Hayes (07-08)
Dominique Bias (07-08)
Tommy Murray (06-09)
Jackie Wangel (06-09)
Kara Brower (07-09)
Mary Mazcko (07-09)
Kevin Ayres (07-09)
Aaron Marshall (07-09)
Gwendolyn Jackson (08-09)
LaTrece Crawford (08-09)
Andrew VanBruggen (09)
Brandon Thaler (08-10)
Megan O'Donnell (08-10)
Mike Guerrieri (09-10)
Brett Oliver (09-10)
Andrew Murrell (09-10)
Sharryse Piggott (09-10)
Michelle Wangel (07-11)
Rachel Thompson (09-11)
Emily Cieri (09-11)
Brianna Carroll (09-11)
LaShae Smith (09-11)
Jenna Kramer (09-11)
Quashaun Willis (09-11)
Tori Dunean (09-11)
Victoria Danna (09-11)
Makya Purnell (11-12)
Michelle Rosinski (11-12)
Ron Foreman (11-12)
Hannah Marie McFord (11-12)
Mariah Amos (09-13)
William Wangel (09-13)
Elizabeth Sayan (11-13)
Casey Ortiz (11-13)
Karley Snyder (11-13)
Dana Pappas (11-13)
Tyler Bivens (11-13)
Jasmine Brown (11-13)

Abby Bunting (11-13)
Megan Ludy (11-13)
Robbie Stancil (11-13)
Torres Savage (12-13)
Gabrielle Ortega (11-14)
Collin Bankert (11-14)
Ami Oliver (11-14)
Taylor Black (11-14)
Jonah Crisanti (11-14)
Paige Stanley (11-14)
Kamryn Evans (12-14)
Dylan Elliott (12-14)
Sabah Nawaz (12-14)
Brynae Waters (13)
Gracie Riley (13-15)
Ruben Ortega III (12-15)
Jillian Petito (13-15)
Brittany Wangel (11-15)
Rachel Bourne (12-15)
Erik Zorn (13-15)
William (Jacob) Mast (13-15)
Sohiab Ijaz (13-15)
Michelle Collins (13-15)
Olivia Hancock (13-15)
Asia Mason (13-15)
Taylor Portier (13-15)
Colby Lane Payne (13-15)
Madeline Goodard (12-16)
Charles Pritchard (13-16)
Jacob LeMay (13-16)
Glennie Rippin (14-16)
Rachel Thomas (14-16)
Danielle Gelinis (14-16)
Sammi Schachter (14-16)
Katie Withers (14-16)
Peyton Dunham (14-17)
Madison Mendiaz (15-17)
Claire Riley (15-17)
Amy Lizas (15-17)
Riley Dickerson (15-17)
D'Nasia Jones (15-17)
Alison Snead (15-17)
LuAnne Mottley (15-17)
Erica Hall (15-17)
Kyle Jarmon (15-17)
Destinee Johnson (15-18)
Tatyana Waters (15-18)
Cali Litton (16-18)
McKenzie Mitchell (16-18)
Decklan Fisher (16-18)
Jon Selby (16-18)
Laila Mirza (16-18)
Patrick Reid (16-18)
Tyler Keiser (16-18)
Melissa Laws (16-18)
T'Nae Fitch (16-18)
Avalon Fortt (17-19)
Zanab Iqbal (17-19)
Jessica Wynne (17-19)
Dana Kim (17-19)
Cooper Richins (17-19)

Liam Hammond (16-19)
McCammon Mottley (16-19)



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, MSN
Health Officer

Memo

To: Kelly Shannahan, Assistant Chief Administrative Officer, Worcester County, One West Market Street, Rm. 1103, Snow Hill, Md. 21863

From: Mimi Dean, MS, Director of Prevention Services

CC: Rebecca Jones, RN, BSN, MSN, Health Officer
Lou Taylor, Superintendent, Worcester County Public Schools
McCammon Mottley, 902 Ceder Street, Pocomoke, MD 21811
Tamara Mills, Worcester County Public Schools
Kari Lamboni, Community Health Educator

Date: August 1, 2019

Re: Youth Council for Worcester County

Enclosed please find a copy of an annual report that was prepared for the 2018-19 school year. The Youth Council has continued to meet during the school year to discuss and develop strategies to address youth-related concerns. We appreciate the support of the Commissioners for this organization.

The Worcester County Youth Council members reviewed applications during the April 2019 meeting and are recommending the appointment of the following two new members for the Youth Council and re-appointments for four members for 1-year term.

The Council respectfully requests that the Worcester County Commissioners officially appoint the following youth to the Board.

Appointments (2 year):

<u>Name/address</u>	<u>School</u>	<u>Grade</u>	<u>Community</u>
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Two year:

Lucas Matthews	Pocomoke	Gr. 10	Pocomoke
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Meredith Taylor	Pocomoke	Gr. 10	Pocomoke
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<u>Name/address</u>	<u>School</u>	<u>Grade</u>	<u>Community</u>
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Re-appointments (1 year):

Caroline Matthews	Pocomoke	Gr. 12	Pocomoke
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Richard Poist	Stephen Decatur	Gr. 12	Ocean City
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Craig Birkhead-Morton	Snow Hill	Gr. 12	Snow Hill
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Chloe Goodard	Snow Hill	Gr. 12	Snow Hill
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This brings the membership to 9 youth with these appointments. We are very excited to work with this group of energized, creative young people who are interested in making a difference in their schools and communities. I am enclosing a copy of the student's applications, a revised membership list by community, and the 2018-2019 Annual Report that was prepared by the Youth Council last spring.

We appreciate your kind consideration of this request and continued support of the council. You may reach me at 410-632-1100, Ext. 1104 if you have any questions.

Encl.: Membership List by Community
 Youth Council Applications
 2018-2019 Annual Report

Worcester County Youth Council

2018-2019 Report to the County Commissioners

“Youth Leaders Driving and Inspiring Change”

Over the course of the 2018-2019 school year, the Worcester County Youth Council has been very engaged with the community. Members worked hard to come up with creative ways to keep teens updated about the dangers of using tobacco products, specifically E-Cigarettes, vapes and Juuls as well as texting and driving. Members have noticed a trend among their peers engaging in these risky behaviors.

At our first meeting, October 24, 2018, members reviewed the 2016 YRBS data and were asked to choose the top two most concerning topics based on the results of the data. Members of the council came to a group consensus and chose texting and driving and E-cigarettes as the two priority areas they wanted to focus on during the 2018-2019 school year. After choosing the topics the students then started to brainstorm about what they could do to be proactive in preventing teens currently, and in the future, from becoming involved in these behaviors. While brainstorming, the council came up with a couple of ways they could get involved and create effective ways to engage teens.

The Worcester County Youth Council was able to bring a drunk and impaired driving simulator to the three public Worcester County High Schools. The *Arrive Alive Tour* is an educational program that was designed to heighten awareness about the dangers and consequences of drunk driving, under the influence of drugs while driving and distracted driving. Using the Arrive Alive Tours virtual reality simulators, and supplying information about the truths of unsafe driving practices made a huge impact in the schools in the weeks leading up to prom. The goal as a council

was to reach and educate as many people as possible. Community involvement was made possible through Stephen Decatur's Arrive Alive event which invited community members and parents to the school where they were encouraged to come out and experience the simulator and learn the facts.

Several Youth Council members were involved in the Tri- County Tobacco Leadership Conference. The conference was a one-day event held at the Moose Lodge in Salisbury Maryland. Both middle and high school students from Somerset, Worcester and Wicomico counties were in attendance. The dangers of vaping and tobacco use were shown through different interactive exercises with a presentation by the Truth Initiative. Each county gave presentations about their efforts in fighting drug use in their communities. Worcester County was represented by the Worcester County Youth Council, where we showed our animated Public Service Announcement video about the dangers of vaping from the previous year. The purpose of the Tri- County Tobacco Leadership Conference was to arm the leaders in our local schools with the information necessary to make a positive impact regarding the vaping and tobacco epidemic that is facing students in today's society.

Lastly the Council annually adopts a local family through Worcester Gold during the holiday season. Worcester County GOLD, (Giving Other Lives Dignity), Inc., improves the quality of life of local citizens for whom traditional means of well-being support is not fully available. Worcester County GOLD promotes dignity by providing financial aid to families in crisis, vulnerable adults, and children in foster care. Through Worcester Gold, the Worcester County Youth Council was able to get matched with a family that needed help with gifts and meals for the holiday season. Our members gathered at a local shopping center to shop for each

of the two children in the family, as well as the single mother. Then, we gathered together to wrap the gifts.

Submitted by:

McCammon Mottley, President 2018-2019

Worcester County Youth Council



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

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
July 16, 2019



FAXED

7/16/19 @ 3:54pm

See also public comments
on page 24

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

Please print the attached Notice of Public Hearing for Proposed Increase in the Hotel Rental Tax Rate in *The Daily Times/ Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today* on August 1, 2019 and August 15, 2019. Thank you.

**NOTICE OF
PROPOSED INCREASE
IN HOTEL RENTAL TAX RATE
WORCESTER COUNTY, MARYLAND**

Pursuant to Section 1-601 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland, and at the request of the Mayor and Council of Ocean City, Maryland, the Worcester County Commissioners are considering adopting a resolution to increase the hotel rental tax rate imposed within every resort area within Worcester County on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations,

FROM 4.5% TO 5.0%.

The County Commissioners will hold a

**PUBLIC HEARING on
TUESDAY, AUGUST 20, 2019
at 10:30 A.M. in the**

COUNTY COMMISSIONERS' MEETING ROOM
ROOM 1101 - GOVERNMENT CENTER
ONE W. MARKET STREET
SNOW HILL, MARYLAND 21863-1195

at which the proposed rate increase will be considered. All interested citizens are encouraged to attend the hearing and express their views on this matter. Both written and oral testimony will be accepted.

WORCESTER COUNTY COMMISSIONERS



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

July 8, 2019

Scheduled Public Hearing
on August 20, 2019

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
SUBJECT: Draft Resolution to Increase Hotel Rental Tax to 5.0% in Worcester County

As you are aware, at your meeting on May 21, 2019 you passed Bill 19-1 which enables you to adopt a maximum hotel rental tax rate of 5.0% in Worcester County as permitted by State law. Officials from the Town of Ocean City requested this local legislation to begin the process to increase the room tax rate from the current rate of 4.5% to 5%, effective January 1, 2020, to cover additional costs to the town due to special events. This enabling legislation became effective on July 5, 2019, 45-days after adoption of Bill 19-1. The next step in this process is to introduce the attached draft resolution to increase the hotel rental tax from 4.5% to 5.0 % effective January 1, 2020 and to schedule a public hearing on this proposed action for August 20, 2019 to meet the notice and advertising requirements. Following the public hearing, the resolution will require the unanimous consent of the County Commissioners to increase the hotel rental tax from 4.5% to 5.0 % effective January 1, 2020.

During his presentation on March 19th, Ocean City Mayor Rick Meehan stated that even by raising the room tax to 5%, it would still be far less than room taxes charged by similar resort areas, and this expense would be passed on to consumers and generate additional needed revenue to cover the increase in special events costs. Mayor Meehan followed up his comments with a listing of the room tax and sales tax comparisons in other resort areas nearby and along the eastern seaboard, which demonstrate combined rates of between 8% and 20.95% in nearby resort areas as compared to Worcester County's current combined rate of 10.5% which would increase to 11.0% if the attached resolution was passed.

I look forward to discussing this matter further at your meeting on July 16. In the meantime, if you should have any questions or concerns, please feel free to contact me.

**RESOLUTION AMENDING THE HOTEL RENTAL TAX RATE
IN WORCESTER COUNTY, MARYLAND**

DRAFT

WHEREAS, the County Commissioners of Worcester County, Maryland (Commissioners) adopted, on December 30, 1980, a Resolution regarding the applicability (countywide) and rate (3%) of the hotel rental tax imposed in Worcester County on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations; and

WHEREAS, at the requests of the Mayor and Council of the Town of Ocean City, Maryland and following duly advertised public hearings on the matter, the Commissioners amended the rate of the hotel rental tax from 3% to 4% by Resolution No. 00-18 adopted on June 20, 2000 which became effective on January 1, 2001, and from 4% to 4.5% by Resolution No. 07-30 adopted on November 6, 2007, which became effective on January 1, 2008; and

WHEREAS, the Mayor and Council of the Town of Ocean City, Maryland have requested that the County Commissioners increase the rate of the hotel rental tax from 4.5% to 5.0% effective January 1, 2020; and

WHEREAS, as authorized by Section 20-405 of the Local Government Article of the Annotated Code of Maryland, the County Commissioners adopted Bill 19-1 on May 21, 2019 repealing and reenacting Section TR 1-601(a) of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland enabling the County Commissioners to establish a hotel rental tax rate in excess of 3% but not in excess of 5.0%, by resolution after public notice and hearing, and upon the unanimous consent of all of the County Commissioners; and

WHEREAS, the County Commissioners held a duly advertised public hearing on the proposed increase of the hotel rental tax rate from 4.5% to 5.0% at their meeting of August 20, 2019; and

WHEREAS, the County Commissioners have determined to increase the hotel rental tax rate as proposed.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that effective January 1, 2020, and pursuant to the authorities established in Section 20-405 of the Local Government Article of the Annotated Code of Maryland and Section TR 1-601(a) of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland, a tax of 5.0% on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations is hereby levied throughout Worcester County; and

BE IT FURTHER RESOLVED that any tax so collected from rooms or buildings located within any municipality, less any deductions for the cost of imposing or collecting said tax, shall be paid over to that municipality and all other such taxes collected shall be deposited to the general fund of the County.

DRAFT

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 19-1

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: April 16, 2019

A BILL ENTITLED

AN ACT Concerning

Revenue - Hotel Rental Tax

For the purpose of revising the provisions for the imposition and rate of the hotel rental tax in Worcester County to permit a maximum rate of 5% as authorized by State law.

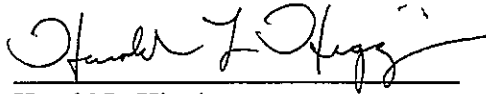
Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection (a) of Section TR 1-601 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the county on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations. This tax, if imposed, shall be at the rate as a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent (5.0%). Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing.

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.

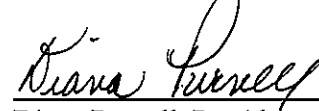
PASSED this 21st day of May, 2019.

ATTEST:

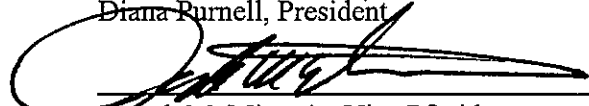


Harold L. Higgins
Chief Administrative Officer

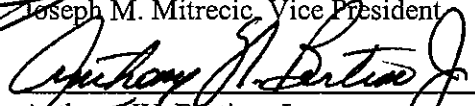
COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND



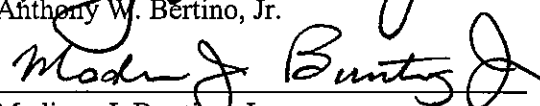
Diana Purnell, President



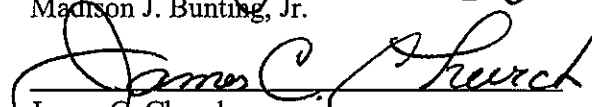
Joseph M. Mitrecic, Vice President



Anthony W. Bertino, Jr.



Madison J. Bunting, Jr.



James C. Church



Theodore J. Elder

Joshua C. Nordstrom

The Commissioners met with Ocean City Mayor Rick Meehan and Ocean City Fire Chief Chris Larmore to discuss Ocean City's FY20 grant requests from the County. Mayor Meehan thanked the Commissioners for the 2.5% increase in Undesignated Grants to Ocean City last year, which is used to offset the cost of services that Ocean City provides in lieu of the County providing these services. He requested this grant be increased again by 2.5% in FY20, and he also requested grants for Recreation, the Convention Bureau and the Park and Ride continue to be funded at FY19 levels; and a \$200,000 increase in the Tourism grant for destination marketing, as the number of hotel rooms in West Ocean City (WOC) has increased dramatically to nearly 700 rooms, and the onus for advertising the resort destination and the 21842 zip code area falls largely on the Advertising Budget of Ocean City. With regard to the \$232,339 administrative fees the town pays Worcester County to collect the room tax and the food tax, Mayor Meehan requested that the County authorize the town to collect the room tax and food tax in Ocean City and be responsible for all collections, including past due accounts to alleviate the responsibility and expense on the County side, which would provide Ocean City with the means to administer its second biggest revenue source. He also requested that the Commissioners adopt the funding recommendations made at the annual meeting of the Commissioners and the Fire Chiefs on February 5, 2019, which would increase the grant funding to Ocean City by \$370,000 and allow the town to hire additional personnel. He also requested \$80,000 to purchase 100 pagers for 28 career personnel and 52 volunteer personnel for the Ocean City Fire Company.

Chief Larmore stated that there is a real need for increased emergency medical services (EMS) funding, noting that growth in the WOC area has resulted in an increase of one-third in emergency responses to that area, which has left the Town of Ocean City without resources at times. Therefore, he urged the Commissioners to modify the EMS funding formula, which would allow the town to hire more personnel to meet the needs of both Ocean City and WOC.

The Commissioners met with Mayor Meehan to discuss a request from the Town of Ocean City to begin the process to increase the room tax rate from 4.5% to 5%, effective Jan. 1, 2020, to cover additional costs to the town due to special events. Mayor Meehan stated that, even by raising the room tax to 5%, it would still be far less than room taxes charged by similar resort areas, and this expense would be passed on to consumers and generate additional needed revenue to cover the increase in special events costs. Mayor Meehan agreed to provide the Commissioners with the room tax rates in other nearby resort areas.

Commissioner Mitrecic supported the measure, noting that the increased room tax would not affect County residents. In response to a question by Commissioner Nordstrom, Chief Administrative Officer Harold Higgins agreed to provide information to the Commissioners with regard to the projected revenues the proposed room tax increase would generate for the County and other towns. In response to a question by Commissioner Bertino, Mr. Higgins stated that no other municipalities have contacted him with regard to the proposed increase, but that they would have the opportunity to weigh in on the matter if the Commissioners are inclined to approve the request and schedule a public hearing to receive public comment. Following some discussion and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to move forward with steps required to increase the room tax rate in Worcester County from 4.5% to 5.0%, beginning with legislation to be introduced at their next legislative session on April 16, 2019.

In a related matter, Mayor Meehan stated that the town would also like to partner with the County to develop an indoor and outdoor sports complex and would welcome such a discussion in the future.

Room Tax & Sales Tax Comparisons

State/Location	Room Tax	Sales Tax	TOTAL TAX CHARGED ON ROOMS
Ocean City, Maryland	Currently 4.5%	6%	10.5%
Rehoboth Beach	8%	0%	8%
Virginia Beach, VA	8% + \$2.00 per night "local occupancy tax"	6% (4.3% State tax + 1.70% local tax)	14% + \$2.00 per night
Atlantic City, NJ	13.625%	7%	20.625%
Myrtle Beach, SC	13% (includes a State Tourism tax, county hospitality fee and city hospitality fee)	9% (6% State tax + 3% local tax)	21%
New York, NY	5.875% + the flat fee of \$3.50 per day.	8.8% (4% State tax + 4.88% local tax)	14.6% + \$3.50 per night
Washington DC	14.95%	6%	20.95%
Philadelphia, PA	8.5%	7%	15.5%
Annapolis, Maryland	6%	6%	12%
Baltimore, Maryland	8%	6%	14%

Additional Information:

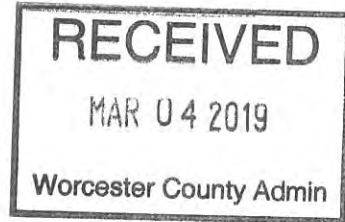
- **Ocean City, Maryland:** *6% Maryland Sales Tax & 4.5% Ocean City Room Tax.*
- **Rehoboth Beach, DE:** *The state of Delaware charges an 8% per night tourism tax to all hotel rooms, which is added to hotel stays. They are currently considering a 3% increase, which would bring the room tax to 11% total.*
- **Virginia Beach, VA:** *The tax rate is 14% (6% state retail tax and 8% local lodging tax) plus \$2 per night local occupancy tax. All rates are based on single/double occupancy. Each additional person 18 and up is \$10.00 per night plus tax.*
- **Atlantic City, NJ:** *In Atlantic City, the hotel tax rate is a whopping 13.625%, and New Jersey tacks on a \$3 occupancy fee and a \$2 "tourism promotion" fee every night you stay.*
- **Myrtle Beach, SC:** *In addition to the Hospitality Fee collected by the Town of Surfside Beach, Horry County imposes a rate of 1 ½ % Hospitality Fee. The State of South Carolina charges a 5% Sales Tax plus a 1% Local Capital Project Sales Tax plus a 1% School District Tax (effective 3/1/09) and a 2% Accommodation Tax.*
- **New York, New York:** *The total tax on a New York City hotel room is 14.75% plus the flat fee of \$3.50 USD per day. This is a mandatory tax collected by New York State and City.*
- **Washington, DC:** *DC has a sales tax rate structure that also includes a 10% rate for liquor sold for off-premise and on-premise consumption, restaurant meals and rental vehicles; 18% rate for parking in commercial lots; and 14.5% for hotels and transient accommodations.*
- **Philadelphia, PA:** *The City's Hotel Tax rate is 8.5% of the total amount paid by the guest. The hotel operator is responsible for collecting the tax from guests. In addition to the City's Hotel Tax, the Commonwealth of Pennsylvania imposes its own 7% Hotel Tax on the amount paid by the guest. The total in-state rate is 15.5%*
- **Annapolis, MD:** *A state lodging tax is only levied in special statutory designated redevelopment districts at 5.0%. [3] State levied lodging tax varies. Convention hotels located within a qualified local government unit with 81-160 rooms rate is 3.0% and 6.0% for hotels with more than 160 rooms.*
- **Baltimore, MD:** *Currently, all of the local hotel tax — which is 8 percent of the room rate — goes to the county's general fund.*



TOWN OF OCEAN CITY

The White Marlin Capital of the World

March 1, 2019



Diana Purnell, President
Worcester County Commissioners
One W. Market Street, Room 1103
Snow Hill, MD 21863-1195

Copy: Phil Thompson ✓
Kathy Whitel ✓
Maureen Howarth ✓

MAYOR
RICHARD W. MEEHAN

CITY COUNCIL

LLOYD MARTIN
President

MARY P. KNIGHT
Secretary

DENNIS W. DARE
ANTHONY J. DELUCA
JOHN F. GEHRIG, JR.
MATTHEW M. JAMES
MARK L. PADDACK

CITY MANAGER
DOUGLAS R. MILLER

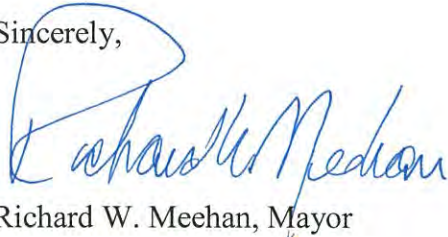
CITY CLERK
DIANA L. CHAVIS, CMC

Dear President Purnell:

The costs to promote and operate Ocean City as a world class family resort continue to increase. Unfortunately, our revenue sources to fund these needs are limited. At the January 29, 2019 meeting of the Mayor and City Council, we discussed increasing the room tax rate from 4.5% to 5.0%.

It is the desire of the Mayor and City Council that the County Commissioners create the necessary legislation to allow for this needed increase in room tax. We trust that you can assist us in this matter. Please contact my office if you have any questions.

Sincerely,


Richard W. Meehan, Mayor

cc: City Council
City Manager

✓ See p. 15

See p. 22

Requires:

- County Code amendment to Section TR 1-601(a)
- Resolution with unanimous consent of County Commissioners

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City Hall - (410) 289-8221 • FAX - (410) 289-8703

§ 20-114

LOCAL GOVERNMENT

taxes; that responsibility is given to the Tax Court not only by Md. Code Ann., Tax - Gen. § 3-103(a), but also by Md. Local Government Code Ann. § 20-117 with respect to appeals of refund claims relating to local government taxes. *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

Maryland Tax Court has jurisdiction under Md. Local Government Code Ann. § 20-117 of an administrative appeal of a denial of a refund claim involving a payment to a municipality. *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

§ 20-114. Form of claim.

Cited in *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

§ 20-115. Time for filing.

Cited in *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

§ 20-116. Determination of claim.

Sewer connection fee refund. — Person who has paid a sewer connection fee imposed by a municipality and alleges that the fee is illegal or miscalculated may seek a refund from the municipality under Md. Local Government

Code Ann. § 20-113 et seq., and the voluntary payment doctrine did not bar such a refund claim. *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

§ 20-117. Appeal.

Sewer connection fee refund. — Person who has paid a sewer connection fee imposed by a municipality and alleges that the fee is illegal or miscalculated may seek a refund from the municipality under Md. Local Government Code Ann. § 20-113 et seq., and the voluntary payment doctrine did not bar such a refund claim. *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

Jurisdiction over refund claim. — No question exists that the Maryland Tax Court has jurisdiction of refund claims relating to taxes; that responsibility is given to the Tax

Court not only by Md. Code Ann., Tax - Gen. § 3-103(a), but also by Md. Local Government Code Ann. § 20-117 with respect to appeals of refund claims relating to local government taxes. *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

Maryland Tax Court has jurisdiction under Md. Local Government Code Ann. § 20-117 of an administrative appeal of a denial of a refund claim involving a payment to a municipality. *Brutus 630, LLC v. Town of Bel Air*, 448 Md. 355, 139 A.3d 957 (2016).

Subtitle 4. Hotel Rental Taxes.

Part I. County Hotel Rental Taxes.

§ 20-401. Definitions.

(a) *In general.* — In this part the following words have the meanings indicated.

(b) *Hotel.* — (1) "Hotel" means an establishment that offers sleeping accommodations for compensation.

(2) "Hotel" includes:

- (i) an apartment;
- (ii) a cottage;
- (iii) a hostelry;
- (iv) an inn;

- (v) a motel;
- (vi) a rooming house; or
- (vii) a tourist home.

(c) *Hotel rental tax*. — “Hotel rental tax” means the tax on a transient charge.

(d) *Transient charge*. — (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this paragraph, “transient charge” means a hotel charge for sleeping accommodations for a period not exceeding 4 consecutive months.

(ii) In Carroll County, “transient charge” means a hotel charge for sleeping accommodations for a period not exceeding 25 days.

(iii) In Frederick County, “transient charge” means a hotel charge for sleeping accommodations for a period not exceeding 90 days.

(iv) In Garrett County and Washington County, “transient charge” means a hotel charge for sleeping accommodations for a period not exceeding 30 days.

(2) “Transient charge” does not include any hotel charge for:

- (i) services; or
- (ii) accommodations other than sleeping accommodations.

(e) *Western Maryland code county*. — “Western Maryland code county” means a code county in the Western Maryland class as established under § 9-302 of this article. (An. Code 1957, art. 24, § 9-301(a), (d)-(f); 2013, ch. 119, § 2; 2014, chs. 311, 312.)

Effect of amendments. — Chapters 311 and 312, Acts 2014, effective July 1, 2014, made identical changes. Each substituted “subparagraphs (ii), (iii), and (iv)” for “subparagraphs (ii)

and (iii)” in (d)(1)(i); added (d)(1)(iii) and redesignated accordingly; in (d)(1)(iv) deleted “Frederick County” before “Garrett County”; and made a stylistic change.

§ 20-402. Scope of part.

(a) *In general*. — This part applies only to:

- (1) subject to subsection (b) of this section, a charter county;
- (2) a code county;
- (3) Calvert County;
- (4) Carroll County;
- (5) Cecil County;
- (6) Garrett County;
- (7) St. Mary’s County;
- (8) Somerset County; and
- (9) Washington County.

(b) *Conflicts with other laws*. — To the extent this part conflicts with another law that applies to a charter county, the other law shall prevail over this part. (An. Code 1957, art. 24, § 9-301(b); 2013, ch. 119, § 2; 2014, ch. 464, § 1.)

Effect of amendments. — Section 1, ch. 464, Acts 2014, effective June 1, 2014, rewrote the section.

Bill review letter. — Chapter 464, Acts 2014, (Senate Bill 172) was approved for constitutionality and legal sufficiency, although it

contains problematic yet severable provisions that violate the single-subject rule under the Maryland Constitution. These provisions include extension of discounted vehicle certificate fee for rental vehicles, a Park Service funding mandate, a mandate that speed camera revenue be spent on vehicle purchases, stormwater remediation fees, and a hotel rental tax. (Letter

§ 20-403. Imposition of tax.

(a) *Authorization.* — Except as provided in § 20-404 of this subtitle, a county may impose, by resolution, a hotel rental tax.

(b) *Hearing requirement.* — (1) This subsection applies only to Calvert County, Charles County, and St. Mary's County.

(2) The governing body of a county shall hold a public hearing before imposing a hotel rental tax.

(3) The hearing:

(i) shall be advertised twice in a newspaper of general circulation in the county at least 10 days before the hearing; and

(ii) may not be part of the annual budget hearing. (An. Code 1957, art. 24, §§ 9-302, 9-303(a), (b); 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 24, §§ 9-302 and 9-303(a) and (b).

In subsection (a) of this section and throughout this subtitle, the former references to an "authorized" county are deleted as unnecessary in light of the scope provision in § 20-402 of this subtitle.

In subsection (a) of this section, the former reference to a tax "paid to a hotel located in that county" is deleted as implicit.

In subsection (b)(3)(i) of this section, the former reference to advertising "by publication" in a newspaper is deleted as surplusage.

Defined terms:

"Governing body"

§ 1-101

"Hotel rental tax"

§ 20-401

§ 20-404. Limitations and exemptions.

(a) *Exemption for lodging at corporate training center.* — The hotel rental tax does not apply to the sale of a right to occupy a room or lodgings as a transient guest at a dormitory or other lodging facility that:

(1) is operated solely in support of the headquarters, a training facility, a conference facility, an awards facility, or the campus of a corporation or other organization;

(2) provides lodging solely for employees, contractors, vendors, and other invitees of the corporation that owns the dormitory or lodging facility; and

(3) does not offer lodging services to the general public.

(b) *Calvert and St. Mary's counties.* — By resolution, Calvert County and St. Mary's County may provide a tax exemption for classes of hotels.

(c) *Carroll County.* — In Carroll County, the hotel rental tax does not apply to a hotel with 10 or fewer sleeping rooms.

(d) *Cecil County.* — Cecil County may impose the hotel rental tax only on a transient charge paid to a hotel located in any part of Cecil County that:

(1) is specified by the governing body of Cecil County as a population center;

(2) is not larger than 10 square miles in geographic area; and

(3) has a population of at least 6,000 residents.

(e) *Frederick County.* — In Frederick County, the hotel rental tax does not apply to a hotel with:

(1) 10 or fewer sleeping rooms in its main building; and

(2) not more than 20 additional sleeping rooms in auxiliary structures on the hotel's property.

(f) *Washington County*. — In Washington County, the hotel rental tax does not apply to a transient charge paid to a hotel by:

(1) the federal government;

(2) a state; or

(3) a unit or instrumentality of a state or the federal government. (An. Code 1957, art. 24, §§ 9-303(c), 9-305; 2013, ch. 119, § 2; ch. 510.)

SPECIAL REVISOR'S NOTE

As enacted by Ch. 119, Acts of 2013, this section was new language derived without substantive change from former Art. 24, §§ 9-305 and 9-303(c). However, Ch. 510, Acts of 2013, added a new subsection (a) to this section and renumbered subsections (a) through (e) to be subsections (b) through (f).

In subsection (c) [now (d)] of this section, the former definition of "population center" was revised by Ch. 119 as part of the substantive

provision because that definition appeared only once in the former law.

Defined terms:

"Governing body"	§ 1-101
"Hotel"	§ 20-401
"Hotel rental tax"	§ 20-401
"State"	§ 1-101
"Transient charge"	§ 20-401

Effect of amendments. — Chapter 510, Acts 2013, effective June 1, 2013 [October 1, 2013], added (a) and redesignated accordingly.

§ 20-405. Tax rates.

(a) *In general*. — Subject to this section, the hotel rental tax rate is the rate that the county sets by resolution.

(b) *Limitations*. — The hotel rental tax rate may not exceed:

(1) except as otherwise provided in this section, 3% in a code county;

(2) 3% in Cecil County;

(3) 4% in Talbot County;

(4) 5% in Calvert County, Carroll County, Charles County, Dorchester County, Frederick County, St. Mary's County, and Somerset County; and

(5) 6% in Garrett County and Wicomico County.

(c) *Code counties*. — With the unanimous consent of the county commissioners:

(1) a code county other than a Western Maryland code county may set a hotel rental tax rate up to 5%; and

(2) a Western Maryland code county may set a hotel rental tax rate up to 8%.

(d) *Washington County*. — The hotel rental tax rate in Washington County is 6%. (An. Code 1957, art. 24, § 9-304; 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 24, § 9-304.

In subsection (a) of this section, the reference to "this section" is substituted for the former reference to "the limitations in subsections (b)

and (c) of this section" for accuracy.

In subsection (c) of this section, the former references to a hotel rental tax rate "that is greater than 3%" are deleted as implicit because the rates that are authorized in subsection (c) are an exception to the limitation of 3% imposed in subsection (b)(1) of this section.

Defined terms:

"Code county"	§ 1-101
"Hotel rental tax"	§ 20-401
"Western Maryland code county"	§ 20-401

Rate increase by Worcester County commissioners. — Worcester County could not exercise its code home rule powers to amend the local law that authorized the county to levy a hotel tax of up to 3%. However, under the

prior, similar section, a general law for all code counties, the Commissioners could, by unanimous consent, increase the rate of the hotel tax from 3% to 5%. 77 Op. Att'y Gen. 37 (August 21, 1992).

§ 20-406. Duty to collect tax.

(a) *In general.* — A hotel shall:

- (1) give a person who is required to pay a transient charge a bill that identifies the transient charge as an item separate from any other charge; and
- (2) collect the hotel rental tax from the person who pays the transient charge.

(b) *Tax held in trust.* — A hotel shall hold any hotel rental tax collected in trust for the county that imposes the tax until the hotel pays the tax to that county as required under this part. (An. Code 1957, art. 24, § 9-309; 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 24, § 9-309.

In subsection (b) of this section, the reference to the hotel "shall hold any" hotel rental tax is substituted for the former reference to the hotel "holds" the hotel rental tax for clarity and accuracy because the language imposes a mandatory requirement.

Defined terms:

"Hotel"	§ 20-401
"Hotel rental tax"	§ 20-401
"Person"	§ 1-101
"Transient charge"	§ 20-401

§ 20-407. Duty to pay tax.

A person shall pay the hotel rental tax to the hotel when the person pays the transient charge. (An. Code 1957, art. 24, § 9-308; 2013, ch. 119, § 2.)

REVISOR'S NOTE

This section formerly was Art. 24, § 9-308.
No changes are made.

Defined terms:

"Hotel"	§ 20-401
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"Hotel rental tax"	§ 20-401
"Person"	§ 1-101
"Transient charge"	§ 20-401

§ 20-408. Tax return required.

A hotel shall complete, sign, and file a hotel rental tax return with:

SUBTITLE VI
Hotel Rental Tax

§ TR 1-601. General provisions.

- (a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the County on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations. This tax, if imposed, shall be at the rate as a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of four and one-half percent. Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing. [Amended 6-6-2000 by Bill No. 00-5; 10-16-2007 by Bill No. 07-2]

- (b) Definitions. In this section, the following words and phrases have the meanings indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE OR OTHER SIMILAR PLACE — Any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, apartment house, cottage or other similar lodging place offering sleeping accommodations or space for one or more persons at any time, and the owner and operator thereof, which for compensation holds out to furnish or furnishes sleeping accommodations or space to any transient.

PERSON — Any individual, corporation, company, association, firm, copartnership or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA — Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the tenth election district of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL — The total charge made by any hotel, motel, apartment, cottage or other similar place for sleeping accommodations or space furnished the transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT — Any person who, for any period of not more than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the

expense of another, in any hotel, motel, apartment, cottage or other similar place for which there is a room or building rental.

- (c) Collection. Every person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall make out a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected; and he shall sign and deliver the report to the Board of County Commissioners, with a remittance of the tax required hereunder. The reports and remittances shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18th day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section within the time and in the amount specified in this section, there shall be added to the tax by the Board of County Commissioners interest at the rate of one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section; and if the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.
- (f) Distribution of proceeds.
 - (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from the hotels, motels, apartments, cottages or other similar places:
 - A. The Board shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
 - B. That portion of the remainder of the total proceeds which came from payments made by a hotel, motel, apartment, cottage or other similar place located in whole or in part within the corporate limits of a municipal corporation in a resort area in the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
 - C. The remaining portion of the total proceeds shall be credited to the general funds of the County.

- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.
- (g) State administrative fee. The Retail Sales Tax Division of the Comptroller's office shall supply to the Board of County Commissioners information in aid of verification of liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.
- (h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. If and as applicable, the laws and the regulations in effect as to the sales and use tax in Maryland shall be adopted and followed by the Board of County Commissioners in promulgating or changing a rule or regulation.
- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners, to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
- (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
- (2) In lieu of the bond required by Subsection (k)(1), securities approved by the Board of County Commissioners or cash in such amount as the Board prescribes may be deposited, which shall be kept in the custody of the Board. The Board, at any time,

without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by the Board at public or private sale without notice to the depositor of the securities.

- (l) Applicability. The procedures under Title 9, Subtitle 7, of Article 24 of the Annotated Code of Maryland apply to this section.

RESOLUTION

WHEREAS, pursuant to Article 81, Section 411B of the Annotated Code of Maryland, the Board of County Commissioners of Worcester County is authorized to impose a three per cent (3%) tax on the amount paid for room or building rentals by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations; therefore be it

RESOLVED that the County Commissioners of Worcester County, Maryland, in regular meeting assembled on the 4th day of May, 1971, pursuant to the authority granted in said Article 81, Section 411B, hereby levies a tax at the rate of three per cent (3%) on the amount paid for room or building rentals within the ~~Corporation~~ ^{City} ~~Limits of the Town of Ocean~~, Maryland, said tax to be levied on the amount paid for room or building rentals by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations within said ~~Corporation~~ ^{limits} and said tax shall be collected by the County Commissioners of Worcester County to be paid over to the Mayor and City Council of Ocean City, Maryland; pursuant to said Article 81, Section 411B (f); and ..

BE IT FURTHER RESOLVED that the effective date of the afore-said tax is June 1, 1971.

THE BOARD OF COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Ray F. Redden
Ray F. Redden, President

Mark O. Pilchard
Mark O. Pilchard

Louis G. Hickman
Louis G. Hickman

Willie W. Hudson
Willie W. Hudson

N. Paul Joyner
N. Paul Joyner

ATTEST:

Elizabeth M. Warner
Elizabeth M. Warner,
Secretary

RESOLUTION REGARDING
APPLICABILITY OF WORCESTER
COUNTY ROOM TAX

16

1 PAGE 441

WHEREAS, Article 81, Section 411D of the Annotated Code of Maryland authorizes the Board of County Commissioners to impose a tax within every resort area within the County on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations, and

WHEREAS, the Board of County Commissioners, on May 4, 1971, passed a resolution imposing such a tax at the rate of 3% on the amount paid for room or building rentals within the corporate limits of Ocean City, and

WHEREAS, Article 81, Section 411D of the Annotated Code of Maryland provides that the tax may be levied in any resort area in the County as specified by the Board of County Commissioners, which by reason of natural, scenic, or manmade attractions or development, has an unusual influx of visitors, sojourners, and temporary residents, and which by reason of the influx requires services in unusual number or magnitude, and

WHEREAS, due to its proximity to the Atlantic Ocean and the presence of many waterways, parks, forest lands, and historic sites within the County, the whole of Worcester County is characterized by natural, scenic, or manmade attractions or developments and produces an unusual influx of visitors, sojourners, and temporary residents requiring additional services, now

THEREFORE BE IT RESOLVED by the Board of County Commissioners of Worcester County that the whole of Worcester County is determined to be a resort area for the purposes of Article 81, Section 411D, and

BE IT FURTHER RESOLVED that effective July 1, 1981, and pursuant to the authorities established in Article 81, Section 411D, a tax of 3% on the amount paid for any room or building rental is hereby levied throughout Worcester County, and

BE IT FURTHER RESOLVED that any tax so collected from rooms or buildings located within any municipality, less any deductions for the cost of imposing or collecting said tax, shall be paid over to that municipality and all other such taxes collected shall be deposited to the general fund of the County.

Passed and adopted this 30 day of December, 1980.

ATTEST:

John A. Yankus
Administrative Director

THE BOARD OF COUNTY COMMISSIONERS FOR
WORCESTER COUNTY

Roland E. Powell
Roland E. Powell, President

Willis W. Hudson
Willis W. Hudson

N. Paul Joyner
N. Paul Joyner

Carlton E. Massey
Carlton E. Massey

K. Bennett Bozman
K. Bennett Bozman

1980, Dec. 30, The foregoing Resolution
of the County Commissioners of Worcester County
Maryland filed for record and is accordingly
recorded in Resolution No. 1 Folios 441

Frank W. Niles CLK. CT. CT.

RESOLUTION NO. 00 - 18

RESOLUTION AMENDING THE HOTEL RENTAL TAX RATE
IN WORCESTER COUNTY, MARYLAND

WHEREAS, the County Commissioners of Worcester County adopted, on December 30, 1980, a Resolution regarding the applicability (countywide) and rate (3%) of the hotel rental tax imposed in Worcester County on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations; and

WHEREAS, the Mayor and Council of the Town of Ocean City, Maryland have requested that the County Commissioners increase the rate of the hotel rental tax from 3% to 4% effective January 1, 2001; and

WHEREAS, as authorized by Article 24, Section 9-304(c) of the Annotated Code of Maryland, the County Commissioners adopted Emergency Bill 00-5 on June 6, 2000 repealing and reenacting Section TR 1-601(a) of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland enabling the County Commissioners to establish a hotel rental tax rate in excess of 3%, by resolution after public notice and hearing, and upon the unanimous consent of all of the County Commissioners; and

WHEREAS, the County Commissioners held a duly advertised public hearing on the proposed increase of the hotel rental tax rate from 3% to 4% at their meeting of June 20, 2000; and


WHEREAS, the County Commissioners have determined to increase the hotel rental tax rate as proposed.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that effective January 1, 2001, and pursuant to the authorities established in Article 24, Section 9-304(c) of the Annotated Code of Maryland and Section TR 1-601(a) of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland, a tax of 4% on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations is hereby levied throughout Worcester County; and

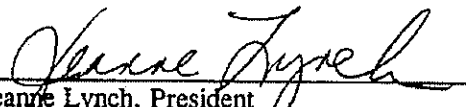
BE IT FURTHER RESOLVED that any tax so collected from rooms or buildings located within any municipality, less any deductions for the cost of imposing or collecting said tax, shall be paid over to that municipality and all other such taxes collected shall be deposited to the general fund of the County.

PASSED AND ADOPTED this 20th day of June, 2000.

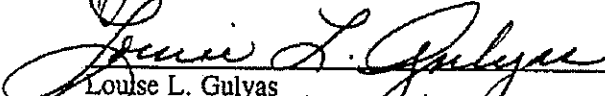
ATTEST:



Gerald T. Mason
Chief Administrative Officer


WORCESTER COUNTY COMMISSIONERS


Jeanne Lynch, President


John E. Bloxom, Vice President


Louise L. Gulyas


James L. Purnell, Jr.


Virgil L. Shockley

RESOLUTION NO. 07 - 30

RESOLUTION AMENDING THE HOTEL RENTAL TAX RATE
IN WORCESTER COUNTY, MARYLAND

WHEREAS, the County Commissioners of Worcester County, Maryland (Commissioners) adopted, on December 30, 1980, a Resolution regarding the applicability (countywide) and rate (3%) of the hotel rental tax imposed in Worcester County on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations; and

WHEREAS, at the request of the Mayor and Council of the Town of Ocean City, Maryland and following a duly advertised public hearing on the matter, the Commissioners amended the rate of the hotel rental tax from 3% to 4% by Resolution No. 00-18 adopted on June 20, 2000 which became effective on January 1, 2001; and

WHEREAS, the Mayor and Council of the Town of Ocean City, Maryland have requested that the County Commissioners increase the rate of the hotel rental tax from 4% to 4.5% effective January 1, 2008; and

WHEREAS, as authorized by Article 24, Section 9-304(c) of the Annotated Code of Maryland, the County Commissioners adopted Emergency Bill 07-2 on October 16, 2007 repealing and reenacting Section TR 1-601(a) of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland enabling the County Commissioners to establish a hotel rental tax rate in excess of 3% but not in excess of 4.5%, by resolution after public notice and hearing, and upon the unanimous consent of all of the County Commissioners; and

WHEREAS, the County Commissioners held a duly advertised public hearing on the proposed increase of the hotel rental tax rate from 4% to 4.5% at their meeting of November 6, 2007; and


WHEREAS, the County Commissioners have determined to increase the hotel rental tax rate as proposed.

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of Worcester County, Maryland that effective January 1, 2008, and pursuant to the authorities established in Article 24, Section 9-304(c) of the Annotated Code of Maryland and Section TR 1-601(a) of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland, a tax of 4.5% on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations is hereby levied throughout Worcester County; and

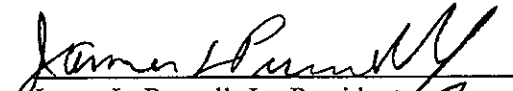
BE IT FURTHER RESOLVED that any tax so collected from rooms or buildings located within any municipality, less any deductions for the cost of imposing or collecting said tax, shall be paid over to that municipality and all other such taxes collected shall be deposited to the general fund of the County.

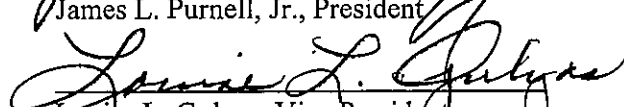
PASSED AND ADOPTED this 6th day of November, 2007.

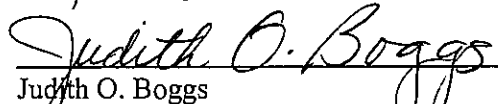
ATTEST:

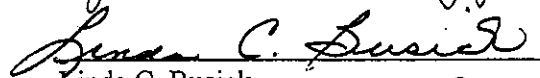

Gerald T. Mason
Chief Administrative Officer

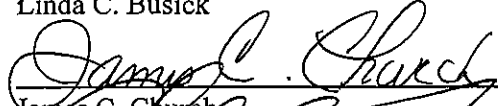
WORCESTER COUNTY COMMISSIONERS



James L. Purnell, Jr., President

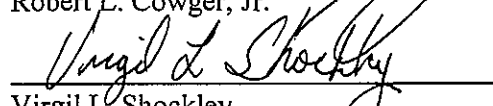

Louise L. Gulyas, Vice President


Judith O. Boggs


Linda C. Busick


James C. Church


Robert L. Cowger, Jr.


Virgil L. Shockley

WRITTEN PRESENTATION OF VINCENT dePAUL GISRIEL, JR. REGARDING OCEAN CITY'S REQUEST TO
RAISE ROOM TAX FROM 4.5% TO 5%-PUBLIC HEARING TO 8/20/19

In November, 2018, the Mayor & City Council (M&CC) of Ocean City began public discussions about raising the room tax to 5% to offset rising "core service" general fund costs, such as public safety, public works, etc. They talked about the need to raise revenue to pay for increased costs due to the expanding tourist season.

Prior to the previous room tax increase from 4% to 4.5%, the M&CC adopted Ordinance 2007-20 that not only implemented that increase, but established a formula that ultimately earmarked 2% of the gross room revenue to the Ocean City advertising budget. The ordinance was flawed from the outset. Last October, Mrs. Jennie Knapp, Budget Manager for the Town of Ocean City, told me that when Ordinance 2007-20 was passed, "No one expected room tax to grow as much as it has."

In an article in *OC Today* dated 1/11/19, Mrs. Knapp is quoted as saying:

"It was supposed to dedicate the half percent to advertising but the way the ordinance was written it actually dedicated 2 percent of gross room revenue." And, "...the advertising budget has more than tripled increasing from \$2.2 million in 2008 to more than \$6.9 million in 2018." And further, "As it increased to 2 percent, it started taking away from what we had to work with toward other expenses in the general fund and we're just starting to get that back now." And, "We've devoted the entire increase in room tax to increase the advertising budget and now I'm saying we can't do that anymore,"

In a later article in *OC Today*, dated 2/1/19, Mrs. Knapp is quoted as saying:

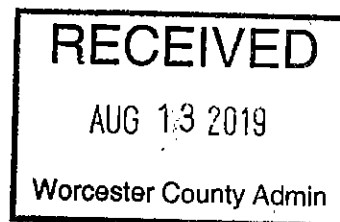
"It essentially gave every piece of the increase in room tax to the advertising budget,...The amount that's going into the general fund to pay our bills has essentially been the same for the last 10 years."

In an article in *The Dispatch* dated 2/1/19, Mrs. Knapp is quoted as saying:

"For 10 years, we've seen the amount of general fund contribution for room tax steadily go down,...Now, we're just getting back to the level we were 10 years ago." And, "We spend \$300,000 a year on police overtime for special events,...That illustrates just how special events effect the general fund. The same goes for public works. Those are indirect costs that aren't reflected in the special events worksheets." And further, "Those are all increased costs over the years,...If you don't want to raise property taxes and you don't want parking meters all over town, you have to find a different funding mechanism for some of these things."

I have requested that the M&CC take this opportunity to correct the flawed ordinance and formula that has perpetuated this situation. However, to date they have been unwilling to amend the language in the existing ordinance. In a work session memo, dated 3/7/19, City Manager Doug Miller wrote:

"Amendments to Ordinance 2007-20 were considered but, at this time, the recommendation is to retain the current ordinance language."



Without a change in the ordinance language and formula, it is only going to exasperate the inequity to the property taxpayers of Ocean City.

In an article in *The Dispatch*, dated 11/30/18, Mayor Meehan is quoted:

"We need to make sure the return to the general fund benefits the taxpayers,...". And, "The core services are important and there is a cost associated with providing those,...That's why we have to have the revenue to support that."

"CORE SERVICE" DISCUSSIONS CONTINUE INTO 2019

In a later article in *The Dispatch*, dated 1/11/19: Mayor Meehan is quoted:

"I think the room tax increase has done everything we thought it would do,...The result has been more people in the offseason, but that has also resulted in an increased cost to provide services."

In an article in *The Dispatch*, dated 2/1/19, Council President Lloyd Martin stated:

"I agree with raising the room tax to pay for the extra costs were incurring because of the growth,...We've added 10 police officers because of growth and we're considering adding more."

In a letter to the County Commissioners, dated 3/1/19, in which Mayor Meehan requested the room tax increase, he stated:

"The costs to promote and operate Ocean City as a world class family resort continue to increase. Unfortunately, our revenue sources to fund these needs are limited."

Kelly Shannahan wrote in a memo to the Commissioners, dated 4/10/19:

"Officials from the Town of Ocean City have requested this local legislation to begin the process to increase the room tax rate from the current rate of 4.5% to 5%, effective January 1, 2020, to cover additional costs to the town due to special events."

Below are some additional quotations that reflect some of the initial intentions:

Dispatch, 1/11/19: Shawn Soper: "Gehrig said increasing the room tax puts the increased cost of providing services such as public safety and public works, for example, on the visitors who use them and not on the residents."

Dispatch, 2/1/19: Shawn Soper: "Several options were presented...but the bottom line in what is certainly a complicated formula is continuing to dedicate a portion to advertising and marketing while also making a significant contribution to the town's general fund. The latter would be used to offset the cost of providing services during the growing shoulder seasons and special events."

Dispatch, 2/1/19: Shawn Soper: "In what is essentially a chicken and egg debate, dedicating room tax revenue from the last increase to advertising and marketing has been successful in expanding the shoulder seasons with special events throughout the year, according to tourism representatives. As a

result, the cost of providing services such as police, fire, public safety and public works, for example, has gone up in kind, creating a strain on the general fund budget.”

THE CONCEPT OF A SPORTS COMPLEX TAKES HOLD

It appears that the focus on the purpose of at least part of the room tax increase began to change in early January, 2019.

Dispatch, 1/11/19: Shawn Soper reporting on the Tourism Committee meeting: “...Councilman and committee member John Gehrig suggested, and many agreed, a portion of the potential increase could be dedicated to an aggressive campaign to tap into the growing youth sports market.”

Dispatch, 1/11/19: Shawn Soper: “For Gehrig, the answer was simple. He suggested moving forward with the proposed half-percent increase in the room tax and dedicating a portion of the increase to expanding further into the youth sports movement.”

Dispatch, 1/11/19: Shawn Soper reporting on the Tourism Committee meeting: “A motion was made to begin the process of raising the room tax a half a percentage point to 5 percent, while having the Mayor and Council explore dedicating a portion of the increase to sports marketing and economic development. That motion passed with a 7-1 vote...”

Dispatch, 2/1/19: Shawn Soper: “Again, a portion of the room tax revenue would be dedicated to the town’s advertising and marketing budget, including a potential dedication of some of the funds to exploring and tapping the growing youth sports market. In the short term, however, the proposed increase would support the general fund and help offset the increased cost of providing service and infrastructure to visitors.”

Dispatch, 3/22/19: Mayor Meehan before the County Commissioners: “What we would like to do is raise the room tax to be used for tourism related issues only, for destination marketing, for economic development, for special events, and to offset the costs of operating and having those special events on a year-round basis in Ocean City.”

Dispatch, 3/22/19: Mayor Meehan before the County Commissioners: “Moving forward it will allow us to cover those costs, to increase our marketing, to increase what we do, special events, and also begin to set aside some funding to be directed toward sports marketing and hopefully a sports complex.”

Dispatch, 5/24/19: Mayor Meehan before the County Commissioners: “That additional revenue will allow us to grow our tourism budget and also to invest in some of the things we think are very important to Ocean City - sports marketing, sports tourism. Those are priorities for Ocean City.”

NO CLEAR CONSENSUS/ALLEGED BUDGET SHORTFALL

By the end of January, 2019, there appears to be no clear consensus on what the room tax increase is to fund. To complicate matters, some on the Council see the room tax increase as a way to balance the FY20 budget.

Dispatch, 2/1/19: Shawn Soper: "While it appears the majority of the council agrees it is time to revisit the room tax after the last increase 12 years ago achieved the desired results, there was no clear consensus on how best to spend the additional revenue the augmentation would create."

Dispatch, 2/1/19: Councilman Dare: "I like the idea of sports marketing and we should wade into that,...We should have started that already, but I don't think we should derail the room tax increase issue because of that."

Dispatch, 2/1/19: Shawn Soper: "Councilman Matt James said it might be disingenuous to vote on raising the room tax rate...without first defining how the potential windfall would be spent. James questioned the motivation for raising the room tax merely to pay bills for increased service."

Dispatch, 2/1/19: Shawn Soper: "James reiterated it wasn't fair to ask the county to raise the room tax rate without a clear plan on how best to spend the new revenue."

Dispatch, 2/1/19: Councilman James: "How can we ask the county to raise the tax when we haven't identified what we're going to spend it on?...How can we ask them to do something when we don't even know what we're doing yet? I just think it's irresponsible to ask them to increase this tax without identifying what we want to spend it on."

Dispatch, 2/1/19: Councilman Gehrig: "...We're pushing this through because we want to pay our bills."

Dispatch, 2/1/19: Shawn Soper: "James said he could not support the motion to approve the room tax hike until the youth sports marketing concept was fully vetted."

Dispatch, 2/1/19: Shawn Soper: "Knight said she agreed with exploring the youth sports market, but said it could be a tough sell for the taxpayers to dedicate funds to what would likely be an off-island facility."

Dispatch, 2/1/19: Councilmember Knight: "It's an amazing opportunity, but we need to sell it,...How can we justify spending say \$2 million a year on something outside Ocean City? I think it's a good idea and we should do it, I just think we're going to need to sell it to the taxpayers."

Dispatch, 2/1/19: Shawn Soper: "He (James) also pointed out the roughly \$800,000 pitched during the debate as a shortfall in meeting the cost of providing services was a function of poor budgeting and not the room tax rate..."

Dispatch, 2/1/19: Councilman James: "...I think we're raising the room tax rate because we didn't meet our budget."

Dispatch, 2/1/19: Shawn Soper: "Knight summed up the debate by pointing out a failure to increase the room tax rate would potentially result in other measures to make up the reported \$800,000 shortfall."

Dispatch, 2/1/19: Councilmember Knight: "If we don't make up the \$800,000, the only other way we can make up this money is by raising taxes, to charge for parking all over town or to decrease services,... That's all part of this equation. How are we going to make up this money if we don't do this?"

Dispatch, 2/1/19: Shawn Soper: "Finally, Dare made a motion to have town staff begin preparing information on a potential economic study of the youth sports marketing issue and perhaps begin to prepare requests for proposals. That motion passed unanimously."

Dispatch, 3/15/19: Budget Manager Jennie Knapp: "In the rough draft of the general fund budget, we're starting out at \$525,000 in the hole,...I am going to have to come to you and ask you what we're going to cut."

Dispatch, 3/15/19: Shawn Soper: "Gehrig suggested simply raising the room tax to offset budget shortfalls only perpetuated itself without an increase in economic development including sports marketing."

Dispatch, 3/15/19: Shawn Soper: "...Councilman Matt James said he couldn't support approving the room tax without a stated goal on how to spend the money."

Dispatch, 3/15/19, Councilman Paddock: "We're hearing we're \$500,000 under in the budget,...That number is going to go up. We need the money now. We're talking about a Jan. 1 effective date, but I'd like to see that moved up. We're either going to have to make serious cuts or we're going to raise this room tax."

OC Today, 3/15/19: Greg Ellison: "The council voted 5-2, with Gehrig and Councilman Matt James opposed, to further consider a room tax increase effective Jan. 1, which will require two readings and a public hearing to alter the current ordinance language."

Dispatch, 3/15/19: Shawn Soper: "The council voted 5-2, with Gehrig and James opposed, to increase the room tax from the current 4.5 percent to an even 5 percent with a Jan. 1 effective date...The successful motion also included keeping the current advertising and marketing formula the same with the caveat the sports marketing idea could be explored with any surplus funding after essential budgetary needs were met."

Again, what started as a discussion to earmark the proposed ½% room tax increase for core services has changed. The original intent has evolved and there is not a clear consensus as to what the ultimate purpose is for the new revenue.

TOWN RESERVES OR UNASSIGNED FUND BALANCE

Let me address this so-called budget shortfall. At the close of the fiscal years between FY15 and FY18, the Town enjoyed a significant surplus in their Reserves or Unassigned Fund Balance, well above the written policy of 15% of the operating budget, and even above their intended goal of 20% of the operating budget. There have been plenty of reserves to balance any recent Town budget. Contrary to

what they would have you think, the M&CC do not need a ½% room tax increase to balance their budget. Ocean City is flush with money. Don't let the M&CC tell you otherwise.

By the end of the below listed fiscal years, the Town of Ocean City closed with the following percentages of Reserves or Unassigned General Fund Balances as a Percentage of Expenditures

FY15: 21.6% FY16: 23.1% FY17: 25.7% FY18: 25.8%

By the end of FY17 and FY18, the Town closed the books with over \$8 million above their 15% reserve policy. That is the equivalent to over 9 cents on the Town property tax rate. The M&CC have a history of overestimating expenses and underestimating revenues. Below are some quotes to illustrate the point:

OC Today, 11/23/18: Greg Ellison: "Bireley said revenue and expense figures also weighed favorably during FY18, with revenue up \$1.2 million over budget projections and expenses running more than \$2 million under budget."

OC Today, 11/23/18: OC Finance Director Chuck Bireley: "We ended up with a favorable variance of \$3.4 million for the year."

Does the M&CC really need a half percent increase in the room tax? There may come a time to raise the room tax. You have already passed the enabling legislation, if needed. However, this is not the right time to do it.

ADVERTISING

If Ocean City exited the advertising business, it could save Ocean City property owners nearly 8 cents on the current property tax rate. Hotels and restaurants could then afford their own advertising, or pool with other businesses, and perhaps get more advertising collectively for their dollars. Furthermore, the Chamber of Commerce should be leading the effort to advertise and market. Advertising and marketing is not a function of government. The current 4.5% room tax could then be used for core services, thereby shifting more of the costs of public safety, public works, a clean and safe beach, etc., on the tourists and not most of it on the backs of the property owners.

PREMATURE TO BE TALKING ABOUT A SPORTS COMPLEX

As of this date, we do not even know if the property owners of Ocean City will support a Sports Complex. It remains to be seen whether or not the consultants will come back with a favorable recommendation. It is premature to even plan for the project.

OC Today, 7-12-19: Greg Ellison reporting on a Tourism Committee meeting: "The talks about expanding tourism also turned to a review of the opening rounds for Ocean City's newly launched sports marketing study. Commission Chairman Matt James said Crossroads Consultants, who produced a comparable study for the Worcester County Commissioners, just wrapped up an initial round of interviews."

OC Today, 7/12/19: Greg Ellison: "James said an update on the study is likely this fall."

OC Today, 7/12/19, Councilmember Knight: "It takes them probably 4-5 months to do it."

LOCATION OF A SPORTS COMPLEX

OC Today, 7/12/19, Tourism Committee Member Michael James: "I didn't really think those people understood our industry,...If you put the...ball fields south on 113, you're really not really helping Ocean City."

OC Today, 7/12/19: Greg Ellison: "Michael James said if a sports tournament facility is built beyond a short distance from the resort, the financial benefits would be experienced elsewhere in the county."

OC Today, 7/12/19: Michael James: "You're going to have new hotels and restaurants in Ocean Pines and Salisbury,...They just didn't seem to understand that."

OC Today, 7/12/19: Greg Ellison: "Michael James said sports fields south of Berlin would not bring Ocean City the revenue boost it wants."

OC Today, 7/12/19: Greg Ellison: "Knight said unlike the Crossroads sports marketing study done for the county commissioners and which assessed the situation countywide, the current effort is specified for northern Worcester."

In the minutes of the County Commissioners' meeting held on 3/19/19, it reads:

"In a related matter, Mayor Meehan stated that the town would also like to partner with the County to develop an indoor and outdoor sports complex and would welcome such a discussion in the future."

How would a sports complex near Ocean City benefit the rest of Worcester County? How is it fair to the other property owners and residents of Worcester County, particularly in the mid and southern end of the County?

COUNTY'S MOST RECENT SPORTS COMPLEX STUDY, AUGUST, 2017

The Worcester County Commissioners authorized their own feasibility study of an Outdoor Sports Field Complex. In a memo from Kelly Shannahan to Harold Higgins, dated 8/30/17, which appeared in the Commissioners' packet for their meeting on 9/5/17, Kelly wrote:

"Since their August 1st meeting, staff has reviewed the economic analysis and determined that while the report provides good baseline data, we believe that the projected economic impact is overly optimistic.

Likewise, I agree that the County's 2017 report is overly optimistic. For example, the report estimates that an outdoor sports complex in Worcester County will create between 360 and 440 new jobs in the county. Not only is it overly optimistic, I believe it is unrealistic.

The study also reflects that some individuals involved in putting together sports tournaments indicated concerns about the possibility of oversaturation of these facilities in the region.

The study indicates that even in a stabilized year of operation which could take 3 to 5 years, a government operated facility, already financed by the taxpayers for construction, would require a 25% annual operating subsidy to make up for operating shortfalls. How many projects do the taxpayers of Ocean City have to continue to subsidize? We already subsidize the Convention Center, the Performing Arts Center, the Airport, Eagle's Landing Golf Course, Advertising and a whole host of "free" events.

The Commissioners have already looked at this type of capital project, and decided not to pursue it. The Commissioners made the right decision to hold off on the sports complex.

Why would the M&CC pursue an increase in the room tax to explore a sports complex some four or five months before their new study is completed? The only logical answer to me is that they intend to build it regardless of what the consultants determine.

If a new sports complex has merit, why is it that private investors have not stepped forward?

As our County Commissioners, you can stop this nonsense. You represent all of Worcester County. You have a duty and responsibility to protect the residents and property owners in Ocean City, even when our own elected officials fail to do so.

IN CONCLUSION

Perhaps one day a sports complex will make sense and be a good idea. Maybe one day a half percent increase in the room tax will be in order, but it should be at the right time and for the right reasons. Thank you for your attention to these matters.

Respectfully submitted,

Vincent dePaul Gisriel, Jr.

14008 Sailing Road

Ocean City, MD 21842

410-251-1360

NOTE: I want to acknowledge Greg Ellison of *OC Today* and Shawn Soper of *The Dispatch*. Through their outstanding and detailed reporting, they unknowingly contributed to my presentation.



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

July 16, 2019

14

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

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



FAXED
7/16/19 @ 3:54pm

See also Public Comments
on page 63

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

Please print the attached Notice of Introduction of Bill 19-3 in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on August 1, 2019 and August 15, 2019. Thank you.

NOTICE OF INTRODUCTION OF BILL 19-3
WORCESTER COUNTY COMMISSIONERS

Take Notice that **Bill 19-3 (Zoning - Boarding and Lodging Rentals)** was introduced by Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell on July 16, 2019.

A fair summary of the bill is as follows:

§ ZS 1-103(b). (Repeals the definitions of "Boarding and Lodging House" and "Country Inn" to prepare for other changes in definitions in subsequent sections of the Bill and to condense the numerous other definitions in the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland for types of lodging facilities into a more succinct format.)

§ ZS 1-103(b). (Repeals and reenacts the definition of "Transient" in the Zoning and Subdivision Control Article from one who occupies a structure for 30 days to one who does so for 28 days since short-term rentals are typically for weekly stays and not on a monthly basis.)

§ ZS 1-103(b). (Repeals and reenacts the definition of "Boarder or Lodger" and replaces it with a new definition for the term "Lodger" to be a person who receives sleeping accommodations for 28 consecutive days or less and a new definition of the term "Roomer or Boarder" to be a person who receives sleeping accommodations for more than 28 consecutive days.)

§ ZS 1-103(b). (Creates a new definition for the term "Short Term Rental (STR)" to describe all or a portion of a dwelling unit or accessory apartment rented to a lodger on a basis of not more than 28 consecutive days. It excludes from this definition "bed and breakfast establishments" which are already regulated by Section § ZS 1-340 of the Zoning and Subdivision Control Article.)

la

§ ZS 1-105(c)(7). (Adds "short term rentals (STR)" to the list of uses permitted in all zoning districts. This would only apply to those properties having a dwelling unit.)

§ ZS 1-202(c)(26) and (27). (Repeals "conversion of a historic or architecturally significant dwelling to an inn" and "country inns" from the uses allowed in the A-2 Agricultural District by special exception but leaves "bed and breakfast establishments," which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, "bed and breakfast establishments," instead of multiple descriptions of very similar uses.)

§ ZS 1-203(c)(4) and (5). (Repeals "conversion of a historic or architecturally significant dwelling to an inn" and "country inns" from the uses allowed in the E-1 Estate District by special exception but leaves "bed and breakfast establishments," which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, "bed and breakfast establishments," instead of multiple descriptions of very similar uses.)

§ ZS 1-203(d)(11). (Adds the keeping of not more than two roomers or boarders as an accessory use in the E-1 Estate District, just as it is in other zoning districts that allow dwelling units.)

§ ZS 1-204(c)(11) and (12). (Repeals "boarding house" and "country inns" from the allowable uses in the V-1 Village District but leaves "bed and breakfast establishments," which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, "bed and breakfast establishments," instead of multiple descriptions of very similar uses.)

§ ZS 1-204(e)(12). (Adds the keeping of not more than two roomers or boarders as an accessory use in the V-1 Village District just as it is in other zoning districts that allow dwelling units.)

§ ZS 1-208(c)(1). (Repeals "boarding and lodging houses" as a permitted use in the R-4 General Residential District since the keeping of four roomers or boarders is already allowed as an accessory use.)

§ ZS 1-215(d)(8). (Adds the keeping of not more than two roomers or boarders as an accessory use in the RP Resource Protection District just as it is in other zoning districts that allow dwelling units.)

§ ZS 1-340(b)(1). (Repeals and reenacts this section regarding bed and breakfast establishments to raise the number of allowable rooms in a "bed and breakfast establishment" from six to 20 rooms. The current use of "conversion of historic or architecturally significant dwelling to an inn" has no limitation on the number of rooms and "country inns" have a limitation of 20 rooms, all of which are currently allowed in many cases in the same zoning district as "bed and breakfast establishments." Differing room numbers for essentially the same use causes confusion in the interpretation and application of the Zoning and Subdivision Control Article.)

§ ZS 1-340(b)(7). (Repeals and reenacts this section to increase the number of permissible nights' stay in a "bed and breakfast establishment" from 14 to 28 nights to be consistent with the new definition of "transient," "lodger," and "short term rental.")

§ ZS 1-340(b)(9). (Repeals the current prohibition on having more than two non-resident employees in or about the "bed and breakfast establishment." The current limitation is an unenforceable, arbitrary limitation.)

§ ZS 1-351. (Adds this entirely new section to the Zoning and Subdivision Control Article to regulate "short term rentals (STR)" with the intent of maintaining the neighborhood character where short term rentals take place and protect the health, safety and general welfare of the permanent residents and the lodgers while allowing this form of renting to exist; establishes requirements for short-term rentals, including: a limitation on the number of rental contracts to one for any overnight period of any property regardless of the number of sleeping rooms; a limitation on the number of families or housekeeping units to one where an entire dwelling or accessory apartment is available for rent; a limitation on the number of sleeping rooms available to rent to two where a portion of a dwelling unit or accessory apartment is available for rent and a limitation on the number of persons per room to two, not including children under the age of 12; a requirement that accessory apartments only be rented in their entirety and limited to one family or housekeeping unit; restrictions on modifications to the dwelling unit that change its functionality, appearance or principle design as an individual dwelling unit; a requirement to provide one additional off-street parking space for short-term rentals; a requirement to maintain a record of all lodgers; a requirement to make the dwelling unit available for inspection during reasonable hours; on-premises signs shall be permitted in accordance with the provisions of section ZS 1-324; a prohibition on the use of the property to host functions and events, including but not limited to weddings and their receptions, family reunions, birthday and anniversary celebrations or other similar gatherings for persons other than the authorized lodgers; and permits the County Commissioners to establish by Resolution additional standards or require any additional information deemed necessary to enforce the provisions of the Title.)

A Public Hearing

will be held on Bill 19-3 at the Commissioners' Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland, on **Tuesday, August 20, 2019 at 11:00 a.m.**

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103, is available for public inspection in Room 1103 of the Worcester County Government Center and is available on the County Website at www.co.worcester.md.us .

THE WORCESTER COUNTY COMMISSIONERS

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 19-3

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: July 16, 2019

A BILL ENTITLED

AN ACT Concerning

Zoning - Boarding and Lodging Rentals

For the purpose of amending the Zoning and Subdivision Control Article to eliminate inconsistencies in existing codes, revise definitions and to establish new regulations for short term rentals of one-and two-family dwellings.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definitions of "boarding or lodging house" and "country inn" as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of "transient" as contained in Subsection § ZS 1-103(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:

TRANSIENT — When referring to a person, a person occupying or intending to occupy all or any portion of a structure for lodging on a temporary basis not to exceed twenty-eight consecutive days.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of "boarder or lodger" as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and replaced by the new terms "lodger" and "roomer or boarder" to read as follows:

LODGER — A person who receives sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for twenty-eight consecutive days or less.

ROOMER or BOARDER — A person who receives sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for more than twenty-eight consecutive days and who is not part of the resident family.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a definition of the term "short term rental" to read as follows:

SHORT TERM RENTAL (STR) — All or a portion of any dwelling unit or all of an accessory apartment that is rented to a lodger for sleeping accommodations on a basis not to exceed twenty-eight consecutive days. Short term rentals do not include bed-and-breakfast establishments. See § ZS 1-351 hereof.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-105(c) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new subsection § ZS 1-105(c)(7) to read as follows:

(7) Short term rentals, subject to the provisions of § ZS 1-351 hereof.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsections §§ ZS 1-202(c)(26) and ZS 1-202(c)(27) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsections §§ ZS 1-202(c)(28) through ZS 1-202(c)(46) be renumbered as Subsections §§ ZS 1-202(c)(26) through ZS 1-202(c)(44) respectively.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsections §§ ZS 1-203(c)(4) and ZS 1-203(c)(5) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsections §§ ZS 1-203(c)(6) through ZS 1-203(c)(22) be renumbered as Subsections §§ ZS 1-203(c)(4) through ZS 1-203(c)(20) respectively.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-203(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-203(d)(11) to read as follows:

(11) The keeping of not more than two roomers or boarders.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsections §§ ZS 1-204(c)(11) and ZS 1-204(c)(12) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsections §§ ZS 1-204(c)(13) through ZS 1-204(c)(22) be renumbered as Subsections §§ ZS 1-204(c)(11) through ZS 1-204(c)(20) respectively.

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-204(e) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-204(e)(12) to read as follows:

(12) The keeping of not more than two roomers or boarders.

Section 11. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsections §§ ZS 1-208(c)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsections §§ ZS 1-208(c)(2) through ZS 1-208(c)(18) be renumbered as Subsections §§ ZS 1-208(c)(1) through ZS 1-208(c)(17) respectively.

Section 12. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-215(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-215(d)(8) to read as follows:

- (8) The keeping of not more than two roomers or boarders.

Section 13. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-340(b)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (1) No bed-and-breakfast facility shall contain more than twenty guest sleeping rooms. Only designated rooms shall be used for sleeping.

Section 14. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-340(b)(7) 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:

- (7) No guest shall be permitted in a bed in a bed-and-breakfast facility for more than twenty-eight consecutive nights.

Section 15. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsections §§ ZS 1-340(b)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and Subsections §§ ZS 1-340(b)(10) and ZS 1-340(b)(11) be renumbered as Subsections §§ ZS 1-340(b)(9) and ZS 1-340(b)(10) respectively.

Section 16. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § ZS 1-351 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

§ ZS 1-351. Short term rentals.

- (a) Generally. It is the intent of these regulations to maintain the neighborhood character where short term rentals take place and protect the health, safety and general welfare of the permanent residents and the lodgers while allowing this form of renting to exist.
- (b) Requirements.
 - (1) Any dwelling unit or portion thereof that is offered as short term rentals must conform to the provisions of this Title.

- (2) Any property used or planned to be used for short term rentals shall be limited to a single rental contract for any overnight period regardless of the number of available sleeping rooms in the principal dwelling unit or accessory apartment.
- (3) Occupancy.
 - A. Where the entire dwelling unit or accessory apartment is being offered for rent, occupancy shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) hereof.
 - B. Where a portion of the principal dwelling is being offered for rent, occupancy shall consist of a maximum of two sleeping rooms that may accommodate up to two lodgers per room not including children under the age of twelve but in no case a greater number of lodgers than may be permitted by the zoning district regulations.
 - C. Accessory apartments shall only be rented in their entirety and shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) herein. Accessory apartments shall also be subject to the provisions of § ZS 1-338 hereof.
- (4) No modifications shall be made to the dwelling unit which shall change the functionality, appearance or principal design of the structure as an individual dwelling unit.
- (5) One additional off-street parking space beyond that required by the provisions of § ZS 1-320(a) for the existing permitted structure(s) shall be provided for all short term rental properties.
- (6) The property owner shall maintain a record of the names of all lodgers, including their address, phone number and email address as applicable, as well as the dates of lodging. Such record shall be provided to the County upon request.
- (7) The property owner or their authorized agent shall make the dwelling unit available for inspection during reasonable hours upon request by the County in order to verify compliance with the provisions of this Title.
- (8) On-premises signage shall be permitted in accordance with the provisions of § ZS 1-324.
- (9) The hosting of functions and events, including but not limited to wedding ceremonies, wedding receptions, family reunions, birthday and anniversary celebrations, corporate and employee appreciation parties and other similar gatherings of persons other than the authorized lodgers, shall be prohibited in association with any short term rentals, regardless of whether or not any form of compensation or barter has been paid or received by any individual or firm for the event.
- (10) The County Commissioners by Resolution may establish additional standards or require additional information as deemed necessary to enforce the provisions of this Title.

Section 17. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.

PASSED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

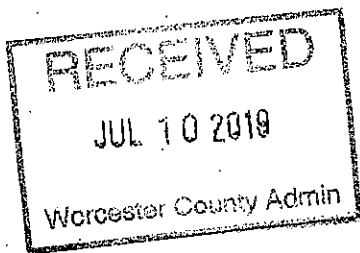
Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

Introduced as
Bills 19-3, 19-4, 19-5 & 19-6
Public Hearing on August 20, 2019

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
DATE: July 10, 2019
RE: Rental Licensing Program - Draft Bill - Zoning - Boarding and Lodging Rentals

In follow-up to last week's work session on the various text amendments related to a rental licensing program, attached herewith you will find a revised version of the draft bill pertaining to changes to the Zoning and Subdivision Control Article. As you may remember, this bill is entitled "Boarding and Lodging Rentals." The only change is found on Page 4 of the Bill and is shown in "strike and replace" format. Specifically, it revises the new Section § ZS 1-351(b)(5) to require one additional parking space beyond that currently required for a residential structure when it is used for short term rental.

As always, I will be available to discuss the changes with you and the County Commissioners at the upcoming legislative session should the County Commissioners wish to introduce the package of draft text amendments.

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
Phil Thompson, Finance Officer

A BILL ENTITLED

AN ACT Concerning

Zoning - Boarding and Lodging Rentals

For the purpose of amending the Zoning and Subdivision Control Article to eliminate inconsistencies in existing codes, revise definitions and to establish new regulations for short term rentals of one-and two-family dwellings.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definitions of "boarding or lodging house" and "country inn" as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of "transient" as contained in Subsection § ZS 1-103(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:

TRANSIENT - When referring to a person, a person occupying or intending to occupy all or any portion of a structure for lodging on a temporary basis not to exceed twenty-eight consecutive days.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of "boarder or lodger" as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and replaced by the new terms "lodger" and "roomer or boarder" to read as follows:

LODGER - A person who receives sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for twenty-eight consecutive days or less.

ROOMER or BOARDER - A person who receives sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for more than twenty-eight consecutive days and who is not part of the resident family.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a definition of the term "short term rental" to read as follows:

SHORT TERM RENTAL (STR) - All or a portion of any dwelling unit or all of an accessory apartment that is rented to a lodger for sleeping accommodations on a basis not to exceed twenty-eight consecutive days. Short term rentals do not include bed-and-breakfast establishments. See § ZS 1-351 hereof.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-105(c) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new subsection § ZS 1-105(c)(7) to read as follows:

- (7) Short term rentals, subject to the provisions of § ZS 1-351 hereof.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-202(c)(26) and ZS 1-202(c)(27) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-202(c)(28) through ZS 1-202(c)(46) be renumbered as Subsections §§ ZS 1-202(c)(26) through ZS 1-202(c)(44) respectively.

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-203(c)(4) and ZS 1-203(c)(5) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-203(c)(6) through ZS 1-203(c)(22) be renumbered as Subsections §§ ZS 1-203(c)(4) through ZS 1-203(c)(20) respectively.

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-203(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-203(d)(11) to read as follows:

- (11) The keeping of not more than two roomers or boarders.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-204(c)(11) and ZS 1-204(c)(12) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-204(c)(13) through ZS 1-204(c)(22) be renumbered as Subsections §§ ZS 1-204(c)(11) through ZS 1-204(c)(20) respectively.

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-204(e) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-204(e)(12) to read as follows:

- (12) The keeping of not more than two roomers or boarders.

Section 11. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-208(c)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-208(c)(2) through ZS 1-208(c)(18) be renumbered as Subsections §§ ZS 1-208(c)(1) through ZS 1-208(c)(17) respectively.

Section 12. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-215(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-215(d)(8) to read as follows:

- (8) The keeping of not more than two roomers or boarders.

Section 13. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-340(b)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

- (1) No bed-and-breakfast facility shall contain more than twenty guest sleeping rooms. Only designated rooms shall be used for sleeping.

Section 14. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-340(b)(7) 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:

- (7) No guest shall be permitted in a bed in a bed-and-breakfast facility for more than twenty-eight consecutive nights.

Section 15. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-340(b)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-340(b)(10) and ZS 1-340(b)(11) be renumbered as Subsections §§ ZS 1-340(b)(9) and ZS 1-340(b)(10) respectively.

Section 16. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § ZS 1-351 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

§ ZS 1-351. Short term rentals.

- (a) Generally. It is the intent of these regulations to maintain the neighborhood character where short term rentals take place and protect the health, safety and general welfare of the permanent residents and the lodgers while allowing this form of renting to exist.
- (b) Requirements.
 - (1) Any dwelling unit or portion thereof that is offered as short term rentals must conform to the provisions of this Title.
 - (2) Any property used or planned to be used for short term rentals shall be

limited to a single rental contract for any overnight period regardless of the number of available sleeping rooms in the principal dwelling unit or accessory apartment.

(3) Occupancy.

- A. Where the entire dwelling unit or accessory apartment is being offered for rent, occupancy shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) hereof.
- B. Where a portion of the principal dwelling is being offered for rent, occupancy shall consist of a maximum of two sleeping rooms that may accommodate up to two lodgers per room not including children under the age of twelve but in no case a greater number of lodgers than may be permitted by the zoning district regulations.
- C. Accessory apartments shall only be rented in their entirety and shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) herein. Accessory apartments shall also be subject to the provisions of § ZS 1-338 hereof.

(4) No modifications shall be made to the dwelling unit which shall change the functionality, appearance or principal design of the structure as an individual dwelling unit.

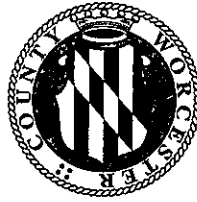
- (5) ~~There shall be no mandatory parking beyond those spaces required under the provisions of § ZS 1-320(a) for the existing permitted structure(s). However, no owner, occupant or lodger shall park a vehicle in such a manner that the vehicle blocks or impedes vehicular access to, or is located within, any public or private rights-of-way. ONE ADDITIONAL OFF-STREET PARKING SPACE BEYOND THAT REQUIRED BY THE PROVISIONS OF § ZS 1-320(A) FOR THE EXISTING PERMITTED STRUCTURE(S) SHALL BE PROVIDED FOR ALL SHORT TERM RENTAL PROPERTIES.~~

- (6) The property owner shall maintain a record of the names of all lodgers, including their address, phone number and email address as applicable, as well as the dates of lodging. Such record shall be provided to the County upon request.
- (7) The property owner or their authorized agent shall make the dwelling unit available for inspection during reasonable hours upon request by the County in order to verify compliance with the provisions of this Title.
- (8) On-premises signage shall be permitted in accordance with the provisions of § ZS 1-324.
- (9) The hosting of functions and events, including but not limited to wedding

ceremonies, wedding receptions, family reunions, birthday and anniversary celebrations, corporate and employee appreciation parties and other similar gatherings of persons other than the authorized lodgers, shall be prohibited in association with any short term rentals, regardless of whether or not any form of compensation or barter has been paid or received by any individual or firm for the event.

- (10) The County Commissioners by Resolution may establish additional standards or require additional information as deemed necessary to enforce the provisions of this Title.

Section 17. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

MEMORANDUM

Work
Session

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
DATE: June 25, 2019
RE: Draft Bill - Zoning - Boarding and Lodging Rentals

In preparation for next week's work session on the draft bills for the proposed rental licensing program, I have prepared the following synopsis of the bill entitled "Zoning - Boarding and Lodging Rentals" to hopefully provide some clarity to all of the various sections of the Bill. As you know, Kelly Shannahan has already prepared a "strike and replace" version of the Hotel Rental Tax Bill. I believe the two remaining bills are self-explanatory since the Mobile and Manufactured Home Park License Bill is a complete repeal of Subtitle V of the Taxation and Revenue Article and the License and Permit Bill also repeals an entire section of the Taxation and Revenue Article and replaces it with an entirely new section entitled "Rental Licenses." If after review you feel you need any additional information, please let me know. I will be available for the work session on July 2, 2019 to review all of the Bills in greater depth with you and the County Commissioners.

Zoning - Boarding and Lodging Rentals

- Section 1. Repeals the definitions of "Boarding and Lodging House" and "Country Inn." It is necessary to repeal these definitions to prepare for other changes in definitions in subsequent sections of the Bill and to condense the numerous other definitions in the Zoning and Subdivision Control Article for types of lodging facilities into a more succinct format.
- Section 2. Changes the definition of "Transient" in the Zoning and Subdivision Control Article from one who occupies a structure for 30 days to one who does so for 28

days. This is necessary in preparation for changes and additions to other sections dealing with short-term rentals since such rentals are typically for weekly stays and not on a monthly basis.

- Section 3. Repeals the definition of "Boarder or Lodger" and replaces it with a new definition for the term "Lodger" to be a person who receives sleeping accommodations for 28 consecutive days or less and a new definition of the term "Roomer or Boarder" to be a person who receives sleeping accommodations for more than 28 consecutive days. As in the previous sections, these changes are necessary to accommodate the new regulations for short-term rentals that follow in other sections of the bill.
- Section 4. Creates a new definition for the term "Short Term Rental (STR)" to describe all or a portion of a dwelling unit or accessory apartment rented to a lodger on a basis of not more than 28 consecutive days. It excludes from this definition "bed and breakfast establishments" which are already regulated by Section § ZS 1-340 of the Zoning and Subdivision Control Article.
- Section 5. Adds "short term rentals (STR)" to the list of uses permitted in all zoning districts. This would only apply to those properties having a dwelling unit.
- Section 6. Eliminates "conversion of a historic or architecturally significant dwelling to an inn" and "country inns" from the uses allowed in the A-2 Agricultural District by special exception but leaves "bed and breakfast establishments," which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, "bed and breakfast establishments," instead of multiple descriptions of very similar uses.
- Section 7. Eliminates "conversion of a historic or architecturally significant dwelling to an inn" and "country inns" from the uses allowed in the E-1 Estate District by special exception but leaves "bed and breakfast establishments," which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, "bed and breakfast establishments," instead of multiple descriptions of very similar uses.
- Section 8. Adds the keeping of not more than two roomers or boarders as an accessory use in the E-1 Estate District, just as it is in other zoning districts that allow dwelling units.
- Section 9. Removes "boarding house" and "country inns" from the allowable uses in the V-1 Village District but leaves "bed and breakfast establishments," which becomes the standard for the aforementioned uses. This streamlines the Zoning and Subdivision Control Article to use a single term, "bed and breakfast

establishments,” instead of multiple descriptions of very similar uses.

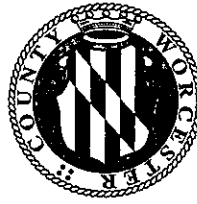
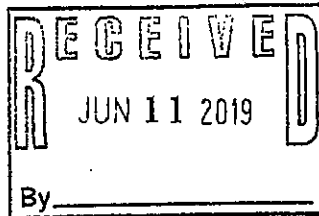
- Section 10. Adds the keeping of not more than two roomers or boarders as an accessory use in the V-1 Village District just as it is in other zoning districts that allow dwelling units.
- Section 11. Removes “boarding and lodging houses” as a permitted use in the R-4 General Residential District since the keeping of four roomers or boarders is already allowed as an accessory use.
- Section 12. Adds the keeping of not more than two roomers or boarders as an accessory use in the RP Resource Protection District just as it is in other zoning districts that allow dwelling units.
- Section 13. Raises the number of allowable rooms in a “bed and breakfast establishment” from six to 20 rooms. The current use of “conversion of historic or architecturally significant dwelling to an inn” has no limitation on the number of rooms and “country inns” have a limitation of 20 rooms, all of which are currently allowed in many cases in the same zoning district as “bed and breakfast establishments.” Differing room numbers for essentially the same use causes confusion in the interpretation and application of the Zoning and Subdivision Control Article.
- Section 14. Increases the number of permissible nights’ stay in a “bed and breakfast establishment” from 14 to 28 nights to be consistent with the new definition of “transient,” “lodger,” and “short term rental.”
- Section 15. Deletes the current prohibition on having more than two nonresident employees in or about the “bed and breakfast establishment.” The current limitation is an unenforceable, arbitrary limitation.
- Section 16. This is an entirely new section proposed to be added to the Zoning and Subdivision Control Article to regulate “short term rentals (STR)” which are currently not regulated. Among its many provisions are:
1. A limitation on the number of rental contracts to one for any overnight period of any property regardless of the number of sleeping rooms.
 2. A limitation on the number of families or housekeeping units to one where an entire dwelling or accessory apartment is available for rent.
 3. A limitation on the number of sleeping rooms available to rent to two where a portion of a dwelling unit or accessory apartment is available for rent and a limitation on the number of persons per room to two, not

including children under the age of 12.

4. A requirement that accessory apartments only be rented in their entirety and limited to one family or housekeeping unit.
5. Restrictions on modifications to the dwelling unit that change its functionality, appearance or principle design as an individual dwelling unit.
6. A requirement to maintain a record of all lodgers.
7. A requirement to make the dwelling unit available for inspection during reasonable hours.
8. A prohibition on the use of the property to host functions and events, including but not limited to weddings and their receptions, family reunions, birthday and anniversary celebrations or other similar gatherings for persons other than the authorized lodgers.
9. Permits the County Commissioners to establish by Resolution additional standards or require any additional information deemed necessary to enforce the provisions of the Title.
10. No requirement to provide additional parking beyond that required for a single-family dwelling. However, it does prohibit the parking of any vehicle in a manner that impedes vehicular access to or is located in any public or private rights-of-way.
11. Permits on premises signage in accordance with the provisions of the Zoning and Subdivision Control Article.

I hope this narrative has helped clarify the purpose, intent and contents of the proposed regulations. I look forward to discussing these issues with you and the County Commissioners at your convenience.

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
Phil Thompson, Finance Officer



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
DATE: June 11, 2019
RE: Countywide Rental License Program

Pursuant to your memorandum dated January 23, 2019, I have comprehensively reviewed the existing regulations on room tax, mobile and manufactured home park licenses, excise tax, tourist permits, and the Zoning Code as they pertain to the various types of lodging facility regulations. Much of the language contained therein utilizes outdated terminology and is frequently inconsistent with other pertinent regulations. I have been working with my staff to develop a framework to create a comprehensive rental license program that would apply to short and long term residential rentals and the necessary text amendments to remove all of the inconsistencies in our existing codes relative to residential property rentals as well as to establish new regulations for short term vacation rentals with regard to single family homes. To date we have completed four different legislative bills for the County Commissioners' consideration. p.57

The first legislative bill involves numerous changes to the Zoning and Subdivision Control Article. Among its 17 separate sections, it removes certain antiquated definitions, revises or adds new definitions to reflect the addition of new regulations regarding short term rentals of residential dwellings, removes "conversion of architecturally significant dwellings into an inn" and "country inns" from several districts and puts all of these very similar uses under the term "bed and breakfast establishment" to simplify and streamline the Code, and makes subtle changes to Section § ZS 1-340 of the Zoning Code with respect to bed and breakfast establishments to make them more inclusive. This first bill also adds the keeping of not more than two roomers and boarders to select zoning districts that allow single family homes where they were previously omitted in error, creates an entirely new Zoning Code section to deal with the short term lodging issues from platforms such as AirBnb and Vacation Rental by Owner p.14

(VRBO) and provides that the County Commissioners may by resolution establish standards or require additional information to enforce the provisions.

The second bill repeals Section § TR 2-201 concerning Tourist Permits from the Taxation and Revenue Article and creates an entirely new section entitled Section § TR 2-106 Rental Licenses. This new section is the basis for the entire licensing program. As drafted so far, this section would require a rental license for any type of building, dwelling, recreational vehicle, hotel or motel, cottage, apartment, condominium or site for placement of a recreational vehicle or any other form of shelter for lodging or domicile regardless of the rental term. It further provides that the County Commissioners would set rental license fees by resolution and I recommend that such fees be established by the class of rental. For example, the license fee could be different for hotels and motels on a per room basis as opposed to an entire house or other place of accommodation. I believe it is most important that all rental properties have a license, however. There are also provisions for license applications, terms, renewals and display of licenses, restrictions on licenses, enforcement and revocation of licenses.

The third bill makes a limited number of changes to the Taxation and Revenue Article in Section § TR 1-601 Hotel Rental Tax to update the language with regard to rental units so that it is consistent with the other sections and articles referenced above. It is important to note that with the development of the rental license and the short term rental regulations, the maximum occupancy of a dwelling unit would remain as currently defined for a family or housekeeping unit in the Zoning Code, specifically, "an individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit." As drafted, these regulations would not permit the occupancy of a dwelling by multiple families or groups of unrelated persons, no matter the length of stay.

The fourth bill repeals Subtitle V Mobile and Manufactured Home Park Licenses in its entirety, which also serves to eliminate the excise tax for these uses. The lost revenue could be made up in whole or in part by the setting of the rental license fee for the individual mobile or manufactured home sites at whatever level determined necessary by the County Commissioners.

I would like to point out that there is not a rental license inspection component in any of the legislation. While inspections will certainly be necessary to address licensing complaints, there is currently no requirement for any type of inspection either before or after the issuance of a rental license. Additionally, the draft legislation affecting the Zoning and Subdivision Control Article as it applies to short term rentals permits the County Commissioners to adopt by resolution additional standards or require additional information to enforce the provisions of the Title. While I have not drafted such a resolution for consideration at this point, I suggest that it include such items as providing operable smoke and carbon monoxide detectors in all sleeping areas, posting a floor plan showing the path to the nearest exist, posting maximum occupancy limits, establishing minimum square footage requirements per occupant in sleeping rooms and requirements for a fire extinguisher.

Lastly, I recommend that any changes adopted relative to these recommendations become effective no earlier than January 1, 2020 and be accompanied by an aggressive public information campaign this coming Fall. Since any of these proposed changes would also affect the operations of the Treasurer's Office, I have consulted with Phil Thompson throughout this process. While I cannot speak for Mr. Thompson, I can say with regard to my department that, as outlined, we do not have sufficient staff to implement a comprehensive rental license program as drafted. If we were to contract with a consulting firm to identify short-term rentals such as Talbot County has done and Ocean City has contemplated, I expect it would only add to the staff requirements but would also generate additional revenue.

I look forward to discussing these issues with you and the County Commissioners at your convenience.

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
Phil Thompson, Finance Officer

AN ACT Concerning

Zoning - Boarding and Lodging Rentals

For the purpose of amending the Zoning and Subdivision Control Article to eliminate inconsistencies in existing codes, revise definitions and to establish new regulations for short term rentals of one-and two-family dwellings.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definitions of "boarding or lodging house" and "country inn" as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of "transient" as contained in Subsection § ZS 1-103(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:

TRANSIENT - When referring to a person, a person occupying or intending to occupy all or any portion of a structure for lodging on a temporary basis not to exceed twenty-eight consecutive days.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that the existing definition of "boarder or lodger" as contained in Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and replaced by the new terms "lodger" and "roomer or boarder" to read as follows:

LODGER - A person who receives sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for twenty-eight consecutive days or less.

ROOMER or BOARDER - A person who receives sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for more than twenty-eight consecutive days and who is not part of the resident family.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Subsection § ZS 1-103(b) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a definition of the term "short term rental" to read as follows:

SHORT TERM RENTAL (STR) - All or a portion of any dwelling unit or all of an accessory apartment that is rented to a lodger for sleeping accommodations on a basis not to exceed twenty-eight consecutive days. Short term rentals do not include bed-and-breakfast establishments. See § ZS 1-351 hereof.

Section 5. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-105(c) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new subsection § ZS 1-105(c)(7) to read as follows:

See
p.19

- (7) Short term rentals, subject to the provisions of § ZS 1-351 hereof.

Section 6. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-202(c)(26) and ZS 1-202(c)(27) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-202(c)(28) through ZS 1-202(c)(46) be renumbered as Subsections §§ ZS 1-202(c)(26) through ZS 1-202(c)(44) respectively.

See
p.20

Section 7. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-203(c)(4) and ZS 1-203(c)(5) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-203(c)(6) through ZS 1-203(c)(22) be renumbered as Subsections §§ ZS 1-203(c)(4) through ZS 1-203(c)(20) respectively.

See
p.20

Section 8. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-203(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-203(d)(11) to read as follows:

See
p.21

- (11) The keeping of not more than two roomers or boarders.

Section 9. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-204(c)(11) and ZS 1-204(c)(12) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-204(c)(13) through ZS 1-204(c)(22) be renumbered as Subsections §§ ZS 1-204(c)(11) through ZS 1-204(c)(20) respectively.

See
p.22

Section 10. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-204(e) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-204(e)(12) to read as follows:

See
p.21

- (12) The keeping of not more than two roomers or boarders.

Section 11. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-208(c)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-208(c)(2) through ZS 1-208(c)(18) be renumbered as Subsections §§ ZS 1-208(c)(1) through ZS 1-208(c)(17) respectively.

See
p.23

Section 12. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-215(d) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be amended by the addition of a new Subsection § ZS 1-215(d)(8) to read as follows:

See
P.21

- (8) The keeping of not more than two roomers or boarders.

Section 13. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-340(b)(1) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

See
P.24

- (1) No bed-and-breakfast facility shall contain more than twenty guest sleeping rooms. Only designated rooms shall be used for sleeping.

Section 14. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsection § ZS 1-340(b)(7) 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:

See
P.25

- (7) No guest shall be permitted in a bed in a bed-and-breakfast facility for more than twenty-eight consecutive nights.

Section 15. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Subsections §§ ZS 1-340(b)(9) of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and existing Subsections §§ ZS 1-340(b)(10) and ZS 1-340(b)(11) be renumbered as Subsections §§ ZS 1-340(b)(9) and ZS 1-340(b)(10) respectively.

See
P.25

Section 16. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § ZS 1-351 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

New

§ ZS 1-351. Short term rentals.

- (a) Generally. It is the intent of these regulations to maintain the neighborhood character where short term rentals take place and protect the health, safety and general welfare of the permanent residents and the lodgers while allowing this form of renting to exist.

(b) Requirements.

- (1) Any dwelling unit or portion thereof that is offered as short term rentals must conform to the provisions of this Title.
- (2) Any property used or planned to be used for short term rentals shall be

limited to a single rental contract for any overnight period regardless of the number of available sleeping rooms in the principal dwelling unit or accessory apartment.

(3) Occupancy.

- A. Where the entire dwelling unit or accessory apartment is being offered for rent, occupancy shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) hereof.
- B. Where a portion of the principal dwelling is being offered for rent, occupancy shall consist of a maximum of two sleeping rooms that may accommodate up to two lodgers per room not including children under the age of twelve but in no case a greater number of lodgers than may be permitted by the zoning district regulations.
- C. Accessory apartments shall only be rented in their entirety and shall be limited to a maximum of one family or housekeeping unit as defined in § ZS 1-103(b) herein. Accessory apartments shall also be subject to the provisions of § ZS 1-338 hereof.

(4) No modifications shall be made to the dwelling unit which shall change the functionality, appearance or principal design of the structure as an individual dwelling unit.

- (5) There shall be no mandatory parking beyond those spaces required under the provisions of § ZS 1-320(a) for the existing permitted structure(s). However, no owner, occupant or lodger shall park a vehicle in such a manner that the vehicle blocks or impedes vehicular access to, or is located within, any public or private rights-of-way.

Revised
- see
p. 5

- (6) The property owner shall maintain a record of the names of all lodgers, including their address, phone number and email address as applicable, as well as the dates of lodging. Such record shall be provided to the County upon request.
- (7) The property owner or their authorized agent shall make the dwelling unit available for inspection during reasonable hours upon request by the County in order to verify compliance with the provisions of this Title.
- (8) On-premises signage shall be permitted in accordance with the provisions of § ZS 1-324.
- (9) The hosting of functions and events, including but not limited to wedding ceremonies, wedding receptions, family reunions, birthday and anniversary celebrations, corporate and employee appreciation parties and other similar gatherings of persons other than the authorized lodgers, shall be prohibited

DRAFT

in association with any short term rentals, regardless of whether or not any form of compensation or barter has been paid or received by any individual or firm for the event.

- (10) The County Commissioners by Resolution may establish additional standards or require additional information as deemed necessary to enforce the provisions of this Title.

Section 17. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.

§ ZS 1-105. Interpretation and application of Title.

- (a) Generally. In their interpretation and application, the provisions of this Title shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Wherever the requirements of this Title are at variance with the requirements of any other lawfully adopted laws, rules, regulations, ordinances, deed restrictions or covenants, the more restrictive or those imposing the higher standards shall govern. Enforcement under this Title shall, however, be limited to enforcement of the terms of this Title, as well as regulations, requirements, conditions and restrictions adopted or imposed pursuant hereto. Only those covenants, deed restrictions or provisions which are required by the Planning Commission, the County Commissioners or agency thereof as a condition of approval obtained hereunder and are clearly indicated as so required upon a document recorded among the land records of the County, unless otherwise required by law, shall be enforceable by the County Commissioners or any agency thereof under the provisions of this Title.
- (b) Uses not specifically permitted. Uses not specifically permitted by the district regulations are prohibited unless authorized by special exception upon a determination by the Board of Zoning Appeals that the use is of the same general character as a permitted use in the particular district, is not specifically mentioned in another district and is compatible with the general character and intent of the district for which the determination is made.
- (c) Uses permitted in all districts. Although not specifically mentioned in the district regulations, the following uses shall be permitted in all primary districts subject to the limitations contained herein:
- (1) Raising of vegetable, field and nursery crops. No lot requirements shall apply for crops.
 - (2) Timber growing and harvesting. No lot requirements shall apply.
 - (3) Drainage structures and similar works for flood prevention and erosion control. No lot requirements shall apply.
 - (4) Directional signs, subject to the provisions of §§ ZS 1-116(c)(3) and ZS 1-324(d)(2) hereof.
 - (5) Transient uses, subject to the provisions of §§ ZS 1-116(c)(3) and ZS 1-337 hereof.
 - (6) Small and medium solar energy systems and heating equipment, subject to the requirements of § ZS 1-344(d) hereof. [Added 3-15-2011 by Bill No. 11-2]

Add (7)

A-2 District and E-1 District

§ ZS 1-202

PRIMARY DISTRICT REGULATIONS

§ ZS 1-202

Delete

- (26) Conversion of an existing historic or architecturally significant dwelling into an inn of a type compatible with the character of the neighborhood but not for use as a nightclub, tavern or roadhouse. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Historic inns shall be established only with Health Department approval and shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof. To be considered "historic," a dwelling must be on or eligible for inclusion on the National Register of Historic Places. Existing inactive inns may be reactivated under the provisions of this section. The dwelling may not be enlarged to the extent that the public areas of the inn constitute an addition of more than fifty percent of the first floor area of the original dwelling. Dining facilities are permitted, but dining areas may not exceed fifty square feet per sleeping room. Required parking shall be the same as required for hotels/motels. No external architectural modifications which alter the original character of the dwelling shall be permitted.
- (27) Country inns for transient overnight guests. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Country inns shall be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof. Country inns shall contain a minimum of seven sleeping rooms and a maximum of twenty sleeping rooms. Required parking shall be the same as required for hotels/motels.
- (28) Bed-and-breakfast establishments, subject to the provisions of § ZS 1-340 hereof.
- (29) Surface mining in accordance with the provisions of § ZS 1-330 hereof.
- (30) Commercial riding and boarding stables for three or more animals. Minimum lot requirements shall be: lot area, five acres; lot width, five hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. Furthermore, stables shall be located at least two hundred feet from any perimeter property line or public road right-of-way, and there shall be one acre of lot area for each animal stabled.
- (31) Conversion of existing vacant or inactive structures previously utilized for commercial, industrial or agricultural processing purposes into uses consistent with the intent of the A-2 District and its permitted principal uses and with the general character of the surrounding area. Minimum lot requirements shall be as determined and approved by the Board of Zoning Appeals. Conversion of existing structures shall be established only with Health Department approval and shall be subject to the provisions of § ZS 1-325 hereof.
- (32) Churches, temples and mosques. Minimum lot requirements shall be: lot area, two acres; lot width, two hundred feet; front yard setback, thirty feet [see

or public road and no variance to this requirement is permitted notwithstanding the provisions of § ZS 1-116(c)(4). Any amplified music associated with such a use must end by 11:00 p.m. [Added 9-19-2017 by Bill No. 17-914]

- (22) Any use or structure which is determined by the Board of Zoning Appeals to be of the same general character as an above-permitted use, not specifically mentioned in another district and compatible with the general character and intent of the E-1 District.

(d) Accessory uses and structures. The following accessory uses and structures shall be permitted in the E-1 District:

- Same for V-1 District and RP District
- (1) Noncommercial private residential parking garages and areas, stables for horses or ponies, swimming pools and other customary nonresidential outbuildings and structures for the use of residents. Stables shall be at least fifty feet from any perimeter property line or public road right-of-way and at least two hundred feet from any existing dwelling on adjoining properties.
 - (2) Customary incidental home occupations, subject to the provisions of § ZS 1-339 hereof.
 - (3) Roadside stands not to exceed a maximum of one hundred fifty square feet in size and offering for sale fresh agricultural products, operated by the property owner or tenant of the premises upon which such stand is located. Such stands shall be located so as not to create a traffic hazard, shall be completely removed at the end of the fresh product season and shall be subject to the provisions of § ZS 1-305(h)(2)A hereof. Signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (4) Signs on the premises advertising a lawful use conducted on the premises and temporary and directional signs. All signs shall be subject to the provisions of § ZS 1-324 hereof.
 - (5) Private waterfront structures, subject to the provisions of § NR 2-102 of the Natural Resources Article of the Code of Public Local Laws of Worcester County, Maryland and § ZS 1-335 hereof.
 - (6) Temporary buildings and structures, subject to the provisions of § ZS 1-334 hereof.
 - (7) Accessory apartments, subject to the provisions of § ZS 1-338 hereof.
 - (8) Yard sales, subject to the provisions of § ZS 1-341 hereof.
 - (9) On a farm, as herein defined, a second single-family dwelling for the farm owner, farm tenant or member of his immediate family or for a person primarily engaged in the operation of the farm, provided that the dwelling is located such that, if it were subdivided from the main parcel, it could meet all of the requirements for a single-family dwelling in the E-1 District.
 - (10) On a farm, as defined herein, not more than two manufactured homes for the farm owner, tenant or member of his immediate family or for persons primarily engaged in the operation of the farm, provided that such manufactured homes are located in the farm building group, no closer to any public road right-of-way than the principal building, no closer than the required front yard setback and not less than one hundred feet from any side or rear lot line. Such manufactured homes shall be located only with the Environmental Programs Division approval, subject to the provisions of § ZS 1-314 hereof. A manufactured home in the farm building group shall be located within two hundred feet of the main farm building or accessory farm structure.

Add (n) →

§ ZS 1-305(b) hereof]; each side yard setback, fifteen feet; and rear yard setback, thirty feet; and subject to the provisions of §§ ZS 1-305(r) and ZS 1-325 hereof.

- (10) Assisted living facilities, provided they are residence-based and serve no more than five clients. Minimum lot requirements shall be: lot area, eighty thousand square feet; lot width, two hundred feet; front yard setback, fifty feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet; and subject to the provisions of § ZS 1-325 hereof.

Delete

- (11) Boarding or lodging houses limited to six boarders or roomers in addition to the resident family and in accordance with the Worcester County Rental Housing Code,⁸ subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet.

- (12) Country inns for transient overnight guests shall contain a minimum of seven rooms and a maximum of twenty rooms. Required parking shall be the same as required for hotels/motels. Minimum lot requirements shall be: lot area, five acres; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet. Country inns will be subject to the provisions of §§ ZS 1-322 and ZS 1-325 hereof.

- (13) Group homes. Minimum lot requirements shall be: lot area, ten thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, eight feet; and rear yard setback, thirty feet. The applicant shall provide evidence that such facility shall be of sufficient size to accommodate the proposed number of developmentally disabled persons and staff and that the facility will not constitute a nuisance. Such facility shall be subject to the provisions of § ZS 1-325 hereof, and no group home shall be located within one thousand feet of any other group home.

- (14) Public utility structures and properties other than essential services as defined in § ZS 1-121 hereof, including cross-County lines and mains of all kinds, subject to the provisions of § ZS 1-325 hereof. Minimum lot requirements for construction, maintenance or storage buildings or yards shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet. See § ZS 1-328 hereof for lot requirements for all other facilities. During its review of any public utility structure or property, the Planning Commission may require screening, buffering or landscaping of said structure or property where deemed necessary to protect adjoining land uses.

- (15) Wastewater and water treatment facilities, with the exception of sewage sludge disposal areas, in accordance with the provisions of § ZS 1-328 hereof.

8. Editor's Note: See § BR 3-101 et seq. of the Building Regulations Article of the Code of Public Local Laws of Worcester County, Maryland.

- (c) Special exceptions. The following principal uses and structures may be permitted by special exception in the R-4 District in accordance with the provisions of § ZS 1-116(c) hereof:

Delete

- (1) Boarding and lodging houses. Minimum lot requirements shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; lot area per boarder or lodger, two thousand square feet; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
- (2) Nursing facilities and assisted living facilities. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (3) Planned senior developments, subject to the provisions of § ZS 1-316 hereof.
- (4) Schools, including boarding schools. Minimum lot requirements shall be: lot area, five acres; lot width, four hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, fifty feet; and rear yard setback, fifty feet
- (5) Day-care centers. Minimum lot requirements shall be: lot area, twelve thousand square feet [see § ZS 1-305(l) hereof]; lot width, eighty feet; front yard setback, twenty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, six feet; and rear yard setback, thirty feet.
- (6) Churches, temples and mosques. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, twenty feet; and rear yard setback, twenty feet.
- (7) Cemeteries, including chapels and mausoleums. Minimum lot requirements shall be: lot area, forty thousand square feet; lot width, two hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; and no side or rear yard setbacks shall apply unless imposed by the Board. No structures, monuments or grave sites shall be located in any required yard setback.
- (8) Private noncommercial marinas designed for the mooring, launching and fueling of pleasure craft, provided that dry storage and boat maintenance facilities do not exceed twenty-five feet in height. Minimum lot requirements shall be: lot area, twenty thousand square feet; lot width, one hundred feet; front yard setback, thirty-five feet [see § ZS 1-305(b) hereof]; each side yard setback, thirty feet; and rear yard setback, thirty feet; provided, however, that any such marina, boat storage, launching or maintenance facility must be incidental to a principal permitted use or structure, group of uses or group of structures and located on the same or on a contiguous lot or tract of land. Such marina, boat storage, launching or maintenance facility may serve a single lot or group of lots, provided that it is contiguous to one or more of such lots or a common area contiguous to and serving the lots. Any marina, boat storage, launching or maintenance facility may not provide for the docking, storage or maintenance of more than one boat per lot or per dwelling unit. The Board of Zoning Appeals may grant a waiver of the

- (3) Nothing, other than parts or supplies used in the occupation, shall be sold or stocked on the premises except what is produced on the premises or as permitted by special exception by the Board of Appeals.
- (4) There shall be no visible change in the outside appearance of the building or premises, except for one sign as provided in § ZS 1-324 hereof.
- (5) The occupation shall not create noise, vibration, glare, light trespass, fumes, odors or electrical interference which is objectionable to neighboring uses.
- (6) The use of the dwelling unit for such occupation shall not generate substantial amounts of vehicular or pedestrian traffic.
- (7) Off-street parking shall be provided in accordance with the provisions of § ZS 1-320 hereof.
- (8) The operation of a day-care home shall be considered a home occupation and shall not be subject to the six-hundred-square-foot gross floor area limitation as specified in this section or to any off-street parking requirements.
- (9) The operation of a large day-care home as defined in § ZS 1-103(b) hereof shall be considered a home occupation in the A-1 and A-2 Agricultural Districts and in the E-1 Estate District and shall not be subject to the six-hundred-square-foot gross floor area limitation as specified in Subsection (a)(1) hereof nor to any off-street parking requirements. [Added 2-18-2014 by Bill No. 14-1^s]
- (10) In the A-1 and A-2 Districts on parcels greater than eighty thousand square feet in area, the area used for a home occupation in an existing accessory building or the gross floor area of a single accessory building to be constructed for a home occupation may comprise up to three thousand square feet in gross floor area.
- (11) A home occupation shall not be interpreted to include animal boarding facilities, restaurants, lounges, overnight exterior storage, body piercing establishments or tattoo establishments.
- (12) Engaging in agriculture shall not be considered a home occupation.

§ ZS 1-340. Bed-and-breakfast establishments.

- (a) Bed-and-breakfast defined. A "bed-and-breakfast establishment" shall be a single-family, owner-occupied dwelling in which overnight sleeping rooms are rented on a short-term basis to transients.

Revise (b) Restrictions on bed-and-breakfast establishments.

- (1) No bed-and-breakfast facility shall contain more than six guest sleeping rooms. Only designated rooms shall be used for sleeping.

5. Editor's Note: This bill also renumbered former Subsection (a)(9), (10) and (11) as Subsection (a)(10), (11) and (12), respectively.

- (2) A minimum of one full bathroom with a lavatory, toilet and shower or tub or combination thereof shall be available for every three guest rooms.
- (3) No guest room shall contain more than two beds.
- (4) Off-street parking shall be provided at the rate of one space per guest room and two spaces for the owner-occupant.
- (5) No cooking facilities shall be permitted in any guest room.
- (6) Upon conversion of an existing dwelling to a bed-and-breakfast facility, no additional entrance shall be permitted in the front facade.
- Revise (7) No guest shall be permitted in a bed-and-breakfast facility for more than fourteen consecutive nights.
- (8) No more than four persons shall simultaneously occupy any one sleeping room in a bed-and-breakfast facility.
- Delete (9) There shall be no more than two nonresident employees in or about the bed-and-breakfast facility.
- (10) No on-premises sign advertising the bed-and-breakfast facility shall exceed four square feet.
- (11) Meals shall be served only to overnight guests, owners, the owners' family or employees of the bed-and-breakfast facility.

§ ZS 1-341. Yard sales.

- (a) Generally. A yard sale may be conducted only pursuant to a permit issued by the Department, except as exempted in this section.
- (b) Exemption. Two yard sales per calendar year may be conducted by the owners of a lot within the County on their lot and subject to the provisions stated in Subsection (c) hereof and such yard sales shall be exempted from the permit requirements of this section. Any additional yard sales conducted on the premises shall be required to obtain a yard sale permit as described in this section.
- (c) Requirements. The Department shall issue a permit for a yard sale meeting the following requirements:
- (1) In addition to the two yard sales per calendar year which are exempt from the permit requirements as cited in Subsection (b) hereof, no more than three yard sale permits shall be issued for any one parcel in any one calendar year.
 - (2) Each yard sale permit shall be for a period not to exceed seventy-two consecutive hours.
 - (3) A yard sale permit may provide for alternative dates.
 - (4) The display area for any yard sale shall not exceed one thousand square feet.

AN ACT Concerning

Taxation and Revenue - Licenses and Permits

For the purpose of amending the Taxation and Revenue Article to eliminate tourist permits and to provide for rental licenses for any sleeping accommodations.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Section § TR 2-201 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be deleted and existing Section § TR 2-202 be renumbered as Section § TR 2-201.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § TR 2-106 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

§ TR 2-106. Rental licenses.

- (a) Definitions. For the purposes of this section the words and terms contained herein shall have the meanings and interpretations as ascribed by the definitions contained in Section § ZS 1-103 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.
- (b) License required. No person, firm or corporation or any other entity with an interest in real property shall rent or offer for rent all or any portion of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations or any lot or parcel of land for the purposes of placing a manufactured or mobile home, recreational vehicle or tent, regardless of the length of the rental term, without first obtaining a rental license from the Department. Rental licenses shall be issued only to the property owner.
- (c) License fees. Rental license fees shall be established by resolution of the County Commissioners. License fees payable upon application are non-refundable and no license fee will be prorated, upon cancellation, whether voluntary or otherwise.
- (d) Applications. Applications for a rental license shall be made on forms provided by the Department. The application shall be submitted to the Department together with the following information:
- (1) For buildings or structures other than a hotel or motel where only a portion of the principal or accessory structure or building on a property is being offered for rental the applicant shall provide a floor plan drawn to scale that clearly shows the sizes and uses of all rooms and areas in the structure and those rooms and/or areas

that may be available to rent. The floor plan shall indicate the maximum number of persons permitted in each sleeping area. Additionally, a site plan of the property shall be provided which clearly shows any outdoor areas of the property that are available for use by those renting a portion of the principal or accessory building or structure, including the area designated for off-street parking.

- (2) For hotels and motels the applicant shall provide a list of all rooms available for rent, including the room number, the gross square footage of the room and the maximum number of persons permitted in each room.
- (3) For all buildings or structures where the entire building or structure is being offered for rent the applicant shall provide a floor plan drawn to scale that clearly shows the sizes of all rooms and areas in the structure and their intended use. In addition, the floor plan shall indicate the maximum number of persons permitted to occupy the structure.
- (4) For all manufactured or mobile home parks and campgrounds other than cooperative campgrounds as defined in Section § ZS 1-318(a), the applicant shall provide a list of all lots or sites in the park or campground and the maximum number of persons permitted to occupy each lot or site.
- (5) A copy of the standard lease or rental agreement and a copy of any house or property rules for renters.
- (6) The names, mailing address, e-mail address and telephone number of all of the property owner(s) and, if applicable, the property manager and resident agent, any of whom may be contacted twenty-four hours a day during any property rental period. The signature of all property owners shall be provided on the application.
- (7) Any other information determined necessary by the Department to ensure compliance with the terms of this Title and the laws and regulations adopted under any other Title of the Code of Public Local Laws of Worcester County, Maryland.

(e) License term, renewal and display of license.

- (1) Applications for all new rental licenses may be made at any time. However, all rental licenses shall be valid for a period of one year from the date of issuance as shown on the rental license.
- (2) All applications for license renewals shall be made on forms provided by the Department and submitted not less than sixty days prior to the expiration of the license. The information required to be submitted for a new rental license as listed in Subsection (d)(1) through (d)(7) herein need not be submitted provided that none of the information has changed since the last license renewal. If the application for renewal is not received at least sixty days prior to the license expiration, it will be treated as a new application and shall comply with all initial application requirements. If a rental license expires without being renewed as

provided herein, the property shall not be used for rental purposes described by this Section until a new license application is submitted, approved and issued as provided for herein.

- (3) All issued rental licenses shall be prominently displayed on the premises to which it applies and shall be available for inspection at all times and to the County.
- (4) All advertising, whether by print, electronic, audible or in any other form or substance designed or used to inform as to the availability of any property for rent which is subject to the terms of this Section, shall contain the valid rental license number issued in accordance with this Section.

(f) Uses allowed and restrictions on licenses.

- (1) Only those areas, uses and number of residents, roomers, boarders or lodgers or any other parameter specifically mentioned in the rental license shall be permitted. No property for which a rental license has been issued shall be expanded or altered nor the types of rental arrangements modified to be other than those specifically described in the rental license without the licensee first applying for and being issued a new rental license which includes the expansion, alteration or modifications. Additionally, all properties used for the rental purposes described herein shall conform to the limitations and restrictions contained in the Zoning and Subdivision Control Article for the zoning district in which the property is located and the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle I Rental Housing Code, of the Code of Public Local Laws.
- (2) Rental licenses are not transferable. If a property is transferred, the rental license shall expire on the day the property is transferred and the property shall not thereafter be used for rental purposes until a new license is issued. Contract purchasers may apply for a new rental license prior to settlement on a property. However, the license shall not be issued until the new property owner provides the Department with proof of property transfer. There shall be no refunds of rental license fees for the unused portion of the license term or for unissued rental licenses when applied for by contract purchasers prior to property settlement in the event the property transfer does not occur.
- (3) A rental license may not be issued unless the subject property is in full compliance with all State and local laws and regulations.

(g) Administration and enforcement, inspection and penalties.

- (1) The responsibility for the administration and enforcement of this Title shall be vested in such County Department (hereinafter called the "Department") as designated or created for such purpose by the County Commissioners. The Department may delegate to its own personnel and to other persons such duties and responsibilities in connection with the administration and enforcement of this

Title as are appropriate in the Department's judgement. The staff of the Department or any public safety or law enforcement agency or department shall have the right to enter upon any property for which a rental license has been issued hereunder in order to inspect such license and such property or parts of such property which are covered by the license provided, however, that nothing herein shall be so construed so as to give said individuals the right or privilege of entering upon any such premises or any part thereof while the same are under the control or supervision of a tenant of the license holder without permission of that tenant or having obtained a valid search warrant, if applicable, unless such premises is usually and customarily open to members of the public.

- (2) If the Department shall find that any of the provisions of this Title are being violated, it shall notify the property owner and, if applicable, the property manager or resident agent either by certified mail, by posting the property or by other appropriate method, including by e-mail with delivery and read receipts requested. Such notification shall indicate the nature of the violation and order the action necessary to correct it within a reasonable period of time as determined by the Department.
- (3) At the conclusion of such reasonable period, if the violation has not been satisfactorily corrected in the judgement of the Department, the Department shall take appropriate action to bring about the correction of such violation or shall take any other action authorized by law to ensure compliance with this Section and prevent violation of its provisions. Violations of the provisions of this Section or failure to comply with any of its requirements shall constitute a civil infraction. Potential penalties may include but are not limited to suspension or revocation of the license, fines, filing of an injunction to bring about correction of any violations, and abatement of imminent dangers to the health and safety of the occupants as determined by the Department. Each day of a violation constitutes a separate offense. The remedies available to the County and the Department under this Title are cumulative and not exclusive.
- (4) Any person establishing, maintaining, renting or operating any place as herein described without first obtaining a rental license or operating or maintaining the same in violation of this Section or regulations or standards adopted by resolution of the County Commissioners shall be guilty of a civil infraction.
- (5) In the event that a rental license is revoked, the Department shall not issue a rental license for that particular property for a period of three years to the former license holder or member of the former license holder's housekeeping unit as defined in § ZS 1-103(b).
- (6) After providing the owner of the licensed property an opportunity to be heard, the County Commissioners may revoke, suspend or refuse to renew any rental license issued in accordance with this Section for any of the following reasons:
 - A. A material falsification, as determined by the County Commissioners, of

any information supplied on a rental license application or in any additional information supplied by the property owner, applicant, property manager or any person as part of the rental license application or renewal process.

- B. Any activity conducted on the licensed premises that is or would be detrimental to the health, safety or welfare of the public as determined by the County Commissioners.
- C. Conviction of an applicant, property owner, applicant, property manager or any person in control of a property of any felony crime, regardless of where committed, or any violation of gambling, alcoholic beverage, controlled substance or prostitution laws during the rental license period by any person while on the property.
- D. A repeated failure to conform to the rental license conditions, any rules and regulations adopted by resolution of the County Commissioners with regard to properties licensed under this Section, the Zoning and Subdivision Control Article of the Code of Public Local Laws as it applies to rental properties or the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle 1 Rental Housing Code of the Code of Public Local Laws.
- E. Recurrent offensive conduct or behavior of any person or persons on the property causing a public nuisance or disturbance as determined by the County Commissioners.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.

Current
Code

Title 2

LICENSES AND PERMITS

SUBTITLE I Licenses

- § TR 2-101. Music boxes, player pianos and other mechanical music devices.
- § TR 2-102. Coin-operated vending machines, general provisions.
- § TR 2-103. Licensing of coin-operated vending machines; fees;

exemptions; additional regulations.

- § TR 2-104. Peddlers and salesmen.
- § TR 2-105. Amusement devices and arcade licenses.

Add 2-106. Rental Licenses.

SUBTITLE II Permits

- § TR 2-201. Tourist permits.
- § TR 2-202. Gaming permits.

Delete

[HISTORY: Adopted by the Board of County Commissioners of Worcester County 8-25-1981 by Bill No. 81-5 as Title 2 of the Taxation and Revenue Article of the 1981 Code. Amendments noted where applicable.]

SUBTITLE I Licenses

- § TR 2-101. Music boxes, player pianos and other mechanical music devices. [Amended 11-10-1987 by Bill No. 87-5]

Every person, firm or corporation keeping, maintaining or operating for public entertainment in Worcester County any music box, mechanical player piano, graphophone or other similar mechanical musical device played by the insertion of a coin or token shall obtain an annual county license therefor from the Board of County Commissioners of Worcester County and shall pay fees as set by resolution of the County Commissioners for each independent coin-operated speaker delivering music on the same premises. Each machine or device licensed must have affixed to it a tag issued by said Board, showing that the fee for the current year has been paid. All licenses shall expire on the 30th day of April of each year, shall not be transferable and shall not be prorated. Any person, firm or corporation keeping, maintaining or operating any such machines or device without such license shall be guilty of a civil infraction.

- § TR 2-102. Coin-operated vending machines, general provisions.

The County Commissioners of Worcester County are hereby authorized to provide for the licensing of each person, firm or corporation selling or offering for sale through or by means of coin-operated vending machines any article or goods or merchandise, to establish the license fees and to prescribe regulations for the issuance of said licenses. Said Commissioners are further authorized to provide a metal tag or stamp to be applied to such vending machines upon

- (2) Free-play pinball machines with a push button or other device or scheme to release registered free plays.
- (b) Permitted machines by license. The following are legalized if properly licensed hereunder:
- (1) Multiple-coin free-play pinball machines without a push button or other device or scheme to release registered free plays are legalized for an annual license fee of not less than twenty-five dollars nor more than one hundred dollars each, as established by resolution of the County Commissioners, which shall be due regardless of whether or not an arcade license is purchased pursuant hereto.
 - (2) Claw machines, shuffleboard, mechanical bowling machines, single-coin pinball machines or any similar device for public amusement only whose operation requires the insertion of a coin or token and the result of whose operation depends in whole or in part upon the skill of the operator are legalized for an annual license fee of not less than ten dollars nor more than fifty dollars each, as established by resolution of the County Commissioners.
- (c) Arcade licenses. Arcade licenses in lieu of individual licenses for machines listed under Subsection (b)(2) hereof.
- (1) For any arcade having from fifty to one hundred machines or devices described in Subsection (b)(2) above, annual license fee of one thousand dollars.
 - (2) For any arcade having more than one hundred and not more than one hundred and fifty machines or devices described in Subsection (b)(2) above, annual license fee of one thousand five hundred dollars.
 - (3) For any arcade having more than one hundred fifty and not more than two hundred machines or devices described in Subsection (b)(2) above, annual license fee of two thousand dollars.
 - (4) For any arcade having more than two hundred machines or devices described in Subsection (b)(2) above, annual license fee of two thousand five hundred dollars.
- (d) Violations. Any person who violates the provisions of this section shall be guilty of a civil infraction. [Added 11-10-1987 by Bill No. 87-5]

SUBTITLE II
Permits

Delete

§ TR 2-201. Tourist permits.

(a) General provisions.

- (1) All rules, regulations, provisions and requirements enacted, adopted and established by the County Commissioners of Worcester County, Maryland, herein shall be in addition to and not in substitution of the provisions of Article 25, § 27, of the Annotated Code of Maryland, 1957 Edition.
- (2) No person, firm or corporation shall establish, maintain or operate any tourist camp, cabins for hire, any tourist cabin, motel, apartment house or rooming house or any

other structure or building, including trailers or trailer homes, whether mounted on wheels or not, and tents, capable of being rented to four or more persons at any one time, and for rental to or for use by transients, tourists, vacationers or persons residing temporarily in, on or upon such premises for a period of less than six months, outside of the corporate limits of any incorporated town or city in Worcester County, Maryland, without first having obtained a tourist permit from the County Commissioners thereof.

- A. Any trailer park wherein trailers or trailer homes are kept and maintained for the purposes of renting to others and any tenting or camping area where tents, cabins or other living quarters are kept and maintained for the purpose of renting to others shall also be deemed to be a tourist camp for the purposes of this section.
- B. Any cabin, tent or trailer, outside of a tourist camp as set forth above, containing or capable of containing sleeping accommodations for the use of four or more persons at any one time shall be deemed to be within the meaning of this section.
- C. Any rooming house containing one or more bedrooms or sleeping rooms, all of which contain or are capable of containing sleeping accommodations for the use of four or more persons at any one time, shall be deemed to be within the meaning of this section.
- D. Any person, firm or corporation having control over or maintaining any trailer park, tenting area or camping area where it is permitted to park, erect or maintain trailers, tents or other structures, not owned by such person or firm or corporation, but held out for the purposes of rental as set forth above, shall be responsible for obtaining a tourist permit therefor.
- E. A dormitory shall be considered to be a rooming house within the meaning of this section.
- F. The words "hotel" and "motel" are hereby deemed to be synonymous within the meaning of the provisions of this section, and any building or structure called or known as a "hotel" shall be subject to the provisions hereof.

(b) Applications.

- (1) Applicants for a tourist permit shall make application on forms to be supplied by the County Commissioners for Worcester County, upon request addressed to the License Clerk of the County Commissioners, Snow Hill, Maryland.
- (2) All applications must contain the following:
 - A. The proper name and permanent mailing address of the applicant.
 - 1. If the applicant is the owner of the premises, each owner must apply, including husband and wife; if the applicant is a tenant or lessee, each tenant or lessee must apply, including husband and wife.
 - 2. If the applicant is a firm or partnership, each member of such firm or partnership must apply, and the trade name and address, if any, of the firm or partnership must be listed.

3. If the applicant is a corporation, application must be made in the name of the corporation, signed by the president or vice president thereof, and the names and permanent mailing addresses of the principal officers must be listed.
- B. The address or description of the location of the premises.
- C. A description of the premises for which the permit is requested, such as tourist camp, tourist cabin, trailer park, motel, etc.
- D. If the applicant is not the owner of the premises, the name and permanent mailing address of the owner and a statement of how the premises are held by the applicant under such owner, such as tenants, subtenant, trustee, agent, etc.
- E. A statement of the number of units contained, maintained or erected upon the premises for which the tourist permit is sought. For the purpose of this provision, a "unit" is defined as follows:
 1. Each apartment or living unit held for rental in an apartment house building shall be considered to be one unit.
 2. Each separate apartment, living unit or room used for sleeping accommodations held for rental in a hotel or motel shall be considered to be one unit. The fact that two rooms used for sleeping accommodations may at times be used as one apartment or living unit by the use of connecting doors shall not destroy their individual identity for the purposes of this section.
 3. Each cabin, trailer, tent or other structure or building used for or capable of being used for sleeping accommodations in a tourist court, trailer park or tenting or camping area and held for rental shall be considered to be one unit.
 4. Each bedroom or sleeping room held for rental in a rooming house shall be considered to be one unit.
 5. In a dormitory, two double beds or four single beds held for rental shall be considered to be one unit.
 6. Where not in one of the above classifications, each cabin, trailer, tent, building or other structure containing or capable of containing sleeping accommodations for one or more persons at any one time and held for rental shall be considered to be one unit.
- (3) All applications shall be filed with the License Clerk to the County Commissioners of Worcester County, Snow Hill, Maryland, together with the required fee for the issuance of a tourist permit. If the application is approved, the County Commissioners will retain said permit fee. If the application is denied, the permit fee will be returned to the applicant at the mailing address set forth in the application.
- (4) All activities conducted pursuant to any permit granted hereunder shall be conducted in a manner such as, in the discretion of the County Commissioners, shall not be detrimental to the health, safety, welfare and morals of the public.

(5) Renewal applications shall be made in the same manner as hereinabove set forth.

(c) Action of County Commissioners; hearing.

(1) Within a reasonable time after receipt of the application, the County Commissioners may approve the application, without hearing. If the application is approved, a tourist permit will be granted to the applicant and mailed to him at the address appearing on the application. If the application is not approved, the applicant shall be so notified of such by letter setting forth the reasons for failure to approve the same and mailed to the applicant at the address appearing on the application.

(2) Hearing.

A. Within ten days from the date of receipt of notice of failure to approve the application, an applicant may file a written request to the County Commissioners for a hearing on such application. The County Commissioners shall thereupon set the same for hearing not later than twenty days from the date of receipt of such written request and shall notify all parties in interest thereof, by mail, at least five days prior thereto.

B. The County Commissioners shall render a decision on the matters and facts brought forth at such hearing on or before twenty days from the date of such hearing and shall notify all parties in interest of such decision by mail. Such decision shall be final. If the County Commissioners determine that the application meets all applicable health, safety, fire, zoning and building standards, the application must be approved.

C. Any hearing may be postponed or continued from time to time by the County Commissioners, in their discretion, at their convenience or upon request of a party in interest for cause.

(d) Revocation or suspension.

(1) The County Commissioners may revoke or suspend a tourist permit, in their discretion, for cause, after notice and hearing, and upon its own motion.

(2) The procedure for such hearing and notice shall generally conform to the provisions of Subsection (c) above.

(e) Reasons for denial of application, revocation or suspension.

(1) The County Commissioners may, in their discretion, deny an application or revoke or suspend a tourist permit for the following reasons:

A. An incomplete or incorrect application.

B. The activity is or would be detrimental to the health, safety or welfare of the public.

C. Conviction, within the period of one year, of an applicant of any crime committed upon the premises involving a breach of morals or violations of gambling or alcoholic beverage laws.

- D. Failure to conform to the rules and regulations prescribed or any subsequent amendments thereto.
 - E. Recurrent offensive conduct or behavior of any person or persons on the premises, causing a public nuisance or disturbance.
- (f) Permit year, proration, fees and transfers.
- (1) Tourist permits shall be issued annually by the County Commissioners for a period of one year from June 1 to May 31 in every year.
 - (2) No permit fees will be prorated, either upon application or upon cancellation, whether voluntary or otherwise.
 - (3) Tourist permit fees shall be as prescribed by resolution of the County Commissioners.
 - (4) No permit issued hereunder shall be transferable, either to another person for the same premises or to other premises by the applicant to whom issued.
- (g) Display of permit. The tourist permit shall at all times be displayed in open view in the principal office on the premises for which it is issued or, if there is no such office, then on the wall of the central hall or room near the main entrance of said premises.
- (h) Enforcement, inspection and penalties.
- (1) The provisions of this section shall be enforced by the County License Department, which shall perform such duties as may be assigned to or required of it under this regulation and such other duties as may be assigned by the County Commissioners. In the performance of such duties, the Department shall have all authority, rights, privileges, powers and immunities reasonably necessary to enable it to carry out such duties and shall be considered to be a law enforcement agency and its members peace officers of Worcester County.
 - (2) The County License Inspectors of the License Department shall have the right to enter upon any premises for which a tourist permit has been issued hereunder in order to inspect such permit and such premises or parts of such premises which are then and there under the control and/or supervision of the permit holder; provided, however, that nothing herein shall be so construed so as to give said County License Inspectors the right or privilege of entering upon any such premises or any part thereof while the same are under the control or supervision of a tenant of the permit holder without permission of that tenant, a valid search warrant or unless such premises or part thereof is usually and customarily open to members of the public.
 - (3) Violations.
 - A. Violations. Any person establishing, maintaining or operating any establishment or place as herein described without first obtaining a permit or operating or maintaining the same in violation of this section shall be guilty of a civil infraction. [Amended 11-10-1987 by Bill No. 87-5]
 - B. Action of County Commissioners.
 - 1. If any person, firm or corporation shall violate any provision, restriction or requirement of Article 25, § 27, of the Annotated Code of Maryland, 1957

Edition, or any provision, restriction or requirement of this section, such place, establishment or premises shall be subject to be abated as a nuisance by the County Commissioners, in their discretion.

2. In addition to the above, the County Commissioners may, in their discretion, refuse to grant or renew or may, in their discretion, revoke or suspend any tourist permit.

§ TR 2-202. Gaming permits. [Amended 4-25-1989 by Bill No. 89-3]

- (a) Legislative intent. The County Commissioners, in view of the passage of Chapter 463 of the Acts of 1988, codified as § 251B of Article 27 of the Annotated Code of Maryland, 1957 Edition, deem it necessary and appropriate to enact this section of the Code of Public Local Laws of Worcester County dealing with gaming for the purpose of establishing a system for the issuance of permits, grounds for the refusal of the issuance of gaming permits, the means for determining whether a group, organization or corporation is qualified to obtain a gaming permit, to place a limitation on the number of raffle permits to be issued and to generally deal with gaming permits in the county, all pursuant to Chapter 463 of the Acts of 1988. It is not the legislative intent to contravene or attempt to limit or expand Chapter 463 of the Acts of 1988, except as therein authorized, nor is it the legislative intent to qualify or change the definition of a raffle as set forth therein.
- (b) Limitation on raffle permits. No organization may receive more than twelve raffle permits in any calendar year.
- (c) Chapter 463 of the Acts of 1988 to be complied with. In all cases, the provisions of chapter 463 of the Acts of 1988, as time to time amended, shall be complied with in the issuance of raffle permits in the county.
- (d) System for issuance of gaming permits. The system for the issuance of raffle permits in the county shall be as follows:
 - (1) Application shall be under oath and will be made to the agency designated by the County Commissioners as the issuing agency for the raffle permits, upon forms provided by the County Commissioners. Each application shall contain, without limitation, information as to the name and type of organization of the application, the location of the applicant's principal place of business, lodge, fire house or other appropriate headquarters, the names and bona fide residences of the officers or leaders of the applicant, the number of members, stockholders or participants of applicant, the approximate date of the founding or chartering of the applicant, the number of meetings held by the applicant within the last three years, the name or names of the beneficiaries of the receipts of the raffle, whether or not the applicant or the beneficiary of the raffle has been granted tax-exempt status by any taxing authority and, if so, details as to such exemption, the nature of the event, giving details as to the working thereof, a list of prizes to be awarded as a result of the event, the time of the event, including sales and awarding of prizes, the proposed dates of the event, whether or not the event is a raffle and such other information as the County Commissioners may from time to time deem necessary and appropriate. All applications shall be accompanied by such fees as may be prescribed by law.

AN ACT Concerning

Taxation and Revenue - Hotel Rental Tax

For the purpose of amending the Taxation and Revenue Article to update the language with regard to rental units and with reference to State Law, to extend the term of occupancy for which room tax applies, and to make certain stylistic changes with regard to language.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Title I, Subtitle VI of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed in its entirety and replaced to read as follows:

SUBTITLE VI

Hotel Rental Tax

§ TR 1-601. General provisions.

- (a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the County on the amount paid for room or building rental by or for any transient at any hotel or motel, at any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model or other tourist home, or any other building or structure or portion thereof used as a place of lodging. This tax, if imposed, shall be at the rate of a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent. Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing.
- (b) Definitions. In this section, the following words and phrases shall have the meaning indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE OR SIMILAR PLACE - Any hotel or motel, any public or private house, townhouse, apartment, condominium unit, cottage, cabin, rooming house, manufactured home, recreational vehicle, recreational park model, or other tourist home or house, or any other building or structure or portion thereof, or other similar lodging place offering sleeping accommodations or space for one or more persons at any time, where the owner or operator thereof provides or offers to provide such sleeping accommodations or space to any transient in return for compensation of any kind.

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p. 43
and 47
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PERSON - Any individual, corporation, company, association, firm, partnership or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA - Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the Tenth Election District of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL - The total charge for any monetary compensation or the fair market value of any non-monetary compensation received by the owner, operator or resident agent of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as a place of sleeping accommodations or space provided to a transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT - Any person who, for any period of less than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the expense of another, in any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations.

- (c) Collection. Any person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall complete a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected and he shall sign and deliver the report to the Board of County Commissioners with a remittance of the tax required hereunder. The reports and remittance shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18th day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section and/or file the required report within the time and in the amount specified in this section, there shall be

added to the tax by the Board of County Commissioners interest at the rate of one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section. If the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.

- (1) The County Commissioners may institute injunctive, mandamus or other appropriate proceedings of law to correct violations of this Subtitle. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.
- (2) Delinquent and unpaid taxes shall become a lien upon the real property of the person or entity from whom they are due and shall be collectible in the same manner as real estate taxes assessed against any such property.

(f) Distribution of proceeds.

- (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as sleeping accommodations:
 - A. The Board of County Commissioners shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
 - B. That portion of the remainder of the total proceeds which came from payments made for any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as sleeping accommodations located in whole or in part within the corporate limits of a municipal corporation in a resort area of the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
 - C. The remaining portion of the total proceeds shall be credited to the general funds of the County.
- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.

(g) State administrative fee. The Retail Sales Tax Division of the Comptroller's Office shall

supply to the Board of County Commissioners information in aid of verification of liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.

- (h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. As applicable, the laws and the regulations in effect as to the sales and use tax in Maryland shall be adopted and followed by the Board of County Commissioners in promulgating or changing a rule or regulation.
- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
 - (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
 - (2) In lieu of the bond required by Subsection (k)(1) herein, securities approved by the Board of County Commissioners or cash in such amount as the Board prescribed may be deposited, which shall be kept in the custody of the Board. The Board, at any time, without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by the Board at

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public or private sale without notice to the depositor of the securities.

- (l) Applicability. The procedures under Division IV, Title 20, Subtitle 4, Part 1 of the Local Government Article of the Annotated Code of Maryland apply to this section.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take January 1, 2020.

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SUBTITLE VI
Hotel Rental Tax

§ TR 1-601. General provisions.

- (a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the county on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations. This tax, if imposed, shall be at the rate as a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent (5.0%). Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing. Bill 19-1, passed 5/21/19 Effective 7/1/19

- (b) Definitions. In this section, the following words and phrases have the meanings indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE OR OTHER SIMILAR PLACE — Any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, apartment house, cottage or other similar lodging place offering sleeping accommodations or space for one or more persons at any time, and the owner and operator thereof, which for compensation holds out to furnish or furnishes sleeping accommodations or space to any transient.

PERSON — Any individual, corporation, company, association, firm, copartnership or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA — Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the tenth election district of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL — The total charge made by any hotel, motel, apartment, cottage or other similar place for sleeping accommodations or space furnished the transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT — Any person who, for any period of not more than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the

expense of another, in any hotel, motel, apartment, cottage or other similar place for which there is a room or building rental.

- (c) Collection. Every person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall make out a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected; and he shall sign and deliver the report to the Board of County Commissioners, with a remittance of the tax required hereunder. The reports and remittances shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18th day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section within the time and in the amount specified in this section, there shall be added to the tax by the Board of County Commissioners interest at the rate of one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section; and if the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.
- (f) Distribution of proceeds.
 - (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from the hotels, motels, apartments, cottages or other similar places:
 - A. The Board shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
 - B. That portion of the remainder of the total proceeds which came from payments made by a hotel, motel, apartment, cottage or other similar place located in whole or in part within the corporate limits of a municipal corporation in a resort area in the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
 - C. The remaining portion of the total proceeds shall be credited to the general funds of the County.

- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.
- (g) State administrative fee. The Retail Sales Tax Division of the Comptroller's office shall supply to the Board of County Commissioners information in aid of verification of liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.
- (h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. If and as applicable, the laws and the regulations in effect as to the sales and use tax in Maryland shall be adopted and followed by the Board of County Commissioners in promulgating or changing a rule or regulation.
- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners, to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
- (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
- (2) In lieu of the bond required by Subsection (k)(1), securities approved by the Board of County Commissioners or cash in such amount as the Board prescribes may be deposited, which shall be kept in the custody of the Board. The Board, at any time,

without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by the Board at public or private sale without notice to the depositor of the securities.

- (l) Applicability. The procedures under Title 9, Subtitle 7, of Article 24 of the Annotated Code of Maryland apply to this section.

SUBTITLE VII

Recordation Tax

[Added 6-18-1991 by Bill No. 91-7]

§ TR 1-701. Imposition and rate of tax.

- (a) Tax imposed. A recordation tax, as authorized by and subject to Title 12 of the Tax-Property Article of the Annotated Code of Maryland, is imposed upon instruments of writing recorded with the Clerk of the Circuit Court of Worcester County.
- (b) Rate. Effective September 1, 1991, the recordation tax rate in Worcester County shall be two dollars and twenty cents for each five hundred dollars or fraction of five hundred dollars of the consideration payable or of the principal amount of the debt secured for an instrument of writing. Effective September 1, 1997, the recordation tax rate in Worcester County shall be three dollars and thirty cents for each five hundred dollars or fraction of five hundred dollars of the consideration payable or of the principal amount of the debt secured for an instrument of writing. The consideration includes the amount of any mortgage or deed of trust assumed by the grantee. [Amended 6-10-1997 by Bill No. 97-11]

SUBTITLE VIII

County Transfer Tax

[Added 6-18-1991 by Bill No. 91-8]

§ TR 1-801. Imposition, rate and collection of tax.

- (a) Tax imposed. A transfer tax, as authorized by and subject to Title 13 of the Tax-Property Article of the Annotated Code of Maryland, is imposed upon instruments of writing recorded with the Clerk of the Circuit Court for Worcester County or filed with the State Department of Assessments and Taxation. The transfer tax does not apply to the first fifty thousand dollars of the consideration payable for an instrument of writing for residentially improved owner-occupied real property, provided that the property is the principal residence of the grantee and will actually be occupied by the grantee as the grantee's principal residence for at least seven months of any twelve-month period, provided that the instrument of writing is accompanied by a statement under oath signed by the grantee that such is the case. [Amended 8-11-1992 by Bill No. 92-14]
- (b) Rate. The transfer tax rate shall be five-tenths percent of the consideration payable for the instrument of writing. The consideration includes the amount of any mortgage or deed of trust assumed by the grantee.

SUBTITLE VI
Hotel Rental Tax

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§ TR 1--601. General provisions.

- (a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the County on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations. OR MOTEL, AT ANY HOUSE, TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL OR OTHER TOURIST HOME, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF USED AS A PLACE OF LODGING. This tax, if imposed, shall be at the rate as a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent (5.0%). Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing.

- (b) Definitions. In this section, the following words and phrases SHALL have the meanings indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE ~~OR OTHER~~ OR SIMILAR PLACE --- Any HOTEL OR MOTEL, ANY public or private hotel, inn, ~~hostelry~~, HOUSE, TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, ROOMING HOUSE, MANUFACTURED HOME, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, OR OTHER tourist home or house, ~~motel, rooming house, apartment house~~ OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF, ~~cottage~~ or other similar lodging place offering sleeping accommodations or space for one or more persons at any time, ~~and WHERE the owner and OR operator thereof, which for compensation holds out PROVIDES OR OFFERS to furnish or furnishes PROVIDE SUCH sleeping accommodations or space to any transient IN RETURN FOR COMPENSATION OF ANY KIND.~~

PERSON --- Any individual, corporation, company, association, firm, ~~copartnership~~ PARTNERSHIP or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA --- Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the Tenth Election District of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL --- The total charge ~~made by any hotel, motel, apartment,~~

~~cottage or other similar place for~~ FOR ANY MONETARY COMPENSATION OR THE FAIR MARKET VALUE OF ANY NON-MONETARY COMPENSATION RECEIVED BY THE OWNER, OPERATOR OR RESIDENT AGENT OF ANY HOUSE, TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, HOTEL OR MOTEL ROOM, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF AS A PLACE OF sleeping accommodations or space furnished PROVIDED ~~the~~ TO A transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT --- Any person who, for any period of ~~not more~~ LESS than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the expense of another, in any ~~hotel~~ HOUSE, ~~motel, apartment, cottage or other similar place for which there is a room or building rental~~ TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, HOTEL OR MOTEL ROOM, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF AS SLEEPING ACCOMMODATIONS.

- (c) Collection. Every person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall ~~make out~~ COMPLETE a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected; and he shall sign and deliver the report to the Board of County Commissioners; with a remittance of the tax required hereunder. The reports and remittances shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18th day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section AND/OR FILE THE REQUIRED REPORT within the time and in the amount specified in this section, there shall be added to the tax by the Board of County Commissioners interest at the rate of one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section; and ~~i.~~ If the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.
- (1) THE COUNTY COMMISSIONERS MAY INSTITUTE INJUNCTIVE, MANDAMUS OR OTHER APPROPRIATE PROCEEDINGS OF LAW TO CORRECT VIOLATIONS OF THIS SUBTITLE. ANY COURT OF COMPETENT JURISDICTION SHALL HAVE THE RIGHT TO ISSUE TEMPORARY OR PERMANENT RESTRAINING

ORDERS, INJUNCTIONS OR MANDAMUS, OR OTHER APPROPRIATE FORMS OF RELIEF.

- (2) DELINQUENT AND UNPAID TAXES SHALL BECOME A LIEN UPON THE REAL PROPERTY OF THE PERSON OR ENTITY FROM WHOM THEY ARE DUE AND SHALL BE COLLECTIBLE IN THE SAME MANNER AS REAL ESTATE TAXES ASSESSED AGAINST ANY SUCH PROPERTY.

(f) Distribution of proceeds.

- (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from the ~~hotels, motels, apartments, cottages or other similar places:~~ ANY HOUSE, TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, HOTEL OR MOTEL ROOM, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF USED AS SLEEPING ACCOMMODATIONS:

- A. The Board OF COUNTY COMMISSIONERS shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
- B. That portion of the remainder of the total proceeds which came from payments made ~~by~~ FOR a ~~hotelny~~ HOUSE, motel, apartment, cottage or other similar place TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, HOTEL OR MOTEL ROOM, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF USED AS SLEEPING ACCOMMODATIONS located in whole or in part within the corporate limits of a municipal corporation in a resort area ~~in~~ WITHIN the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
- C. The remaining portion of the total proceeds shall be credited to the general funds of the County.

- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.

- (g) State administrative fee. The Retail Sales Tax Division of the Comptroller's Office shall supply to the Board of County Commissioners information in aid of verification of liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.

- (h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. ~~If and a~~ As applicable, the laws and the regulations in effect as

to the sales and use tax in Maryland shall be adopted and followed by the Board of County Commissioners in promulgating or changing a rule or regulation.

- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners; to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
 - (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
 - (2) In lieu of the bond required by Subsection (k)(1) HEREIN, securities approved by the Board of County Commissioners or cash in such amount as the Board prescribes may be deposited, which shall be kept in the custody of the Board. The Board, at any time, without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by the Board at public or private sale without notice to the depositor of the securities.
- (l) Applicability. The procedures under Title 9 20, Subtitle 7 4 (HOTEL RENTAL TAXES), of THE LOCAL GOVERNMENT Article 24 of the Annotated Code of Maryland, AS FROM TIME TO TIME AMENDED, SHALL apply to this section.

DRAFT

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Mobile and Manufactured Home Park Licenses

For the purpose of amending the Taxation and Revenue Article to repeal Title I, Subtitle V, Mobile and Manufactured Home Park Camp Licenses.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing Title I, Subtitle V of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed in its entirety.

See
p. 52

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.

Delete

SUBTITLE V

Mobile and Manufactured Home Park Licenses

[Amended 11-10-1987 by Bill No. 87-5; 3-20-2018 by Bill No. 18-1]

§ TR 1-501. License required.

No person shall establish, maintain or operate any mobile or manufactured home park in the County without first having obtained a mobile and manufactured home park license from the County Commissioners.

§ TR 1-502. Definitions.

For the purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DEPARTMENT — The County department designated by the County Commissioners to administer and enforce this Title.

MANUFACTURED HOME — A factory built structure which is manufactured or constructed after June 15, 1976, under authority of 42 U.S.C. § 5403, Federal Manufactured Home Construction and Safety Standards Act of 1974, as from time to time amended, and designed to be used as a single-family residential dwelling with or without a permanent foundation and which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent location and which does not have any wheels or axles permanently attached to its body or frame. The placing of a manufactured home on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such manufactured home.

MANUFACTURED OR MOBILE HOME PARK — Any area or tract of land designed or used for the parking or other type of installation of manufactured or mobile homes on spaces or lots offered for lease, rent or use, with or without compensation, including all improvements, buildings, structures, recreation areas, or other facilities for the use of the residents of such development. A manufactured or mobile home park does not include sales lots on which unoccupied manufactured or mobile homes are parked for inspection or sale or to manufactured or mobile homes used as farm dwellings or accessory structures or for seasonal use on a farm as permitted by the terms of the Zoning and Subdivision Control Article.

MOBILE HOME — A detached residential or business unit manufactured prior to June 15, 1976, and not required to be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 and which contains not less than five hundred square feet of gross livable floor area in the original manufactured unit and was designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking

and assembly of sections, location on jacks or other foundations, connection to utilities and the like. The placing of a mobile home on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such mobile home.

§ TR 1-503. Application for license.

- (a) Form. Applicants for a mobile or manufactured home park license shall make application on forms to be supplied by the Department.
- (b) Content. All applications must contain the following:
 - (1) The proper name and permanent mailing address of each applicant.
 - A. If the applicant is the owner of the premises, each owner must apply, including each spouse if the property is owned by husband and wife; if the applicant is a tenant or lessee, each tenant or lessee must apply, including each spouse.
 - B. If the applicant is a firm or partnership, each member of such firm or partnership must apply, and the trade name and address, if any, of the firm or partnership must be listed.
 - C. If the applicant is a corporation, application must be made in the name of the corporation, signed by the president or vice president thereof, and the name and permanent mailing addresses of the principal officers must be listed.
 - (2) A statement of the number of lots or parcels upon which mobile or manufactured homes may be placed and which are held out for rental use.
- (c) Filing of application. All applications must be filed with the Department, together with a license fee as established by resolution of the County Commissioners and a plat, or drawing of the premises showing the outlines of the property, the streets, and roads, all improvements, if any, and each lot or parcel of land to be occupied by one individual mobile or manufactured home. The lots or parcels designated for use by a mobile or manufactured home shall be numbered. The plat or drawing required hereby shall be to scale and accurately show the location and number of lots and parcels set aside for rental use.
- (d) Renewal. Renewal applications shall be made in the same manner as hereinabove set forth for new applications, with the exception of the necessity of filing a plat or drawing of the premises, unless there have been changes during the previous year with respect to the number or location of lots or in the use of the property, in which case an amended plat or drawing shall be filed with the renewal application.

§ TR 1-504. License year; proration of fees; transfer.

- (a) Term. Mobile or manufactured home park licenses shall be issued annually by the County Commissioners for the period of one year from January 1 to December 31 in each and every year. Licenses may be issued for a shorter period of time, at the discretion of the Commissioners, for cause shown.

- (b) Prorating fees prohibited. No license fees will be prorated, either upon application or upon cancellation, whether voluntary or otherwise.
- (c) Licenses not transferable. No license issued hereunder shall be transferable, either to another person for the same premises or to other premises by the applicant to whom issued.

§ TR 1-505. License taxes and provisions for collection.

- (a) Applicability. Every person or entity licensed to operate a mobile or manufactured home park in the County under existing laws and/or regulations pertaining thereto shall collect from any person paying charges for the rental, leasing or use of any space, facilities or accommodations in or for the providing of any services by such mobile or manufactured home park a tax thereon, computed at a percentage of such charges to be established by resolution of the County Commissioners, provided that no tax shall be levied on individually metered natural or propane or other manufactured gas, electricity or fuel oil, and further provided that the providing of any services shall include, without limitation, the leasing of sites or lots for the placement of a mobile or manufactured home.
- (b) Determination of tax where licensee owns mobile or manufactured home. In those cases where the licensee itself maintains mobile or manufactured homes which themselves are owned, leased, controlled or operated by such licensee upon the premises of a licensed mobile or manufactured home park and leases or rents those mobile or manufactured homes to others, for the purpose of determining the tax created hereby, the gross charges for the rental, leasing or use of the spaces or lots or parcels occupied by such mobile or manufactured homes and the gross charges for providing any services therefor shall be deemed to be equivalent to the gross charges collected for other spaces, lots or parcels rented to other persons for the use of their mobile or manufactured home and the gross charges for providing any services thereof.
- (c) Reporting and accounting. The aforesaid tax shall be accumulated and paid quarterly to the County Commissioners. On or before the 21st day of April, July, October and January of each year, every licensed mobile or manufactured home park operator shall file with the Department a report showing the amount of tax due for each of the three months preceding the filing of such report and shall pay unto the County Commissioners the total tax for the three preceding months as shown thereon. Any person or entity required to collect or remit the tax imposed by this section shall be liable to the County Commissioners in the amount of any such tax or portion thereof required to be collected and remitted by it which it fails either to collect or remit.
- (d) Forms for returns. The quarterly report shall be prepared and filed with the Department on forms to be furnished by the Department.
- (e) Credit for expense in remittance. The owner shall be entitled to apply and credit against the amount of tax collected and payable by him an amount equal to two percent of the gross tax to be remitted by him to cover his expense in the collection and remittance of the tax, provided that nothing contained in this subsection shall apply to any licensee who shall fail or refuse to collect the tax provided hereby or who shall fail or refuse to file his return with the Department within the time prescribed by this section.

- (f) Failure to file reports. If any person or entity required to collect and remit the tax imposed by this section fails to file a statement and a remittance within the time provided herein or if the Department has reason to believe that any report which has been filed is in error or incomplete, the Department may proceed to determine the amount due to the County Commissioners and in connection therewith shall make such investigation and take such testimony and other evidence as may be necessary, provided that notice and opportunity to be heard is given by the County Commissioners to any person who may become liable for an amount determined by it. The Department may refuse to accept an incomplete return. The filing of an incomplete return shall not constitute filing under this section.
- (g) Responsibility of owner. The owner of the premises upon which any mobile or manufactured home park is operated or maintained shall be responsible for the filing of reports and remittance of taxes as provided in this section regardless of who may actually prepare and file the report. If adequate records cannot be found to determine the amount of taxes due the County, they shall be determined in the manner above provided.

§ TR 1-506. Enforcement; inspections; penalties.

- (a) Enforcement. The provisions of this Subtitle shall be enforced by the Department, who shall perform such duties as may be assigned to or required of it under this regulation and such other duties as may be assigned to it by the County Commissioners. In the performance of its duties, it shall have all authority, rights, privileges, powers, limitations and immunities reasonably necessary to enable it to carry out such duties and shall be considered to be law enforcement officers and peace officers of the County.
- (b) Right of entry; inspections. The Department shall have the right to enter upon any premises for which a mobile or manufactured home park license has been issued hereunder in order to inspect such premises and, in addition thereto, any books or records kept by the licensee pertaining to the gross monthly charges as defined herein.
- (c) Reports. If the reports required by this Subtitle are not filed, the Director of the Department may estimate the tax due based on any information the Director can obtain, including prior years' information. The Director shall make such investigation as may be necessary to estimate this tax; provided, however, that notice and opportunity to be heard shall be given to any person or corporate entity that may become liable for any amount determined by the County to be due.
- (d) Violations and penalties.
- (1) Any person or entity who 1) establishes, maintains or operates any mobile or manufactured home park in the County without having first obtained a mobile or manufactured home park license, 2) willfully fails to collect, remit or pay the taxes imposed by this Subtitle, 3) willfully fails to file any report required by this Subtitle or 4) willfully makes any false statement or misleading omission in any report filed as required by this Subtitle, shall be guilty of a civil infraction and shall be subject to a fine. The Department is authorized to issue said civil infractions.

- (2) Any person or entity who fails to file a timely return or pay the appropriate tax in a timely manner pursuant to the terms of this Subtitle shall be liable for penalty in the amount of twenty percent per annum, computed from the date due to the date of payment, based upon the gross tax due as determined by the terms of this Subtitle.
- (3) In addition to any other penalty for violation, any person or entity who violates any provision of this Subtitle may, at the discretion of the County Commissioners, have the mobile or manufactured home park license revoked without further action and may, at the discretion of the County Commissioners, be denied any further mobile or manufactured home park licenses.
- (4) The County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.
- (5) The County Commissioners may institute injunctive, mandamus or other appropriate proceedings of law to correct violations of this Subtitle. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.
- (6) Delinquent and unpaid taxes shall become a lien upon the real property of the person or entity from whom they are due and shall be collectible in the same manner as real estate taxes assessed against any such property.



COMMISSIONERS
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COUNTY COMMISSIONERS

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CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
COUNTY ATTORNEY

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 23, 2019

TO: Edward A. Tudor, Director of Development Review and Permitting
Phil Thompson, Finance Officer
FROM: Harold L. Higgins, Chief Administrative Officer HH
SUBJECT: Countywide Rental License Program

Thank you for your thorough memo and recommendations regarding the proposed Countywide Room Tax/Rental License Program in Worcester County. As you are aware, as a result of their discussion regarding this matter at their meeting on January 22, 2019, the Worcester County Commissioners have directed you to develop the framework for County code revisions required to remove all of the inconsistencies between the various sections of the County Law as you suggested and to create a Rental License Program which would apply to both long-term and short-term rentals. The Commissioners understand that this work will require significant effort on your part and have therefore agreed to anticipate receiving your draft report in April 2019, which could then be followed by a text amendment or amendments thereafter.

Thank you for your attention to this matter. If you should have any questions or concerns, please feel free to contact me at this office.

KS/kah

cc: Maureen Howarth, County Attorney
Kelly Shannahan, Assistant Chief Administrative Officer
Kathy Whited, Budget Officer

The Commissioners met with Mr. Thompson and Mr. Tudor to discuss staff's findings regarding steps that could be taken to initiate a Countywide room tax and rental license program and to discuss the success of similar programs already in effect in Talbot County and Ocean City.

Mr. Tudor stated that Talbot County has a very specific code section dealing solely with short-term rentals (STRs), which utilizes software developed by Bear Cloud Software at a cost of \$1,250 per month for a total annual cost of \$15,000, to identify STRs and assist the County in licensing, enforcement, tax collection, and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash, and excess numbers of renters. Mr. Tudor stated that Talbot County began using the software in August, 2018, and rental license applications can only be filed during the months of July, August, January, and February, according to their law, so they have not had sufficient time to evaluate the efficacy of the software.

Mr. Thompson stated that the County collects room tax on behalf of the Town of Ocean City, which in spring 2018 mailed approximately 30,000 letters to remind property owners about the town's property rental license program and to encourage compliance. He advised that the letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue.

Mr. Tudor stated that the County does not have a rental license requirement, but rather a requirement in the Taxation and Revenue Article known as a Tourism Permit, which is required for any structure rented or capable of being rented to four or more persons for less than six months. A separate section of the County Code requires the payment of a Hotel Rental Tax (Room Tax) on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Mr. Tudor explained that under the current County Code, the number of combinations of lengths of stay and number of persons can quickly become very confusing, and he cited specific instances in which renting to three people would violate the Zoning Ordinance if the homes were located in the A-1, A-2, E-1, V-1, R-1, R-2, and R-3 Zoning Districts. He noted that, due to the way the County's various codes are written today, it may be counterproductive to hire a software consultant or even send letters to all of the County property owners to increase enforcement or raise awareness of the Tourist Permit and Room Tax requirements until staff can remove all the inconsistencies in the various Codes. He stated that the first step would be to begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of rooms or borders to perhaps as many as four or more persons. Then, the Tourist Permit should be repealed and replaced with a comprehensive rental license requirement, which simply put would require anyone renting a property, regardless of the term, to have a rental license. Mr. Tudor stated that the Room Tax provisions concerning the length of stay could remain as is or be revised to a different length of stay at the Commissioners' discretion. However, there needs to be very clear guidance pertaining to the licensing component, specifically whether the Commissioners wish to address nuisance issues and public safety as part of the rental license; basic safety inspections of rental properties for such things as smoke detectors and required means of egress; an established minimum square footage requirement for sleeping rooms (as Ocean City requires) to avoid overcrowding in these rental units; and increased parking beyond the current Zoning Ordinance standard of two parking spaces per single-family dwelling when the house is used for short-term rentals. He stated that perhaps greater awareness and compliance could be gained if that process could be coupled with an

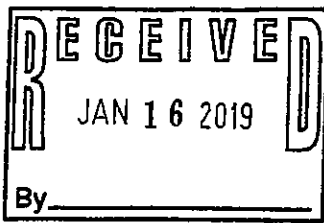
aggressive public outreach campaign, thus saving the County the cost of the software firm initially. He stated that additional staff will be necessary to implement any changes to the existing law, and the number and classification of the staff will be dependent upon the components of the licensing program.

Commissioner Mitrecic made a motion to direct staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals.

Commissioner Bunting stated that any doubts he had initially about instituting this Countywide program were removed after he saw on the internet where one individual owns eight to nine houses in a single subdivision and rents those properties weekly throughout the summer months. Commissioner Bertino stated that homeowners should have the right to rent their properties, without government using it as a new means of reaching into their pockets. In response to a question by Commissioner Church, Mr. Tudor stated that the proposed program would require extensive revisions to the County Code, but with guidance from the Commissioners, staff could develop a framework for their consideration by spring 2019.

Commissioner Church stated that he has received calls from concerned constituents regarding rental properties limited to eight occupants that have housed upwards of 25 people, and a defined rental license program would help assure some much-needed accountability. Therefore he is very much in favor of the proposed program. Commissioner Nordstrom concurred, and he pointed out that private rentals, which currently pay no taxes or licensing fees, compete with area hotels that are paying taxes and licensing fees. In response to a question by Commissioner Elder, Mr. Tudor advised that the County could develop a room tax and rental licensing program that takes into account the different rates that could be assessed between short-term and long-term rentals.

Following some discussion and upon a vote on the motion by Commissioner Mitrecic, the Commissioners voted 5-1-1, with Commissioner Bertino voting in opposition and Commissioner Elder abstaining due to a conflict of interests, for staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals for their consideration in April 2019.



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: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
Phil Thompson, Finance Officer *PT*
DATE: January 15, 2019
RE: Countywide Room Tax/Rental License Program

Pursuant to your request, we have jointly worked to gather information and prepare this memorandum relative to the above referenced issues. Specifically, we reviewed the recent actions taken by both Talbot County and Ocean City. Both jurisdictions have had rental licensing programs on the books for a number of years. Talbot County has a very specific code section dealing solely with short term rentals (STRs). On the other hand, Ocean City has a more general approach to rentals. Recently, however, both jurisdictions took action to attempt to enhance revenue collection. Before discussing the specifics of our current law and programs, we will provide a brief discussion of both Talbot County and Ocean City's recent actions.

In June 2018 Talbot County entered into a contract with Bear Cloud Software to develop a software program to assist the County with identifications of STRs. In addition to identifying the properties the software has a number of other features that assist the County in licensing, enforcement, tax collection and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash and excessive numbers of renters, etc. It also supports a very robust amount of data collection, information and reports on the rental properties themselves. Talbot County is paying \$1,250 per month for a period of one year for the service, according to the contract. Since the contract for the software was signed at the end of last August and rental license applications can only be filed during the months of July, August, January and February according to their county law, I would not expect that they have had sufficient time to evaluate the efficacy of the software as of yet.

While Ocean City apparently discussed a software solution similar to Talbot County, it is our understanding that to date they have taken a different path. Like Talbot County, Ocean City has had a rental licensing and enforcement program for quite some time. According to conversations with Town staff, in the spring of 2018 they sent out approximately 30,000 letters to remind property owners that the Town had a property rental license program and to encourage compliance. Included with the letters was information regarding the County room tax remittance and contact information for the Maryland State Comptroller's Office with regard to sales and use tax collection and remittance. The letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue. Although the Town received proposals from firms for software similar to that utilized by Talbot County, with some at considerably greater expense, no further action has been taken at this time.

With regard to our licensing, taxation and zoning regulations on rental properties, I have prepared the attached chart to provide a better picture of the complexities of our system. First, we do not have a rental license per se but rather a requirement in the Taxation and Revenue Article for what is known as a Tourist Permit. These permits are required for any structure rented or capable of being rented to four or more persons for less than six months. Secondly, the Taxation and Revenue Article requires the payment of a Hotel Rental Tax on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Quite obviously, neither the length of stay or number of renters is consistent between the two provisions. The number of combinations of lengths of stay and number of persons can quickly become very confusing. Take the example of someone renting a room in their home. If they rent to three people for four months and a day, they do not need a Tourist Permit nor are they required to pay Room Tax. Reduce the stay to four months for the same number of people and now they are required to pay Room Tax but still do not need a Tourist Permit. If the homeowner rents to one more person, for a total of four persons, for six months, they do not need a Tourist Permit nor are they required to pay the Room Tax. Reduce the stay by one day and now a Tourist Permit is necessary but the homeowner is still not subject to the Room Tax. On top of all these combinations we have the limitations in the Zoning Ordinance. Take the first example of someone renting a room in their home to three people for four months and a day. As stated before, they do not need a Tourist Permit and are not required to pay Room Tax. However, if they are renting to three people they are in violation of the Zoning Ordinance if the home is in the A-1, A-2, E-1, V-1, R-1, R-2 and R-3 Zoning Districts. If the home is in the R-4 Zoning District they could rent to the three persons as an accessory use. If in the V-1 District they could do so as a Special Exception as a boarding or lodging house but would still not need a Tourist Permit or pay Room Tax. Now if the space had its own cooking facilities and therefore was classified as an accessory apartment, it could be rented to the three persons in all of the aforementioned Zoning Districts. They would not need a Tourist Permit at all and would only need to pay Room Tax if they rented the apartment for four months or less. Add one more person in the accessory apartment, cut the term to four months and now they need a Tourist Permit and have to pay Room Tax but are not in violation of the Zoning Ordinance. We think you can see just how quickly the combinations can get out of hand and how confusing it is.

With the way our various codes are written today, we think it may actually be counterproductive to hire a software consultant or even send letters to all of the County property owners. Our gut instincts tell us that most likely the STRs advertised for rent on various platforms would accommodate at least four persons but would also most likely be located in Zoning Districts other than the R-4 District which would then prohibit the rental entirely unless they are located in an accessory apartment. If we then enforced the terms of the Zoning Ordinance we would most likely significantly reduce the number of units/rooms that could be rented and thus those for which a Tourist Permit could be issued and hence Room Tax collected from property owners. Certainly some property owners may then begin to advertise that they only accommodate two persons or less but of course then they would not be subject to getting a Tourist Permit, making it more difficult to track and collect Room Tax.

Given all of the information above, we believe that before embarking on a program to increase enforcement or to simply raise awareness of the Tourist Permit and Room Tax requirements we should clean up our various codes to remove all of the inconsistencies between the various sections of the law. This would begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of roomers or boarders to perhaps as many as four or more persons. Secondly, we believe that the existing Tourist Permit requirement should be repealed and replaced with a comprehensive rental license requirement. Simply put, if you are renting your property, regardless of the term, you need a rental license. The fee could be adjusted for the particular type of license, i.e., short or long term, but there would be a license requirement regardless. The Room Tax provisions concerning the length of stay could remain as it or be revised to a different length of stay at the County Commissioners' discretion. Lastly, while not necessarily a component of the revenue issue, should the County Commissioners see fit to make revisions as outlined above, we believe there needs to be very clear guidance pertaining to the licensing component. Specifically, do the County Commissioners wish to address nuisance issues and public safety as part of the rental license? Should we have basic safety inspections of rental properties for such things as smoke detectors and required means of egress? Should we establish minimum amounts of square footage for sleeping rooms as does Ocean City to avoid overcrowding in rental units? Should there be increased parking requirements beyond our current Zoning Ordinance standard of two parking spaces per single family dwelling when the house is used for short term rentals? Obviously, these changes to the law would require public hearing which may inform a small segment of the property owners but perhaps greater awareness and compliance could be gained if that process could be coupled with an aggressive public outreach campaign. This could save the County the cost of a software firm, at least until we see how things are functioning. In any event, we believe additional staff will be necessary to implement any changes to our existing laws. The number and classification of those staff will be dependent upon the components of the licensing program.

As always, we will both be available to discuss the matter in greater depth with you and the County Commissioners at your convenience.

APPROVED

Worcester County Commissioners

Date 4/4/19

Approve concept of
rental license 62

Kelly Shannahan

INFO✓

Subject: FW: Short Term Rentals

Public Comments

Add to Short
Term Rental Bill File

----- Original message -----

From: "Susan L. Jones" <susanjones@ocvisitor.com>

Date: 7/15/19 11:55 AM (GMT-05:00)

To: Diana Purnell <dpurnell@co.worcester.md.us>

Subject: Short Term Rentals

Hello President Purnell,

Hopefully you are enjoying summer! I see that the short term rentals are on tomorrows agenda. I wanted to share our thoughts.....

I am writing on behalf of the Ocean City hotel and motel industry concerning short term rentals. Over the last few years, short term rentals (STRs) have become an increasingly popular choice for visitors. With the media raising the awareness of this lodging choice and the internet making travel really simple, visitors are choosing houses and condos over staying in traditional hotels and motels. The proliferation of STRs in West Ocean City and Ocean Pines has created unfair competition. Anyone who rents out an accommodation for transient guest compensation should pay County room tax and State sales tax just like hotels and motels. While we welcome competition, STRs have disrupted the traditional business model; a model that has provided jobs and millions of dollars in local and state tax revenue.

We believe that if people are going to rent out their homes, they should have to play by the same rules that public accommodations play by. It is our understanding that Mr. Tudor has submitted several different ordinances and changes to the county zoning code to streamline rentals in Worcester County. This is certainly a step in the right direction and we thank you for taking the time to address the issue. In our opinion, STRs should be required to get a rental license, list their rental license number on the STR platforms (Airbnb, HomeAway, FlipKey, etc) which rent out their homes, pay State sales tax and local room tax.

This past Legislative Session, the Maryland Hotel & Lodging Association sponsored legislation that passed which addressed State sales and use tax on STRs. The bill imposed that State sales and use tax on STR transactions facilitated by STR platforms and requires the platforms to collect and remit the sales and use tax. While we are pleased the sales and use tax has been addressed, this bill left the door open for local jurisdictions to administer their own policies and oversight of all other matters. The amount of room tax revenue that could be generated by STRs is limitless and should be paid if home owners are renting to visitors like the hotels and motels do.

Finally, when Ocean City first addressed the issue, the Town was able to generate many new rental licenses which helps level the playing field. However, we'd like to ensure that those room taxes are being remitted and not kept by those renting their places. With the advancement of the issue, software programs built to cross reference listings and rental licenses seem like they would pay for themselves with the generation of new room tax revenue.

Again, thank you for taking the time to discuss this important issue.

:) Susan

Susan L. Jones, Executive Director
Ocean City Hotel-Motel-Restaurant Association
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Virus-free. www.avg.com

Kelly Shannahan

From: Kelly Shannahan
Sent: Thursday, August 8, 2019 4:40 PM
To: Sarah Rayne
Cc: Cameron Drew; Page Browning; Joe Wilson; commissioners; Harold Higgins; Ed Tudor; Phyllis Wimbrow; Jennifer Keener
Subject: RE: Realtor Feedback re: New Rental Law

Sarah,

The answers to your questions and comments regarding your statements can be found below as provided by Director Ed Tudor and Zoning Administrator Jennifer Keener of our Development Review & Permitting Office. I sincerely hope that this helps to clear up any confusion regarding these bills. However, if you have any additional questions, please feel free to contact Ed or Jennifer at 410-632-1200.

See you on August 20.

Thanks,

Kelly Shannahan
Assistant Chief Administrative Officer

Worcester County Administration
Room 1103 Government Center
One West Market Street
Snow Hill, MD 21863-1195
410-632-1194
410-632-3131 (fax)

1. Question: We would like to confirm that the new regulations only apply to rentals in unincorporated Worcester County, and would not be layered on top of regulations already enforced by municipalities. Also, if a municipality does not have rental regulations in place, will they be required to adhere to these new county regulations?

Response: No, the rental regulations would not apply to the municipalities. However, the Hotel Rental Tax bill, which is one of the four bills included for review, would apply to the municipalities. Keep in mind however that a municipality is free to adopt these or their own similar regulations regarding rentals.

2. Statement: We have concerns about the county establishing a definition of a short-term rental, as it could open doors for further restrictions in local municipalities. But perhaps if you must define a short term rental, list it as being up to seven days. We think you would find that most short term rentals in the county are less than seven days.

Response: The 28 day timeframe is consistent with our current zoning definition of "transient" which is 30 days. The definition of transient is proposed to be revised to 28 days to be more consistent with four one week rentals. While in general short term rentals may be less than or equal to seven days, this definition is used elsewhere in the Zoning Code, and that number would not be appropriate as it relates to the other regulations. Local municipalities are free to adopt regulations or restrictions at any time for any purpose in accordance with the powers granted to them by the State.

3. Statement: We understand that overcrowding issues associated with J1 student rentals is partially the impetus behind this new legislation. However these students are signing leases for the entire season, which isn't a short-

term lease. Several months is not short term. Also, by not allowing unrelated individuals to live in the same rental, you are forcing all J1 students to live in Ocean City, where there is already a workforce housing shortage.

Response: We are well aware that the students are signing leases for the entire season and as such will not be affected by the proposed changes to the zoning ordinance for short-term rentals. Additionally, nothing is proposed to be changed with regard to the number of unrelated individuals living in a seasonal rental. The zoning code currently defines a family or housekeeping unit as: "An individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit. Immediate family shall be restricted to children, grandchildren and great-grandchildren, parents, grandparents and great-grandparents and their husbands or wives and children and to brothers and sisters and their husbands, wives and children."

I would note that the complaints regarding the example of overcrowding you provided have come from both sides, the neighbors as well as the students who have to live in those conditions with limited recourse.

Additionally, one of Ocean City's rental areas, defined as the R1 low density single-family development is more restrictive than Worcester County, in that it does not permit the rental of a dwelling unit to more than 4 unrelated persons.

4. Statement: The new legislation only allows for one family to stay in a single rental at one time. This morning, there were questions asked about group vacations, i.e. two or three couples renting the same house. Mr. Higgins said these things were going to happen and there is no way for the county to know about it. If the law is not enforceable, perhaps it shouldn't be the law. Or the county should adopt a definition of a "family," which is incredibly difficult to do without blood tests and given the nature of modern family units, where unrelated persons tend to make up a household.

Response: As referenced in question 3 above, the Zoning Code already has a definition for family or housekeeping unit. That definition acknowledges the modern family unit by specifically including in the definition of "family unit" up to five unrelated persons.

Posting a speed limit and installing a speed camera that catches someone going 11 MPH over the speed limit is going to deter most people from violating the law, but not all. That doesn't mean we should eliminate the speed limit requirements altogether. The proposed regulations are a starting point; requiring a license and a point of contact for rental owners provides the County with the ability to address concerns from not only the neighbor's side, but the renter's side as well. By requiring a rental license, it will be a much more enforceable provision.

5. Statement: Also regarding the one-family element of this law, there are plenty of homes that are large enough for more than one family and placing this sort of limitation on the owners of these homes could create a significant financial burden because a single family may not be able to afford to rent a large house on their own. The number of people permitted to rent a home should be based on a home's square footage. This also applies to the two-person per room limitation. If a room is large enough to accommodate three adults, then three adults should legally be allowed to sleep in said room.

Response: The law today restricts the occupancy of a single-family dwelling to one family or housekeeping unit, as defined, whether as a place of primary residence or as a rental. It does not place a limit on the number of persons allowed per bedroom when renting the entire dwelling.

If the Commissioners choose to limit the number of persons per room or by square footage, that could be done by resolution as provided for under the proposed regulations. Also, in the future if the Commissioners choose to expand the number of families or persons allowed to rent a dwelling unit, they could do so as well.

Regarding the two-person per room limitation, this is different than the rental of an entire dwelling by a family. The roomer or boarder concept is where the resident family is hosting a long-term roomer or boarder within their home (i.e.

more than 28 days). The regulations currently allow (and will continue to allow) no more than two roomers or boarders (i.e. up to two persons in addition to the resident family) in most zoning districts as an accessory use. The draft bill proposes to expand this use to additional zoning districts where it is not currently permitted.

6. Statement: Regarding event restrictions, not allowing for small scale events like birthday parties seems somewhat extreme. Perhaps add a regulation stating that a party of up to X number of people requires an event permit. Or restrict events of more than X number of people in rentals in residential neighborhoods. There are local event venues that may accommodate large scale events.

Response: The limitation on event restrictions is in relation solely to short term rentals, and restricts "persons other than the authorized lodgers". This does not prohibit the family renting the dwelling from having a birthday party or cookout in the backyard. However, we have seen many dwellings advertised for rent with the primary purpose of being an event venue, as opposed to a residential dwelling. We receive complaints based upon alleged noise, trash, occupancy violations and parking issues. It would be difficult to identify the 'X' number of people that would be appropriate for any type of event, when the nature of the rental property (and event itself) could vary dramatically.

7. Question: How will all of this be enforced, given that Mr. Higgins has stated in his memo that the county is not staffed to enforce these new laws? Additional staff will be required, and where will the money come from for that additional staff?

Response: As with most regulatory programs, it is anticipated that rental license fees will be set in such an amount as to cover the costs necessary to administer the program.

8. Statement: This was addressed this morning, but we really feel that validation of licenses for one year based on issuance of the license is a logistical nightmare, and it's confusing for property owners. Perhaps the county should choose one date that all licenses expire and charge a prorated amount based on when in the year a property owner obtains a license.

Response: Currently, the liquor license process is a single deadline for all license holders, and it is simply overwhelming for staff during that time of year. By having a flexible submission date, a property owner will be able to have their permit attended to in a timely fashion. If a property owner has multiple properties, they can submit them all at one time, so that their own personal deadline is the same for all of their own rental properties.

9. Statement; Complaints from residents regarding noise and other disturbances should be addressed by law enforcement, as there are already laws on the books in Worcester County that address these issues. Year-round residents must file complaints with police if they have grievances. Otherwise, their property rights are compromised when the government begins regulating how they may use their property, i.e. short-term rental regulations.

Response: Complaints regarding rentals are continuously received and addressed by law enforcement and the department. The complaints do not come from only year-round residents but from seasonal residents, tenants of rental units, J1 students and many others. The complaints are also not limited to just noise or disturbances but cover literally anything and everything you can think of. Lastly, government already regulates how people can use their property through the zoning regulations for the greater public good and the peaceful enjoyment of all residents and visitors.

10. Statement: Regarding parking, even a year-round resident may host an event or family and friends who would need to park their vehicles on the public street. So asking a rental property owner to build additional parking spaces simply because they are a rental property seems unfair.

Response: It is proposed at this time that the requirement for a single additional parking space be included in the short term rental section only, and therefore it would not apply to a seasonal or long-term rental (over 28 days). There may be future consideration of modifying the overall parking requirement for residential use to three spaces.

Statement: We agree that there are overcrowding issues with J1 students. However instead of overregulating private property owners with these restrictions, the county should look to enforce occupancy limits based on square footage. Implement the license requirement for all rentals, establish the occupancy limits based on the size of the residence, encourage residents to call the police if someone in their neighborhood is causing a disturbance, and keep a directory of contact information for every rental in the county and require that person be someone who may respond to disturbances 24/7. Keep things simple and realistic so the county may enforce its laws without incurring additional staff costs that place an even larger financial burden on county taxpayers.

Response: The proposed regulations are not just targeted to the J1 students. The proposed program would license all residential rental properties. The exploding short-term vacation rental market is altering the very nature of how residential neighborhoods have functioned for years and how people find short-term vacation accommodations. In some communities, the quiet residential neighborhood has now become a mix of year-round homes and what are essentially small "hotels". Guests often change overnight or in several day intervals. These properties are often not used or maintained in the same manner as the properties occupied by the adjoining year-round property owner. As noted in #9 complaints regarding rental properties regarding noise are only the tip of the iceberg. In some communities permanent residents feel less secure when there is an ever changing group of occupants in the house next door. These short-term rental properties also often operate without collecting and remitting rental and sales tax and compete directly with other businesses who have invested substantial sums of money and put in great effort to comply with the law. Lastly, even keeping a directory of contact information for every rental property in the county takes additional resources. Requiring a rental license provides a mechanism to get and maintain this information and provides revenue to offset the costs.

From: Sarah Rayne [mailto:sarah@coastalrealtors.org]

Sent: Wednesday, August 7, 2019 10:48 AM

To: Kelly Shannahan <kellys@co.worcester.md.us>

Cc: Cameron Drew <Cameron@po2team.com>; Page Browning <pageb@coastalrealtors.org>; Joe Wilson <joe@coastallifeoc.com>; commissioners <commissioners@co.worcester.md.us>; Harold Higgins <hhiggins@co.worcester.md.us>; Ed Tudor <etudor@co.worcester.md.us>; Phyllis Wimbrow <pwimbrow@co.worcester.md.us>; Jennifer Keener <jkkeener@co.worcester.md.us>

Subject: RE: Realtor Feedback re: New Rental Law

Good Morning Mr. Shannahan,

Would it be possible to answer our questions and address our concerns prior to August 20? I'm now hearing that this new legislation does not restrict the number of families who may rent a house at one time. However, this provision in the new legislation was discussed at length during the July 2 work sessions, with concerns voiced about enforcement and a landlord's inability to rent to two or more different families who are vacationing together. We really need clarification on what this legislation changes for our members and their clients.

Thanks,

Sarah Rayne
Government and Public Affairs Director
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www.CoastalRealtors.org

Kelly Shannahan

From: Sarah Rayne <sarah@coastalrealtors.org>
Sent: Tuesday, July 2, 2019 3:53 PM
To: commissioners; Harold Higgins
Cc: Page Browning; Cameron Drew; Joe Wilson
Subject: Realtor Feedback re: New Rental Law

Good Afternoon Worcester County Commissioners,

Over the past few weeks, I've been collecting questions and concerns from our members regarding Worcester's proposed rental licensing law. We ask that you please take these into consideration as you move forward. The below points come from real estate professionals who work with rentals every day.

1. We would like to confirm that the new regulations only apply to rentals in unincorporated Worcester County, and would not be layered on top of regulations already enforced by municipalities. Also, if a municipality does not have rental regulations in place, will they be required to adhere to these new county regulations?
2. We have concerns about the county establishing a definition of a short-term rental, as it could open doors for further restrictions in local municipalities. But perhaps if you must define a short term rental, list it as being up to seven days. We think you would find that most short term rentals in the county are less than seven days.
3. We understand that overcrowding issues associated with J1 student rentals is partially the impetus behind this new legislation. However these students are signing leases for the entire season, which isn't a short-term lease. Several months is not short term. Also, by not allowing unrelated individuals to live in the same rental, you are forcing all J1 students to live in Ocean City, where there is already a workforce housing shortage.
4. The new legislation only allows for one family to stay in a single rental at one time. This morning, there were questions asked about group vacations, i.e. two or three couples renting the same house. Mr. Higgins said these things were going to happen and there is no way for the county to know about it. If the law is not enforceable, perhaps it shouldn't be the law. Or the county should adopt a definition of a "family," which is incredibly difficult to do without blood tests and given the nature of modern family units, where unrelated persons tend to make up a household.
5. Also regarding the one-family element of this law, there are plenty of homes that are large enough for more than one family and placing this sort of limitation on the owners of these homes could create a significant financial burden because a single family may not be able to afford to rent a large house on their own. The number of people permitted to rent a home should be based on a home's square footage. This also applies to the two-person per room limitation. If a room is large enough to accommodate three adults, then three adults should legally be allowed to sleep in said room.
6. Regarding event restrictions, not allowing for small scale events like birthday parties seems somewhat extreme. Perhaps add a regulation stating that a party of up to X number of people requires an event permit. Or restrict events of more than X number of people in rentals in residential neighborhoods. There are local event venues that may accommodate large scale events.
7. How will all of this be enforced, given that Mr. Higgins has stated in his memo that the county is not staffed to enforce these new laws? Additional staff will be required, and where will the money come from for that additional staff?
8. This was addressed this morning, but we really feel that validation of licenses for one year based on issuance of the license is a logistical nightmare, and it's confusing for property owners. Perhaps the county should choose one date that all licenses expire and charge a prorated amount based on when in the year a property owner obtains a license.
9. Complaints from residents regarding noise and other disturbances should be addressed by law enforcement, as there are already laws on the books in Worcester County that address these issues. Year-round residents must file complaints with police if they have grievances. Otherwise, their property rights are compromised when the government begins regulating how they may use their property, i.e. short term rental regulations.

10. Regarding parking, even a year-round resident may host an event or family and friends who would need to park their vehicles on the public street. So asking a rental property owner to build additional parking spaces simply because they are a rental property seems unfair.

We agree that there are overcrowding issues with J1 students. However instead of overregulating private property owners with these restrictions, the county should look to enforce occupancy limits based on square footage. Implement the license requirement for all rentals, establish the occupancy limits based on the size of the residence, encourage residents to call the police if someone in their neighborhood is causing a disturbance, and keep a directory of contact information for every rental in the county and require that person be someone who may respond to disturbances 24/7. Keep things simple and realistic so the county may enforce its laws without incurring additional staff costs that place an even larger financial burden on county taxpayers.

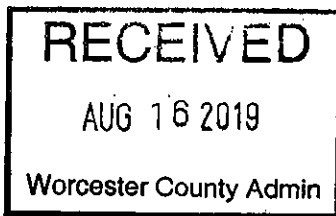
Please let me know if you have any questions or you need further information. If there are real estate-related issues in the county, we are more than happy to help out.

Thanks,

Sarah Rayne
Government and Public Affairs Director
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COASTAL ASSOCIATION OF REALTORS® POSITION STATEMENT
Proposed Residential Rental Licensing Program
Worcester County Commissioners
August 2019

Under consideration by the Worcester County Commissioners are four bills that establish the framework for a residential rental licensing program for Worcester County. The following is a summary of the key substantive provisions of each of the proposed Rental Licensing Program Bills.

(1) Bill 19-3, "Zoning – Board and Lodging Rentals" (the "Zoning Bill")

- **New Definitions:** The Zoning Bill would repeal and replace the existing definitions of *transient*, *lodger*, and *roomer or boarder*, and would add a new definition of *short-term rental* to the Zoning and Subdivision Article of the County Code (the "Zoning Code") as follows:
 - Transient - When referring to a person, a person occupying or intending to occupy all or any portion of a structure for lodging on a temporary basis not to exceed twenty-eight consecutive days.
 - Lodger - A person who receives sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for twenty-eight consecutive days or less.
 - Roomer or Boarder - A person who receives sleeping accommodations, which may also include meals, for compensation in all or any portion of any dwelling unit for more than twenty-eight consecutive days and who is not part of the resident family.
 - Short-Term Rental (STR) - All or a portion of any dwelling unit or all of an accessory apartment that is rented to a lodger for sleeping accommodations on a basis not to exceed twenty-eight consecutive days. Short-term rentals do not include bed-and breakfast establishments.
- **Addition of Short-Term Rental as a Permitted Use:** The Zoning Bill would amend Subsection ZS 1-105(c)(7) of the Zoning Code to make short-term rentals a permitted use in all primary zoning districts, subject to the provisions of proposed Section ZS 1-351.



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- **Short-Term Rental Regulations:** The Zoning Bill would add a new Section ZS 1-351 to the Zoning Code, titled "Short-Term Rentals." The key substantive provisions of proposed Section ZS 1-351 are as follows.
 - Occupancy Restriction: Proposed Section ZS 1-351(b)(3) would limit the maximum occupancy of short-term rentals as follows:
 - Where the entire dwelling unit or accessory apartment is being offered for rent, occupancy shall be limited to a *maximum of one family or housekeeping unit* as defined in § ZS 1-103(b) hereof.
 - Where a portion of the principal dwelling is being offered for rent, occupancy shall consist of a *maximum of two sleeping rooms that may accommodate up to two lodgers per room not including children under the age of twelve* but in no case a greater number of lodgers than may be permitted by the zoning district regulations.
 - Accessory apartments shall only be rented in their entirety and shall be limited to a *maximum of one family or housekeeping unit* as defined in § ZS 1-103(b).
 - Off-Street Parking Requirement: Short-term rentals would have to provide one additional off-street parking space beyond the number required by Section ZS 1-320(a) for the existing structure.
 - Inspections: Proposed Section ZS 1-351(b)(7) would require the owner of a short-term rental or their authorized agent to make the unit "available for inspection during reasonable hours upon request by the County in order to verify compliance" with the Zoning Code. In addition, proposed Section ZS 1-351(b)(6) would require the owner to "maintain a record of the names of all lodgers, including their address, phone number and email address ... as well as the dates of lodging" and to provide such records to the County upon request.
 - Functions and Events Prohibited: Proposed Section ZS 1-351(b)(9) would prohibit short-term rentals from hosting "events and functions" such as weddings, family reunions, birthday or anniversary celebrations, corporate or employee parties or similar gatherings "other than the authorized lodgers."



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(2) Bill 19-4, "Taxation and Revenue – Rental Licenses" (the "Licensing Bill")

The proposed Licensing Bill would amend the Taxation and Revenue Article of the County Code by deleting existing Section TR 2-201 (Tourist permits) and creating a new Section TR 2-106, titled "Rental Licenses." The key substantive provisions of the Licensing Bill are as follows.

- **License Requirement:** Proposed Section TR 2-106(b) would require the owner of any "house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations or any lot or parcel of land for the purposes of placing a manufactured or mobile home, recreational vehicle or tent, regardless of the length of the rental term, without first obtaining a rental license from the [County License] Department." Rental licenses would be issued only to the property owner, would be valid for a period of one year, and would not be transferrable.
- **Rental License Applications:** Rental license applicants would have to submit to the County a "floor plan drawn to scale" that shows the size and location of all rooms and indicates the "maximum number of persons permitted in each sleeping area" in cases where only a portion of a building would be rented out, or the "maximum number of persons permitted to occupy the structure" in cases where the entire building would be rented out. The applicant would also have to submit a copy of the "standard lease or rental agreement" and a copy of any "house or property rules for renters." In addition, the rental license application would have to provide the names and contact information for all of the property owners (and a property manager or resident agent, if applicable) any of whom could be contacted 24-hours a day during any property rental period. All property owners would have to sign the rental license application.
- **Display of Rental License:** The rental license would have to be "prominently displayed on the premises to which it applies" and the rental license number would have to be included in all advertising for the rental, including print, electronic, and other media.
- **Inspections:** Section TR 2-106(g)(1) of the Licensing Bill would give the staff of the Department or any public safety or law enforcement agency "the right to enter upon any property for which a rental license has been issued ... in order to inspect such license and such property or parts of such property which are covered by the license provided, however, that nothing herein shall be so construed so as to give said individuals the right or privilege of entering upon any such premises or any part thereof *while the same are under the control or supervision of a tenant of the license holder* without permission of that tenant or having obtained a valid search warrant,



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if applicable, unless such premises is usually and customarily open to members of the public.”

- **Enforcement and Penalties:** If the Department finds that any of the provision of the Licensing Bill is being violated, it would give written notice of the violation to the property owner and order that the violation be corrected within a reasonable period of time. Violations would be deemed a civil infraction, and potential penalties would include the suspension or revocation of the license, fines, filing of an injunction to bring about correction of any violations, and abatement of imminent dangers to the health and safety of the occupants as determined by the Department. Each day of a violation would constitute a separate offense. If a rental license is revoked, the Department would not issue a rental license for that particular property for a period of three years to the former license holder or a member of the former license holder’s housekeeping unit as defined in Section ZS 1-103(b).

(3) Bill 19-5, “Taxation and Revenue – Hotel Rental Tax” (the “Hotel Tax Bill”)

The Hotel Tax Bill would repeal and replace Subtitle VI of Title 1 of the County Code, titled “Hotel Rental Tax,” to expand the imposition of the hotel rental tax to include any house, townhouse, apartment, condominium unit, cottage, cabin, rooming house, manufactured home, recreational vehicle, or recreational park model that is used, in whole or in part, to provide sleeping accommodations to a “transient” in return for compensation. The bill would revise the definition of “transient” to mean:

- Transient – Any person who, for any period of less than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the expense of another, in any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations.

(4) Bill 19-6, “Taxation and Revenue – Mobile and Manufactured Home Park Licenses” (the “Mobile Home Bill”)

The Mobile Home Bill would repeal Subtitle V of Title 1 of the County Code, titled “Mobile and Manufactured Home Park Licenses,” thereby eliminating the excise tax for mobile and manufactured home parks. Mobile and manufactured home parks would instead be regulated and taxed under the Licensing Bill and Hotel Tax Bill respectively.



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POSITION I

A short-term rental should not be defined as being less than twenty-eight days.

Short-term rentals are generally leased for a period of less than seven days, and should be defined as such. There are no twenty-eight-day short term rentals.

POSITION II

The maximum occupancy limits as presented infringe upon a property owner's core right to rent. Occupancy should be determined by a home's square footage, not by the relationship between the occupants, which will be difficult for enforcement to verify.

Among the core rights that a property owner has is the right to lease or rent the property on a temporary basis to another party. The proposed Zoning Bill would infringe upon that core right by limiting the maximum number of occupants allowed in a short-term rental for the owner of a short-term rental home with enough bedrooms to accommodate more than "one family or housekeeping unit," as defined in Section ZS1-103(B) of the Zoning Code.

Additionally, the proposed occupancy restrictions for short-term rentals may be vulnerable to challenge under the federal Fair Housing Act and associated guidance. Zoning ordinances often restrict the number of unrelated occupants who may reside together in a single-family zoning district. The FHA expressly exempts from its scope "reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling." The federal circuit courts initially were divided as to whether this exemption extended to zoning restrictions based on the number of unrelated occupants. In the 1995 U.S. Supreme Court case *City of Edmonds v. Oxford House, Inc.*, it was determined that the maximum occupancy exemption from FHA does not apply to limitations that apply only to unrelated occupants. The Supreme Court in this case defined "true maximum occupancy restrictions" as those which "cap the number of occupants per dwelling, typically in relation to available floor space or the number and type of rooms." While this case ultimately did not hold that a limitation on the number of unrelated occupants *per se* violates the FHA, it did establish that such restrictions do not qualify for the statutory exemption for "reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling." As a result, an ordinance that limits the number of unrelated persons who can occupy a dwelling – as the proposed occupancy limits in the Zoning Bill would do – is subject to review under a discrimination and reasonable accommodation analysis.



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Should the county continue to restrict occupancy as proposed, “housekeeping unit” must be clearly defined. Clarification is needed as to the nature of the members of a housekeeping unit’s relationship to one another.

POSITION III

The inspection requirements of the Zoning Bill and the Licensing Bill may be vulnerable to challenge under the Fourth Amendment to the U.S. Constitution and Article 26 of the Maryland Declaration of Rights.

None of the provisions of the Zoning Bill state what notice, if any, must be given to the owner and tenants of a residential rental or short-term rental unit before an inspection is conducted. Most notably, Section ZS 1-351(b)(7) does not expressly require that the County inspector have a *warrant* to inspect a short-term rental if the owner does not *consent* to the inspection. Section ZS 1-351(b)(6) of the Zoning Bill does not specify that a warrant is required to inspect the records of all lodgers of the property, if the owner does not *consent* to the inspection. While Section TR 2-106(g)(1) of the Licensing Bill contains language requiring the County to have permission to inspect or a valid search warrant, that provision is specifically addressed to inspections “while the [unit is] under the control or supervision of a tenant of the license holder.” As a result, the proposed inspection requirements of the Zoning Bill and the Licensing Bill may be vulnerable to challenge under the Fourth Amendment.

From the perspective of affected property owners and tenants, the fact that the Zoning Bill does not require that County inspectors have a warrant to inspect a short-term rental property without the consent of the owner or occupant—and the fact that the Licensing Bill does not require that inspectors have a warrant to inspect a rental property when it is not under the control of a tenant—raises serious concerns under the Fourth Amendment of the U.S. Constitution, which safeguards the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.”

POSITION IV

Several provisions of the Zoning Bill and the Licensing Bill could have a negative impact on vacation rentals and the second home market in Worcester County.

- **Section ZS 1-351(b)(3) – One Family or Housekeeping Unit Limitation:** Read literally, this provision makes it unlawful for a group of six unrelated friends to rent a vacation home in Worcester County. It would also make it unlawful for two unrelated families to rent a house in order to vacation together in the County. By imposing a “one family or housekeeping unit” restriction on short-term rentals, the Zoning Bill would unreasonably limit the field of potential short-term renters for larger homes that can



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accommodate more than one family or more than five unrelated persons. For groups of friends or families that wish to rent a house in order to vacation together, Section ZS 1-351(b)(3) of the Zoning Bill effectively removes Worcester County as a potential vacation destination by making such rental unlawful.

- **Section ZS 1-351(b)(9) – Ban on Functions and Events at Short Term Rentals:** This provision of the Zoning Bill would prohibit the hosting of “events and functions, including but not limited to wedding ceremonies, wedding receptions, family reunions, birthday and anniversary celebrations, corporate and employee appreciation parties or other similar gatherings of persons other than the authorized lodgers.” By preventing such events from being held at a short-term rental property, the Zoning Bill will force families and other groups planning such events to seek accommodations in other communities that have not adopted such a ban. Moreover, tourists who become aware of the ban on functions and events may perceive it as motivated by, and evidence of, an anti-tourist sentiment in the County and may choose to vacation elsewhere. Even a slight impact on tourism in the County conceivably could have a significant negative effect on the viability and success of restaurants, retail establishments and other local businesses that provide services to tourists.
- **Section TR 2-106 – Rental Licenses Not Transferable:** Under proposed Section TR 2-106 of the Licensing Bill, rental licenses would have to be renewed annually and would not transfer to the new owner upon sale or transfer of the property. By prohibiting rental licenses from transferring with title to the purchaser of a home, the Licensing Bill could have a negative impact on the market for second home and rental properties in the County. Prospective purchasers who want to buy a vacation home and rent it out from time to time may be unwilling to purchase a home in Worcester County without a guarantee that it can be used as a vacation rental. Making rental licenses nontransferable could also have a detrimental effect on home prices in the County. Market demand might decrease because buyers, particularly purchasers of second homes, will be uncertain about whether they will be allowed to rent a home to vacationers in order to offset the purchase price and operation and maintenance costs. The result could be that houses in areas of the County that are popular for second-home owners may decrease in value because they will appeal only to the limited market of buyers who have no interest in ever making the property available to vacation renters. The lack of certainty as to whether a home could be used as a vacation rental might also make it more difficult for buyers to secure financing for a second home in the County, because the potential purchaser will not be able to give the lender assurances that there



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will be a contingent stream of income to offset the carrying costs of the property, if necessary.

POSITION V

The county's means of enforcement of all provisions of these bills is unclear.

The County's Director of Development Review & Permitting has effectively admitted that the "one family or housekeeping unit" limitation of Section ZS 1-351(b)(3) is unenforceable. Even if, for the sake of argument, the proposed "one family or housekeeping unit" limitation and the proposed ban on functions and events at short-term rentals would not have a negative impact on vacation rentals, the second home market, and possibly the local economy, if the Director of Development Review & Permitting believes that the County cannot enforce the requirements of Sections ZS 1-351(b)(3) and ZS 1-351(b)(9), then the County Commissioners should not adopt them.

POSITION VI

The Zoning Bill would unfairly impose more demanding occupancy and off-street parking standards on short-term rentals than on homes that are not used as short-term rentals.

Section ZS 1-351(b)(3) of the Zoning Bill would limit the maximum occupancy of short-term rentals to a "maximum of one family or housekeeping unit" when the entire dwelling unit is rented out and a "maximum of two sleeping rooms that may accommodate up to two lodgers per room" when only a portion of the dwelling is rented out. These occupancy limits apparently would not apply to homes that are owner-occupied or are rented on a long-term basis (i.e., for more than 28 consecutive days).

The Zoning Bill would also impose a greater off-street parking requirement on short-term rentals than on homes not used for short-term rentals. Specifically, Section ZS 1-351(b)(5) would require that short-term rentals provide "one additional off-street parking space beyond that required by the provisions of Section ZS 1-320(a) for the existing permitted structure."

There is no rational basis for imposing more demanding occupancy and off-street parking standards on a home that is occupied by short-term renters than on homes that are owner-occupied or are rented on a long-term basis. The Court of Appeals of Maryland has ruled that the temporary or short-term use of a residence for living purposes is still a residential use—it is fundamentally the same as a long-term occupancy (*Lowden v. Bosley*, 909 A.2d 261, 269 – Md. Ct. App. 2006). Moreover, as a practical matter, the impact of a gathering of people at a home or the parking of cars on a public road does not differ based on whether a home is occupied by a property owner or a long-term tenant, or by vacation renters.

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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

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SNOW HILL, MARYLAND

21863-1195

July 16, 2019



FAXED
7/16/19 @ 3:54pm

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

Please print the attached Notice of Introduction of Bill 19-4 in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on August 1, 2019 and August 15, 2019. Thank you.

NOTICE OF INTRODUCTION OF BILL 19-4
WORCESTER COUNTY COMMISSIONERS

Take Notice that Bill 19-4 (Taxation and Revenue - Rental Licenses) was introduced by Commissioners Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell on July 16, 2019.

A fair summary of the bill is as follows:

§ TR 2-201. (Repeals this section of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland regarding Tourist permits and rennumbers Section TR 2-202 (Gaming permits) as Section TR 2-201.)

§ TR 2-106. (Adds this new section to Subtitle I (Licenses) of the Licenses and Permits Title of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland to establish provisions for Rental Licenses; provides that the words and terms contained in this new section shall have the meanings and interpretations as ascribed by the definitions contained in Section § ZS 1-103 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland; provides that a license must be obtained by the property owner in order to rent any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations or any lot or parcel of land for the purposes of placing a manufactured or mobile home, recreational vehicle or tent, regardless of the length of the rental term; provides that the fee for a rental license will be established by resolution of the County Commissioners; establishes the information required to be submitted on the application for a rental license, including: a floor plan; the number, size and maximum occupancy of rooms in a hotel or motel; number, size and maximum occupancy of sites in a manufactured or mobile home park or campground; a copy of the lease

agreement and rules for renters; names and contact information of owners, property managers and resident agents; and other information as determined necessary by the department to ensure compliance with this Title; establishes license terms (valid for one year), provisions for annual renewal, requirements for display of the rental license; and requirements to include the license number in all advertising; establishes the uses allowed in accordance with the license, and restrictions on licenses which are not transferable, and provides that a rental license may not be issued unless the property is in compliance with all State and local laws and regulations; establishes administration and enforcement provisions by the department as determined by the County Commissioners; grants enforcement staff the right to enter the property for inspection upon permission by the tenant or with a valid search warrant; provides for notification to the property owner regarding violations of this section; empowers the department to take action to correct violations if not corrected within a reasonable period of time; provides that violations constitute a civil infraction; provides that penalties may include suspension or revocation of the rental license, fines, and filing of an injunction for corrections, and abatement of violations which pose an imminent danger to the health and safety of the occupants; provides that a revoked license may not be re-issued for a period of three-years; and provides that after providing the owner of the licensed property an opportunity to be heard, the County Commissioners may revoke, suspend or refuse to renew any rental license issued due to: a material falsification of the rental license application; any activity conducted on the property which is detrimental to the health, safety and welfare of the public; conviction of a felony; a repeated failure to conform to rental license conditions, rules or regulations, or recurrent offensive conduct of persons on the property causing a public nuisance or disturbance as determined by the County Commissioners.)

A Public Hearing

will be held on Bill 19-4 at the Commissioners' Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland, on **Tuesday, August 20, 2019 at 11:00 a.m.**

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103, is available for public inspection in Room 1103 of the Worcester County Government Center and is available on the County Website at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 19-4

BY: Commissioners Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: July 16, 2019

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Rental Licenses

For the purpose of amending the Taxation and Revenue Article to eliminate tourist permits and to provide for rental licenses for any sleeping accommodations.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Section § TR 2-201 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be deleted and Section § TR 2-202 be renumbered as Section § TR 2-201.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new Section § TR 2-106 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be enacted to read as follows:

§ TR 2-106. Rental licenses.

New

- (a) Definitions. For the purposes of this section the words and terms contained herein shall have the meanings and interpretations as ascribed by the definitions contained in Section § ZS 1-103 of the Zoning and Subdivision Control Article of the Code of Public Local Laws of Worcester County, Maryland.
- (b) License required. No person, firm or corporation or any other entity with an interest in real property shall rent or offer for rent all or any portion of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations or any lot or parcel of land for the purposes of placing a manufactured or mobile home, recreational vehicle or tent, regardless of the length of the rental term, without first obtaining a rental license from the Department. Rental licenses shall be issued only to the property owner.
- (c) License fees. Rental license fees shall be established by resolution of the County Commissioners. License fees payable upon application are non-refundable and no license fee will be prorated, upon cancellation, whether voluntary or otherwise.
- (d) Applications. Applications for a rental license shall be made on forms provided by the Department. The application shall be submitted to the Department together with the following information:
 - (1) For buildings or structures other than a hotel or motel where only a portion of the

principal or accessory structure or building on a property is being offered for rental the applicant shall provide a floor plan drawn to scale that clearly shows the sizes and uses of all rooms and areas in the structure and those rooms and/or areas that may be available to rent. The floor plan shall indicate the maximum number of persons permitted in each sleeping area. Additionally, a site plan of the property shall be provided which clearly shows any outdoor areas of the property that are available for use by those renting a portion of the principal or accessory building or structure, including the area designated for off-street parking.

- (2) For hotels and motels the applicant shall provide a list of all rooms available for rent, including the room number, the gross square footage of the room and the maximum number of persons permitted in each room.
- (3) For all buildings or structures where the entire building or structure is being offered for rent the applicant shall provide a floor plan drawn to scale that clearly shows the sizes of all rooms and areas in the structure and their intended use. In addition, the floor plan shall indicate the maximum number of persons permitted to occupy the structure.
- (4) For all manufactured or mobile home parks and campgrounds other than cooperative campgrounds as defined in Section § ZS 1-318(a), the applicant shall provide a list of all lots or sites in the park or campground and the maximum number of persons permitted to occupy each lot or site.
- (5) A copy of the standard lease or rental agreement and a copy of any house or property rules for renters.
- (6) The names, mailing address, e-mail address and telephone number of all of the property owner(s) and, if applicable, the property manager and resident agent, any of whom may be contacted twenty-four hours a day during any property rental period. The signature of all property owners shall be provided on the application.
- (7) Any other information determined necessary by the Department to ensure compliance with the terms of this Title and the laws and regulations adopted under any other Title of the Code of Public Local Laws of Worcester County, Maryland.

(c) License term, renewal and display of license.

- (1) Applications for all new rental licenses may be made at any time. However, all rental licenses shall be valid for a period of one year from the date of issuance as shown on the rental license.
- (2) All applications for license renewals shall be made on forms provided by the Department and submitted not less than sixty days prior to the expiration of the license. The information required to be submitted for a new rental license as listed in Subsection (d)(1) through (d)(7) herein need not be submitted provided that none of the information has changed since the last license renewal. If the application for renewal is not received at least sixty days prior to the license expiration, it will be treated as a new application and shall comply with all initial application requirements. If a rental license expires without being renewed as provided herein, the property shall not be used for rental purposes described by this Section until a new license application is submitted, approved

and issued as provided for herein.

- (3) All issued rental licenses shall be prominently displayed on the premises to which it applies and shall be available for inspection at all times and to the County.
- (4) All advertising, whether by print, electronic, audible or in any other form or substance designed or used to inform as to the availability of any property for rent which is subject to the terms of this Section, shall contain the valid rental license number issued in accordance with this Section.

(f) Uses allowed and restrictions on licenses.

- (1) Only those areas, uses and number of residents, roomers, boarders or lodgers or any other parameter specifically mentioned in the rental license shall be permitted. No property for which a rental license has been issued shall be expanded or altered nor the types of rental arrangements modified to be other than those specifically described in the rental license without the licensee first applying for and being issued a new rental license which includes the expansion, alteration or modifications. Additionally, all properties used for the rental purposes described herein shall conform to the limitations and restrictions contained in the Zoning and Subdivision Control Article for the zoning district in which the property is located and the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle I Rental Housing Code, of the Code of Public Local Laws.
- (2) Rental licenses are not transferable. If a property is transferred, the rental license shall expire on the day the property is transferred and the property shall not thereafter be used for rental purposes until a new license is issued. Contract purchasers may apply for a new rental license prior to settlement on a property. However, the license shall not be issued until the new property owner provides the Department with proof of property transfer. There shall be no refunds of rental license fees for the unused portion of the license term or for unissued rental licenses when applied for by contract purchasers prior to property settlement in the event the property transfer does not occur.
- (3) A rental license may not be issued unless the subject property is in full compliance with all State and local laws and regulations.

(g) Administration and enforcement, inspection and penalties.

- (1) The responsibility for the administration and enforcement of this Title shall be vested in such County Department (hereinafter called the "Department") as designated or created for such purpose by the County Commissioners. The Department may delegate to its own personnel and to other persons such duties and responsibilities in connection with the administration and enforcement of this Title as are appropriate in the Department's judgement. The staff of the Department or any public safety or law enforcement agency or department shall have the right to enter upon any property for which a rental license has been issued hereunder in order to inspect such license and such property or parts of such property which are covered by the license provided, however, that nothing herein shall be so construed so as to give said individuals the right or privilege of entering upon any such premises or any part thereof while the same are under the control or supervision of a tenant of the license holder without permission of that tenant or having obtained a

valid search warrant, if applicable, unless such premises is usually and customarily open to members of the public.

- (2) If the Department shall find that any of the provisions of this Title are being violated, it shall notify the property owner and, if applicable, the property manager or resident agent either by certified mail, by posting the property or by other appropriate method, including by e-mail with delivery and read receipts requested. Such notification shall indicate the nature of the violation and order the action necessary to correct it within a reasonable period of time as determined by the Department.
- (3) At the conclusion of such reasonable period, if the violation has not been satisfactorily corrected in the judgement of the Department, the Department shall take appropriate action to bring about the correction of such violation or shall take any other action authorized by law to ensure compliance with this Section and prevent violation of its provisions. Violations of the provisions of this Section or failure to comply with any of its requirements shall constitute a civil infraction. Potential penalties may include but are not limited to suspension or revocation of the license, fines, filing of an injunction to bring about correction of any violations, and abatement of imminent dangers to the health and safety of the occupants as determined by the Department. Each day of a violation constitutes a separate offense. The remedies available to the County and the Department under this Title are cumulative and not exclusive.
- (4) Any person establishing, maintaining, renting or operating any place as herein described without first obtaining a rental license or operating or maintaining the same in violation of this Section or regulations or standards adopted by resolution of the County Commissioners shall be guilty of a civil infraction.
- (5) In the event that a rental license is revoked, the Department shall not issue a rental license for that particular property for a period of three years to the former license holder or member of the former license holder's housekeeping unit as defined in § ZS 1-103(b).
- (6) After providing the owner of the licensed property an opportunity to be heard, the County Commissioners may revoke, suspend or refuse to renew any rental license issued in accordance with this Section for any of the following reasons:
 - A. A material falsification, as determined by the County Commissioners, of any information supplied on a rental license application or in any additional information supplied by the property owner, applicant, property manager or any person as part of the rental license application or renewal process.
 - B. Any activity conducted on the licensed premises that is or would be detrimental to the health, safety or welfare of the public as determined by the County Commissioners.
 - C. Conviction of an applicant, property owner, applicant, property manager or any person in control of a property of any felony crime, regardless of where committed, or any violation of gambling, alcoholic beverage, controlled substance or prostitution laws during the rental license period by any person while on the property.

- D. A repeated failure to conform to the rental license conditions, any rules and regulations adopted by resolution of the County Commissioners with regard to properties licensed under this Section, the Zoning and Subdivision Control Article of the Code of Public Local Laws as it applies to rental properties or the terms of the Building Regulations Article, Title 3 Property Maintenance Standards, Subtitle 1 Rental Housing Code of the Code of Public Local Laws.
- E. Recurrent offensive conduct or behavior of any person or persons on the property causing a public nuisance or disturbance as determined by the County Commissioners.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.

PASSED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom

Current
Code

Title 2 LICENSES AND PERMITS

SUBTITLE I Licenses

- § TR 2-101. Music boxes, player pianos and other mechanical music devices.
- § TR 2-102. Coin-operated vending machines, general provisions.
- § TR 2-103. Licensing of coin-operated vending machines; fees;

exemptions; additional regulations.

- § TR 2-104. Peddlers and salesmen.
- § TR 2-105. Amusement devices and arcade licenses.

Add 2-106. Rental Licenses.

SUBTITLE II Permits

- § TR 2-201. Tourist permits.
- § TR 2-202. Gaming permits.

Delete

[HISTORY: Adopted by the Board of County Commissioners of Worcester County 8-25-1981 by Bill No. 81-5 as Title 2 of the Taxation and Revenue Article of the 1981 Code. Amendments noted where applicable.]

SUBTITLE I Licenses

- § TR 2-101. Music boxes, player pianos and other mechanical music devices. [Amended 11-10-1987 by Bill No. 87-5]

Every person, firm or corporation keeping, maintaining or operating for public entertainment in Worcester County any music box, mechanical player piano, graphophone or other similar mechanical musical device played by the insertion of a coin or token shall obtain an annual county license therefor from the Board of County Commissioners of Worcester County and shall pay fees as set by resolution of the County Commissioners for each independent coin-operated speaker delivering music on the same premises. Each machine or device licensed must have affixed to it a tag issued by said Board, showing that the fee for the current year has been paid. All licenses shall expire on the 30th day of April of each year, shall not be transferable and shall not be prorated. Any person, firm or corporation keeping, maintaining or operating any such machines or device without such license shall be guilty of a civil infraction.

- § TR 2-102. Coin-operated vending machines, general provisions.

The County Commissioners of Worcester County are hereby authorized to provide for the licensing of each person, firm or corporation selling or offering for sale through or by means of coin-operated vending machines any article or goods or merchandise, to establish the license fees and to prescribe regulations for the issuance of said licenses. Said Commissioners are further authorized to provide a metal tag or stamp to be applied to such vending machines upon

- (2) Free-play pinball machines with a push button or other device or scheme to release registered free plays.
- (b) Permitted machines by license. The following are legalized if properly licensed hereunder:
- (1) Multiple-coin free-play pinball machines without a push button or other device or scheme to release registered free plays are legalized for an annual license fee of not less than twenty-five dollars nor more than one hundred dollars each, as established by resolution of the County Commissioners, which shall be due regardless of whether or not an arcade license is purchased pursuant hereto.
 - (2) Claw machines, shuffleboard, mechanical bowling machines, single-coin pinball machines or any similar device for public amusement only whose operation requires the insertion of a coin or token and the result of whose operation depends in whole or in part upon the skill of the operator are legalized for an annual license fee of not less than ten dollars nor more than fifty dollars each, as established by resolution of the County Commissioners.
- (c) Arcade licenses. Arcade licenses in lieu of individual licenses for machines listed under Subsection (b)(2) hereof.
- (1) For any arcade having from fifty to one hundred machines or devices described in Subsection (b)(2) above, annual license fee of one thousand dollars.
 - (2) For any arcade having more than one hundred and not more than one hundred and fifty machines or devices described in Subsection (b)(2) above, annual license fee of one thousand five hundred dollars.
 - (3) For any arcade having more than one hundred fifty and not more than two hundred machines or devices described in Subsection (b)(2) above, annual license fee of two thousand dollars.
 - (4) For any arcade having more than two hundred machines or devices described in Subsection (b)(2) above, annual license fee of two thousand five hundred dollars.
- (d) Violations. Any person who violates the provisions of this section shall be guilty of a civil infraction. [Added 11-10-1987 by Bill No. 87-5]

SUBTITLE II
Permits

Delete

§ TR 2-201. Tourist permits.

(a) General provisions.

- (1) All rules, regulations, provisions and requirements enacted, adopted and established by the County Commissioners of Worcester County, Maryland, herein shall be in addition to and not in substitution of the provisions of Article 25, § 27, of the Annotated Code of Maryland, 1957 Edition.
- (2) No person, firm or corporation shall establish, maintain or operate any tourist camp, cabins for hire, any tourist cabin, motel, apartment house or rooming house or any

other structure or building, including trailers or trailer homes, whether mounted on wheels or not, and tents, capable of being rented to four or more persons at any one time, and for rental to or for use by transients, tourists, vacationers or persons residing temporarily in, on or upon such premises for a period of less than six months, outside of the corporate limits of any incorporated town or city in Worcester County, Maryland, without first having obtained a tourist permit from the County Commissioners thereof.

- A. Any trailer park wherein trailers or trailer homes are kept and maintained for the purposes of renting to others and any tenting or camping area where tents, cabins or other living quarters are kept and maintained for the purpose of renting to others shall also be deemed to be a tourist camp for the purposes of this section.
- B. Any cabin, tent or trailer, outside of a tourist camp as set forth above, containing or capable of containing sleeping accommodations for the use of four or more persons at any one time shall be deemed to be within the meaning of this section.
- C. Any rooming house containing one or more bedrooms or sleeping rooms, all of which contain or are capable of containing sleeping accommodations for the use of four or more persons at any one time, shall be deemed to be within the meaning of this section.
- D. Any person, firm or corporation having control over or maintaining any trailer park, tenting area or camping area where it is permitted to park, erect or maintain trailers, tents or other structures, not owned by such person or firm or corporation, but held out for the purposes of rental as set forth above, shall be responsible for obtaining a tourist permit therefor.
- E. A dormitory shall be considered to be a rooming house within the meaning of this section.
- F. The words "hotel" and "motel" are hereby deemed to be synonymous within the meaning of the provisions of this section, and any building or structure called or known as a "hotel" shall be subject to the provisions hereof.

(b) Applications.

- (1) Applicants for a tourist permit shall make application on forms to be supplied by the County Commissioners for Worcester County, upon request addressed to the License Clerk of the County Commissioners, Snow Hill, Maryland.
- (2) All applications must contain the following:
 - A. The proper name and permanent mailing address of the applicant.
 - 1. If the applicant is the owner of the premises, each owner must apply, including husband and wife; if the applicant is a tenant or lessee, each tenant or lessee must apply, including husband and wife.
 - 2. If the applicant is a firm or partnership, each member of such firm or partnership must apply, and the trade name and address, if any, of the firm or partnership must be listed.

3. If the applicant is a corporation, application must be made in the name of the corporation, signed by the president or vice president thereof, and the names and permanent mailing addresses of the principal officers must be listed.
- B. The address or description of the location of the premises.
- C. A description of the premises for which the permit is requested, such as tourist camp, tourist cabin, trailer park, motel, etc.
- D. If the applicant is not the owner of the premises, the name and permanent mailing address of the owner and a statement of how the premises are held by the applicant under such owner, such as tenants, subtenant, trustee, agent, etc.
- E. A statement of the number of units contained, maintained or erected upon the premises for which the tourist permit is sought. For the purpose of this provision, a "unit" is defined as follows:
 1. Each apartment or living unit held for rental in an apartment house building shall be considered to be one unit.
 2. Each separate apartment, living unit or room used for sleeping accommodations held for rental in a hotel or motel shall be considered to be one unit. The fact that two rooms used for sleeping accommodations may at times be used as one apartment or living unit by the use of connecting doors shall not destroy their individual identity for the purposes of this section.
 3. Each cabin, trailer, tent or other structure or building used for or capable of being used for sleeping accommodations in a tourist court, trailer park or tenting or camping area and held for rental shall be considered to be one unit.
 4. Each bedroom or sleeping room held for rental in a rooming house shall be considered to be one unit.
 5. In a dormitory, two double beds or four single beds held for rental shall be considered to be one unit.
 6. Where not in one of the above classifications, each cabin, trailer, tent, building or other structure containing or capable of containing sleeping accommodations for one or more persons at any one time and held for rental shall be considered to be one unit.
- (3) All applications shall be filed with the License Clerk to the County Commissioners of Worcester County, Snow Hill, Maryland, together with the required fee for the issuance of a tourist permit. If the application is approved, the County Commissioners will retain said permit fee. If the application is denied, the permit fee will be returned to the applicant at the mailing address set forth in the application.
- (4) All activities conducted pursuant to any permit granted hereunder shall be conducted in a manner such as, in the discretion of the County Commissioners, shall not be detrimental to the health, safety, welfare and morals of the public.

(5) Renewal applications shall be made in the same manner as hereinabove set forth.

(c) Action of County Commissioners; hearing.

(1) Within a reasonable time after receipt of the application, the County Commissioners may approve the application, without hearing. If the application is approved, a tourist permit will be granted to the applicant and mailed to him at the address appearing on the application. If the application is not approved, the applicant shall be so notified of such by letter setting forth the reasons for failure to approve the same and mailed to the applicant at the address appearing on the application.

(2) Hearing.

A. Within ten days from the date of receipt of notice of failure to approve the application, an applicant may file a written request to the County Commissioners for a hearing on such application. The County Commissioners shall thereupon set the same for hearing not later than twenty days from the date of receipt of such written request and shall notify all parties in interest thereof, by mail, at least five days prior thereto.

B. The County Commissioners shall render a decision on the matters and facts brought forth at such hearing on or before twenty days from the date of such hearing and shall notify all parties in interest of such decision by mail. Such decision shall be final. If the County Commissioners determine that the application meets all applicable health, safety, fire, zoning and building standards, the application must be approved.

C. Any hearing may be postponed or continued from time to time by the County Commissioners, in their discretion, at their convenience or upon request of a party in interest for cause.

(d) Revocation or suspension.

(1) The County Commissioners may revoke or suspend a tourist permit, in their discretion, for cause, after notice and hearing, and upon its own motion.

(2) The procedure for such hearing and notice shall generally conform to the provisions of Subsection (c) above.

(e) Reasons for denial of application, revocation or suspension.

(1) The County Commissioners may, in their discretion, deny an application or revoke or suspend a tourist permit for the following reasons:

A. An incomplete or incorrect application.

B. The activity is or would be detrimental to the health, safety or welfare of the public.

C. Conviction, within the period of one year, of an applicant of any crime committed upon the premises involving a breach of morals or violations of gambling or alcoholic beverage laws.

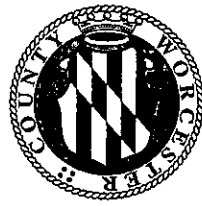
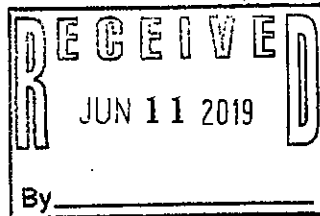
- D. Failure to conform to the rules and regulations prescribed or any subsequent amendments thereto.
 - E. Recurrent offensive conduct or behavior of any person or persons on the premises, causing a public nuisance or disturbance.
- (f) Permit year, proration, fees and transfers.
- (1) Tourist permits shall be issued annually by the County Commissioners for a period of one year from June 1 to May 31 in every year.
 - (2) No permit fees will be prorated, either upon application or upon cancellation, whether voluntary or otherwise.
 - (3) Tourist permit fees shall be as prescribed by resolution of the County Commissioners.
 - (4) No permit issued hereunder shall be transferable, either to another person for the same premises or to other premises by the applicant to whom issued.
- (g) Display of permit. The tourist permit shall at all times be displayed in open view in the principal office on the premises for which it is issued or, if there is no such office, then on the wall of the central hall or room near the main entrance of said premises.
- (h) Enforcement, inspection and penalties.
- (1) The provisions of this section shall be enforced by the County License Department, which shall perform such duties as may be assigned to or required of it under this regulation and such other duties as may be assigned by the County Commissioners. In the performance of such duties, the Department shall have all authority, rights, privileges, powers and immunities reasonably necessary to enable it to carry out such duties and shall be considered to be a law enforcement agency and its members peace officers of Worcester County.
 - (2) The County License Inspectors of the License Department shall have the right to enter upon any premises for which a tourist permit has been issued hereunder in order to inspect such permit and such premises or parts of such premises which are then and there under the control and/or supervision of the permit holder; provided, however, that nothing herein shall be so construed so as to give said County License Inspectors the right or privilege of entering upon any such premises or any part thereof while the same are under the control or supervision of a tenant of the permit holder without permission of that tenant, a valid search warrant or unless such premises or part thereof is usually and customarily open to members of the public.
 - (3) Violations.
 - A. Violations. Any person establishing, maintaining or operating any establishment or place as herein described without first obtaining a permit or operating or maintaining the same in violation of this section shall be guilty of a civil infraction. [Amended 11-10-1987 by Bill No. 87-5]
 - B. Action of County Commissioners.
 - 1. If any person, firm or corporation shall violate any provision, restriction or requirement of Article 25, § 27, of the Annotated Code of Maryland, 1957

Edition, or any provision, restriction or requirement of this section, such place, establishment or premises shall be subject to be abated as a nuisance by the County Commissioners, in their discretion.

2. In addition to the above, the County Commissioners may, in their discretion, refuse to grant or renew or may, in their discretion, revoke or suspend any tourist permit.

§ TR 2-202. Gaming permits. [Amended 4-25-1989 by Bill No. 89-3]

- (a) Legislative intent. The County Commissioners, in view of the passage of Chapter 463 of the Acts of 1988, codified as § 251B of Article 27 of the Annotated Code of Maryland, 1957 Edition, deem it necessary and appropriate to enact this section of the Code of Public Local Laws of Worcester County dealing with gaming for the purpose of establishing a system for the issuance of permits, grounds for the refusal of the issuance of gaming permits, the means for determining whether a group, organization or corporation is qualified to obtain a gaming permit, to place a limitation on the number of raffle permits to be issued and to generally deal with gaming permits in the county, all pursuant to Chapter 463 of the Acts of 1988. It is not the legislative intent to contravene or attempt to limit or expand Chapter 463 of the Acts of 1988, except as therein authorized, nor is it the legislative intent to qualify or change the definition of a raffle as set forth therein.
- (b) Limitation on raffle permits. No organization may receive more than twelve raffle permits in any calendar year.
- (c) Chapter 463 of the Acts of 1988 to be complied with. In all cases, the provisions of chapter 463 of the Acts of 1988, as time to time amended, shall be complied with in the issuance of raffle permits in the county.
- (d) System for issuance of gaming permits. The system for the issuance of raffle permits in the county shall be as follows:
 - (1) Application shall be under oath and will be made to the agency designated by the County Commissioners as the issuing agency for the raffle permits, upon forms provided by the County Commissioners. Each application shall contain, without limitation, information as to the name and type of organization of the application, the location of the applicant's principal place of business, lodge, fire house or other appropriate headquarters, the names and bona fide residences of the officers or leaders of the applicant, the number of members, stockholders or participants of applicant, the approximate date of the founding or chartering of the applicant, the number of meetings held by the applicant within the last three years, the name or names of the beneficiaries of the receipts of the raffle, whether or not the applicant or the beneficiary of the raffle has been granted tax-exempt status by any taxing authority and, if so, details as to such exemption, the nature of the event, giving details as to the working thereof, a list of prizes to be awarded as a result of the event, the time of the event, including sales and awarding of prizes, the proposed dates of the event, whether or not the event is a raffle and such other information as the County Commissioners may from time to time deem necessary and appropriate. All applications shall be accompanied by such fees as may be prescribed by law.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

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BUILDING DIVISION
DATA RESEARCH DIVISION

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ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
DATE: June 11, 2019
RE: Countywide Rental License Program

Pursuant to your memorandum dated January 23, 2019, I have comprehensively reviewed the existing regulations on room tax, mobile and manufactured home park licenses, excise tax, tourist permits, and the Zoning Code as they pertain to the various types of lodging facility regulations. Much of the language contained therein utilizes outdated terminology and is frequently inconsistent with other pertinent regulations. I have been working with my staff to develop a framework to create a comprehensive rental license program that would apply to short and long term residential rentals and the necessary text amendments to remove all of the inconsistencies in our existing codes relative to residential property rentals as well as to establish new regulations for short term vacation rentals with regard to single family homes. To date we have completed four different legislative bills for the County Commissioners' consideration. P.

The first legislative bill involves numerous changes to the Zoning and Subdivision Control Article. Among its 17 separate sections, it removes certain antiquated definitions, revises or adds new definitions to reflect the addition of new regulations regarding short term rentals of residential dwellings, removes "conversion of architecturally significant dwellings into an inn" and "country inns" from several districts and puts all of these very similar uses under the term "bed and breakfast establishment" to simplify and streamline the Code, and makes subtle changes to Section § ZS 1-340 of the Zoning Code with respect to bed and breakfast establishments to make them more inclusive. This first bill also adds the keeping of not more than two roomers and boarders to select zoning districts that allow single family homes where they were previously omitted in error, creates an entirely new Zoning Code section to deal with the short term lodging issues from platforms such as AirBnb and Vacation Rental by Owner P.

(VRBO) and provides that the County Commissioners may by resolution establish standards or require additional information to enforce the provisions.

The second bill repeals Section § TR 2-201 concerning Tourist Permits from the Taxation and Revenue Article and creates an entirely new section entitled Section § TR 2-106 Rental Licenses. This new section is the basis for the entire licensing program. As drafted so far, this section would require a rental license for any type of building, dwelling, recreational vehicle, hotel or motel, cottage, apartment, condominium or site for placement of a recreational vehicle or any other form of shelter for lodging or domicile regardless of the rental term. It further provides that the County Commissioners would set rental license fees by resolution and I recommend that such fees be established by the class of rental. For example, the license fee could be different for hotels and motels on a per room basis as opposed to an entire house or other place of accommodation. I believe it is most important that all rental properties have a license, however. There are also provisions for license applications, terms, renewals and display of licenses, restrictions on licenses, enforcement and revocation of licenses.

The third bill makes a limited number of changes to the Taxation and Revenue Article in Section § TR 1-601 Hotel Rental Tax to update the language with regard to rental units so that it is consistent with the other sections and articles referenced above. It is important to note that with the development of the rental license and the short term rental regulations, the maximum occupancy of a dwelling unit would remain as currently defined for a family or housekeeping unit in the Zoning Code, specifically, "an individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit." As drafted, these regulations would not permit the occupancy of a dwelling by multiple families or groups of unrelated persons, no matter the length of stay.

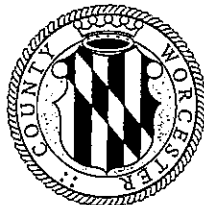
The fourth bill repeals Subtitle V Mobile and Manufactured Home Park Licenses in its entirety, which also serves to eliminate the excise tax for these uses. The lost revenue could be made up in whole or in part by the setting of the rental license fee for the individual mobile or manufactured home sites at whatever level determined necessary by the County Commissioners.

I would like to point out that there is not a rental license inspection component in any of the legislation. While inspections will certainly be necessary to address licensing complaints, there is currently no requirement for any type of inspection either before or after the issuance of a rental license. Additionally, the draft legislation affecting the Zoning and Subdivision Control Article as it applies to short term rentals permits the County Commissioners to adopt by resolution additional standards or require additional information to enforce the provisions of the Title. While I have not drafted such a resolution for consideration at this point, I suggest that it include such items as providing operable smoke and carbon monoxide detectors in all sleeping areas, posting a floor plan showing the path to the nearest exist, posting maximum occupancy limits, establishing minimum square footage requirements per occupant in sleeping rooms and requirements for a fire extinguisher.

Lastly, I recommend that any changes adopted relative to these recommendations become effective no earlier than January 1, 2020 and be accompanied by an aggressive public information campaign this coming Fall. Since any of these proposed changes would also affect the operations of the Treasurer's Office, I have consulted with Phil Thompson throughout this process. While I cannot speak for Mr. Thompson, I can say with regard to my department that, as outlined, we do not have sufficient staff to implement a comprehensive rental license program as drafted. If we were to contract with a consulting firm to identify short-term rentals such as Talbot County has done and Ocean City has contemplated, I expect it would only add to the staff requirements but would also generate additional revenue.

I look forward to discussing these issues with you and the County Commissioners at your convenience.

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
Phil Thompson, Finance Officer



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COUNTY ATTORNEY

Worcester County

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SNOW HILL, MARYLAND

21863-1195

January 23, 2019

TO: Edward A. Tudor, Director of Development Review and Permitting
Phil Thompson, Finance Officer

FROM: Harold L. Higgins, Chief Administrative Officer HH

SUBJECT: Countywide Rental License Program

Thank you for your thorough memo and recommendations regarding the proposed Countywide Room Tax/Rental License Program in Worcester County. As you are aware, as a result of their discussion regarding this matter at their meeting on January 22, 2019, the Worcester County Commissioners have directed you to develop the framework for County code revisions required to remove all of the inconsistencies between the various sections of the County Law as you suggested and to create a Rental License Program which would apply to both long-term and short-term rentals. The Commissioners understand that this work will require significant effort on your part and have therefore agreed to anticipate receiving your draft report in April 2019, which could then be followed by a text amendment or amendments thereafter.

Thank you for your attention to this matter. If you should have any questions or concerns, please feel free to contact me at this office.

KS/kah

cc: Maureen Howarth, County Attorney
Kelly Shannahan, Assistant Chief Administrative Officer
Kathy Whited, Budget Officer

The Commissioners met with Mr. Thompson and Mr. Tudor to discuss staff's findings regarding steps that could be taken to initiate a Countywide room tax and rental license program and to discuss the success of similar programs already in effect in Talbot County and Ocean City.

Mr. Tudor stated that Talbot County has a very specific code section dealing solely with short-term rentals (STRs), which utilizes software developed by Bear Cloud Software at a cost of \$1,250 per month for a total annual cost of \$15,000, to identify STRs and assist the County in licensing, enforcement, tax collection, and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash, and excess numbers of renters. Mr. Tudor stated that Talbot County began using the software in August, 2018, and rental license applications can only be filed during the months of July, August, January, and February, according to their law, so they have not had sufficient time to evaluate the efficacy of the software.

Mr. Thompson stated that the County collects room tax on behalf of the Town of Ocean City, which in spring 2018 mailed approximately 30,000 letters to remind property owners about the town's property rental license program and to encourage compliance. He advised that the letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue.

Mr. Tudor stated that the County does not have a rental license requirement, but rather a requirement in the Taxation and Revenue Article known as a Tourism Permit, which is required for any structure rented or capable of being rented to four or more persons for less than six months. A separate section of the County Code requires the payment of a Hotel Rental Tax (Room Tax) on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Mr. Tudor explained that under the current County Code, the number of combinations of lengths of stay and number of persons can quickly become very confusing, and he cited specific instances in which renting to three people would violate the Zoning Ordinance if the homes were located in the A-1, A-2, E-1, V-1, R-1, R-2, and R-3 Zoning Districts. He noted that, due to the way the County's various codes are written today, it may be counterproductive to hire a software consultant or even send letters to all of the County property owners to increase enforcement or raise awareness of the Tourist Permit and Room Tax requirements until staff can remove all the inconsistencies in the various Codes. He stated that the first step would be to begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of rooms or borders to perhaps as many as four or more persons. Then, the Tourist Permit should be repealed and replaced with a comprehensive rental license requirement, which simply put would require anyone renting a property, regardless of the term, to have a rental license. Mr. Tudor stated that the Room Tax provisions concerning the length of stay could remain as is or be revised to a different length of stay at the Commissioners' discretion. However, there needs to be very clear guidance pertaining to the licensing component, specifically whether the Commissioners wish to address nuisance issues and public safety as part of the rental license; basic safety inspections of rental properties for such things as smoke detectors and required means of egress; an established minimum square footage requirement for sleeping rooms (as Ocean City requires) to avoid overcrowding in these rental units; and increased parking beyond the current Zoning Ordinance standard of two parking spaces per single-family dwelling when the house is used for short-term rentals. He stated that perhaps greater awareness and compliance could be gained if that process could be coupled with an

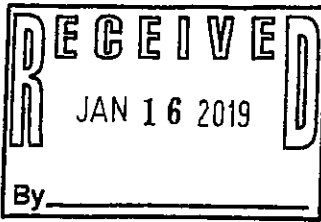
aggressive public outreach campaign, thus saving the County the cost of the software firm initially. He stated that additional staff will be necessary to implement any changes to the existing law, and the number and classification of the staff will be dependent upon the components of the licensing program.

Commissioner Mitrecic made a motion to direct staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals.

Commissioner Bunting stated that any doubts he had initially about instituting this Countywide program were removed after he saw on the internet where one individual owns eight to nine houses in a single subdivision and rents those properties weekly throughout the summer months. Commissioner Bertino stated that homeowners should have the right to rent their properties, without government using it as a new means of reaching into their pockets. In response to a question by Commissioner Church, Mr. Tudor stated that the proposed program would require extensive revisions to the County Code, but with guidance from the Commissioners, staff could develop a framework for their consideration by spring 2019.

Commissioner Church stated that he has received calls from concerned constituents regarding rental properties limited to eight occupants that have housed upwards of 25 people, and a defined rental license program would help assure some much-needed accountability. Therefore he is very much in favor of the proposed program. Commissioner Nordstrom concurred, and he pointed out that private rentals, which currently pay no taxes or licensing fees, compete with area hotels that are paying taxes and licensing fees. In response to a question by Commissioner Elder, Mr. Tudor advised that the County could develop a room tax and rental licensing program that takes into account the different rates that could be assessed between short-term and long-term rentals.

Following some discussion and upon a vote on the motion by Commissioner Mitrecic, the Commissioners voted 5-1-1, with Commissioner Bertino voting in opposition and Commissioner Elder abstaining due to a conflict of interests, for staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals for their consideration in April 2019.



DEPARTMENT OF
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ADMINISTRATIVE DIVISION
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TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
Phil Thompson, Finance Officer *PT*
DATE: January 15, 2019
RE: Countywide Room Tax/Rental License Program

Pursuant to your request, we have jointly worked to gather information and prepare this memorandum relative to the above referenced issues. Specifically, we reviewed the recent actions taken by both Talbot County and Ocean City. Both jurisdictions have had rental licensing programs on the books for a number of years. Talbot County has a very specific code section dealing solely with short term rentals (STRs). On the other hand, Ocean City has a more general approach to rentals. Recently, however, both jurisdictions took action to attempt to enhance revenue collection. Before discussing the specifics of our current law and programs, we will provide a brief discussion of both Talbot County and Ocean City's recent actions.

In June 2018 Talbot County entered into a contract with Bear Cloud Software to develop a software program to assist the County with identifications of STRs. In addition to identifying the properties the software has a number of other features that assist the County in licensing, enforcement, tax collection and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash and excessive numbers of renters, etc. It also supports a very robust amount of data collection, information and reports on the rental properties themselves. Talbot County is paying \$1,250 per month for a period of one year for the service, according to the contract. Since the contract for the software was signed at the end of last August and rental license applications can only be filed during the months of July, August, January and February according to their county law, I would not expect that they have had sufficient time to evaluate the efficacy of the software as of yet.

While Ocean City apparently discussed a software solution similar to Talbot County, it is our understanding that to date they have taken a different path. Like Talbot County, Ocean City has had a rental licensing and enforcement program for quite some time. According to conversations with Town staff, in the spring of 2018 they sent out approximately 30,000 letters to remind property owners that the Town had a property rental license program and to encourage compliance. Included with the letters was information regarding the County room tax remittance and contact information for the Maryland State Comptroller's Office with regard to sales and use tax collection and remittance. The letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue. Although the Town received proposals from firms for software similar to that utilized by Talbot County, with some at considerably greater expense, no further action has been taken at this time.

With regard to our licensing, taxation and zoning regulations on rental properties, I have prepared the attached chart to provide a better picture of the complexities of our system. First, we do not have a rental license per se but rather a requirement in the Taxation and Revenue Article for what is known as a Tourist Permit. These permits are required for any structure rented or capable of being rented to four or more persons for less than six months. Secondly, the Taxation and Revenue Article requires the payment of a Hotel Rental Tax on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Quite obviously, neither the length of stay or number of renters is consistent between the two provisions. The number of combinations of lengths of stay and number of persons can quickly become very confusing. Take the example of someone renting a room in their home. If they rent to three people for four months and a day, they do not need a Tourist Permit nor are they required to pay Room Tax. Reduce the stay to four months for the same number of people and now they are required to pay Room Tax but still do not need a Tourist Permit. If the homeowner rents to one more person, for a total of four persons, for six months, they do not need a Tourist Permit nor are they required to pay the Room Tax. Reduce the stay by one day and now a Tourist Permit is necessary but the homeowner is still not subject to the Room Tax. On top of all these combinations we have the limitations in the Zoning Ordinance. Take the first example of someone renting a room in their home to three people for four months and a day. As stated before, they do not need a Tourist Permit and are not required to pay Room Tax. However, if they are renting to three people they are in violation of the Zoning Ordinance if the home is in the A-1, A-2, E-1, V-1, R-1, R-2 and R-3 Zoning Districts. If the home is in the R-4 Zoning District they could rent to the three persons as an accessory use. If in the V-1 District they could do so as a Special Exception as a boarding or lodging house but would still not need a Tourist Permit or pay Room Tax. Now if the space had its own cooking facilities and therefore was classified as an accessory apartment, it could be rented to the three persons in all of the aforementioned Zoning Districts. They would not need a Tourist Permit at all and would only need to pay Room Tax if they rented the apartment for four months or less. Add one more person in the accessory apartment, cut the term to four months and now they need a Tourist Permit and have to pay Room Tax but are not in violation of the Zoning Ordinance. We think you can see just how quickly the combinations can get out of hand and how confusing it is.

With the way our various codes are written today, we think it may actually be counterproductive to hire a software consultant or even send letters to all of the County property owners. Our gut instincts tell us that most likely the STRs advertised for rent on various platforms would accommodate at least four persons but would also most likely be located in Zoning Districts other than the R-4 District which would then prohibit the rental entirely unless they are located in an accessory apartment. If we then enforced the terms of the Zoning Ordinance we would most likely significantly reduce the number of units/rooms that could be rented and thus those for which a Tourist Permit could be issued and hence Room Tax collected from property owners. Certainly some property owners may then begin to advertise that they only accommodate two persons or less but of course then they would not be subject to getting a Tourist Permit, making it more difficult to track and collect Room Tax.

Given all of the information above, we believe that before embarking on a program to increase enforcement or to simply raise awareness of the Tourist Permit and Room Tax requirements we should clean up our various codes to remove all of the inconsistencies between the various sections of the law. This would begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of roomers or boarders to perhaps as many as four or more persons. Secondly, we believe that the existing Tourist Permit requirement should be repealed and replaced with a comprehensive rental license requirement. Simply put, if you are renting your property, regardless of the term, you need a rental license. The fee could be adjusted for the particular type of license, i.e., short or long term, but there would be a license requirement regardless. The Room Tax provisions concerning the length of stay could remain as it or be revised to a different length of stay at the County Commissioners' discretion. Lastly, while not necessarily a component of the revenue issue, should the County Commissioners see fit to make revisions as outlined above, we believe there needs to be very clear guidance pertaining to the licensing component. Specifically, do the County Commissioners wish to address nuisance issues and public safety as part of the rental license? Should we have basic safety inspections of rental properties for such things as smoke detectors and required means of egress? Should we establish minimum amounts of square footage for sleeping rooms as does Ocean City to avoid overcrowding in rental units? Should there be increased parking requirements beyond our current Zoning Ordinance standard of two parking spaces per single family dwelling when the house is used for short term rentals? Obviously, these changes to the law would require public hearing which may inform a small segment of the property owners but perhaps greater awareness and compliance could be gained if that process could be coupled with an aggressive public outreach campaign. This could save the County the cost of a software firm, at least until we see how things are functioning. In any event, we believe additional staff will be necessary to implement any changes to our existing laws. The number and classification of those staff will be dependent upon the components of the licensing program.

As always, we will both be available to discuss the matter in greater depth with you and the County Commissioners at your convenience.

APPROVED

Worcester County Commissioners

Date 11/11 1/22/19

Approve concept of
rental license 23



16

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

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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

July 16, 2019

A blue stamp of a fax machine. To its right is a red stamp that says "FAXED" in large letters, with "7/16/19 @ 3:54pm" written in blue ink below it.

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

Please print the attached Notice of Introduction of Bill 19-5 in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on August 1, 2019 and August 15, 2019. Thank you.

NOTICE OF INTRODUCTION OF BILL 19-5
WORCESTER COUNTY COMMISSIONERS

Take Notice that **Bill 19-5 (Taxation and Revenue - Hotel Rental Tax)** was introduced by Commissioners Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell on July 16, 2019.

A fair summary of the bill is as follows:

§ TR 1-601. (Repeals and reenacts Subtitle VI "Hotel Rental Tax" of Title 1 "Taxation" of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland to update the language with regard to rental units and with reference to State Law, and to make certain stylistic changes with regard to the language; the proposed revisions extend the hotel rental tax to any hotel or motel, at any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model or other tourist home, or any other building or structure or portion thereof used as a place of lodging; revises the definition of "Hotel, motel, apartment, cottage or similar place" to also include any public or private house, townhouse, apartment, condominium unit, cottage, cabin, rooming house, manufactured home, recreational vehicle, or recreational park model where all or a portion thereof provides sleeping accommodations in return for compensation of any kind; revises the definition of "Room or building rental" to extend to any monetary or non-monetary compensation received for the rental of the above referenced sleeping accommodations; revises the definition of "Transient" to apply to a person who obtains any of the above referenced sleeping accommodations for any period less than four consecutive months; provides in the case of failure to report and remit hotel rental taxes that the County Commissioners may institute injunctive mandamus or other appropriate proceedings of law to correct violations and that delinquent and unpaid taxes shall become a lien upon the real property and collectible in the same manner as real estate taxes; provides that the County Commissioners may deduct a reasonable sum for the cost of imposing and

collecting the hotel rental tax for the above referenced sleeping accommodations with the remainder of the total proceeds paid to the Mayor and City Council of the municipal corporation in which the sleeping accommodations are located.)

A Public Hearing

will be held on Bill 19-5 at the Commissioners' Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland, **on Tuesday, August 20, 2019 at 11:00 a.m.**

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103, is available for public inspection in Room 1103 of the Worcester County Government Center and is available on the County Website at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 19-5

BY: Commissioners Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: July 16, 2019

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Hotel Rental Tax

For the purpose of amending the Taxation and Revenue Article to update the language with regard to rental units and with reference to State Law, to extend the term of occupancy for which room tax applies, and to make certain stylistic changes with regard to language.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Title I, Subtitle VI of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland be repealed and reenacted to read as follows:

SUBTITLE VI
Hotel Rental Tax

§ TR 1-601. General provisions.

- (a) **Imposition and rate.** The Board of County Commissioners of Worcester County may impose a tax within every resort area within the County on the amount paid for room or building rental by or for any transient at any hotel or motel, at any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model or other tourist home, or any other building or structure or portion thereof used as a place of lodging. This tax, if imposed, shall be at the rate as a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent (5.0%). Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing.
- (b) **Definitions.** In this section, the following words and phrases shall have the meaning indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE OR SIMILAR PLACE -- Any hotel or motel, any public or private house, townhouse, apartment, condominium unit, cottage, cabin, rooming house, manufactured home, recreational vehicle, recreational park model, or other tourist home or house, or any other building or structure or portion thereof, or other similar lodging place offering sleeping accommodations or space for one or more persons at any time, where the owner or operator thereof provides or offers to provide such sleeping accommodations or space to any transient in return for compensation of any kind.

PERSON -- Any individual, corporation, company, association, firm, partnership or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA -- Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the Tenth Election District of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL -- The total charge for any monetary compensation or the fair market value of any non-monetary compensation received by the owner, operator or resident agent of any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as a place of sleeping accommodations or space provided to a transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT -- Any person who, for any period of less than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the expense of another, in any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof as sleeping accommodations.

- (c) Collection. Every person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall complete a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected and he shall sign and deliver the report to the Board of County Commissioners with a remittance of the tax required hereunder. The reports and remittances shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18th day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section and/or file the required report within the time and in the amount specified in this section, there shall be added to the tax by the Board of County Commissioners interest at the rate of one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section. If the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners

may proceed to collect delinquent and unpaid taxes by suit or distraint.

- (1) The County Commissioners may institute injunctive, mandamus or other appropriate proceedings of law to correct violations of this Subtitle. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.
- (2) Delinquent and unpaid taxes shall become a lien upon the real property of the person or entity from whom they are due and shall be collectible in the same manner as real estate taxes assessed against any such property.

(f) Distribution of proceeds.

- (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as sleeping accommodations:
 - A. The Board of County Commissioners shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
 - B. That portion of the remainder of the total proceeds which came from payments made for any house, townhouse, apartment, condominium unit, cottage, cabin, manufactured home, rooming house, recreational vehicle, recreational park model, hotel or motel room, or any other building or structure or portion thereof used as sleeping accommodations located in whole or in part within the corporate limits of a municipal corporation in a resort area within the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
 - C. The remaining portion of the total proceeds shall be credited to the general funds of the County.
- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.

(g) State administrative fee. The Retail Sales Tax Division of the Comptroller's Office shall supply to the Board of County Commissioners information in aid of verification of liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.

(h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. As applicable, the laws and the regulations in effect as to the sales and use tax in Maryland shall be adopted and followed by the Board of County

Commissioners in promulgating or changing a rule or regulation.

- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
 - (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
 - (2) In lieu of the bond required by Subsection (k)(1) herein, securities approved by the Board of County Commissioners or cash in such amount as the Board prescribes may be deposited, which shall be kept in the custody of the Board. The Board, at any time, without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by the Board at public or private sale without notice to the depositor of the securities.
- (l) Applicability. The procedures under Title 20, Subtitle 4 (Hotel Rental Taxes), of the Local Government Article of the Annotated Code of Maryland, as from time to time amended, shall apply to this section.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take January 1, 2020.

PASSED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom

SUBTITLE VI
Hotel Rental Tax

Strike and
REPLACE
Version

§ TR 1-601. General provisions.

- (a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the County on the amount paid for room or building rental by or for any transient at any hotel, ~~motel, apartment, cottage or other similar place providing sleeping accommodations.~~ OR MOTEL, AT ANY HOUSE, TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL OR OTHER TOURIST HOME, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF USED AS A PLACE OF LODGING. This tax, if imposed, shall be at the rate as a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent (5.0%). Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing.

- (b) Definitions. In this section, the following words and phrases SHALL have the meanings indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE ~~or OTHER OR SIMILAR PLACE~~ --- Any HOTEL OR MOTEL, ANY public or private hotel, inn, ~~hostelry,~~ HOUSE, TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, ROOMING HOUSE, MANUFACTURED HOME, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, OR OTHER tourist home or house, ~~motel, rooming house, apartment house~~ OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF, ~~cottage or other similar lodging place offering sleeping accommodations or space for one or more persons at any time, and WHERE the owner and OR operator thereof, which for compensation holds out~~ PROVIDES OR OFFERS to furnish ~~or furnishes~~ PROVIDE SUCH sleeping accommodations or space to any transient IN RETURN FOR COMPENSATION OF ANY KIND.

PERSON --- Any individual, corporation, company, association, firm, copartnership PARTNERSHIP or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA --- Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the Tenth Election District of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL --- The total charge made by any hotel, motel, apartment,

~~cottage or other similar place for~~ FOR ANY MONETARY COMPENSATION OR THE FAIR MARKET VALUE OF ANY NON-MONETARY COMPENSATION RECEIVED BY THE OWNER, OPERATOR OR RESIDENT AGENT OF ANY HOUSE, TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, HOTEL OR MOTEL ROOM, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF AS A PLACE OF sleeping accommodations or space furnished PROVIDED ~~the~~ TO A transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT --- Any person who, for any period of ~~not more~~ LESS than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the expense of another, in any ~~hotel~~ HOUSE, ~~motel, apartment, cottage or other similar place for which there is a room or building rental~~ TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, HOTEL OR MOTEL ROOM, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF AS SLEEPING ACCOMMODATIONS.

- (c) Collection. Every person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall ~~make out~~ COMPLETE a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected; and he shall sign and deliver the report to the Board of County Commissioners; with a remittance of the tax required hereunder. The reports and remittances shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18th day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section AND/OR FILE THE REQUIRED REPORT within the time and in the amount specified in this section, there shall be added to the tax by the Board of County Commissioners interest at the rate of one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section; ~~and i.~~ If the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.
- (1) THE COUNTY COMMISSIONERS MAY INSTITUTE INJUNCTIVE, MANDAMUS OR OTHER APPROPRIATE PROCEEDINGS OF LAW TO CORRECT VIOLATIONS OF THIS SUBTITLE. ANY COURT OF COMPETENT JURISDICTION SHALL HAVE THE RIGHT TO ISSUE TEMPORARY OR PERMANENT RESTRAINING

ORDERS, INJUNCTIONS OR MANDAMUS, OR OTHER APPROPRIATE FORMS OF RELIEF.

- (2) DELINQUENT AND UNPAID TAXES SHALL BECOME A LIEN UPON THE REAL PROPERTY OF THE PERSON OR ENTITY FROM WHOM THEY ARE DUE AND SHALL BE COLLECTIBLE IN THE SAME MANNER AS REAL ESTATE TAXES ASSESSED AGAINST ANY SUCH PROPERTY.

(f) Distribution of proceeds.

- (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from ~~the hotels, motels, apartments, cottages or other similar places:~~ ANY HOUSE, TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, HOTEL OR MOTEL ROOM, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF USED AS SLEEPING ACCOMMODATIONS:

- A. The Board OF COUNTY COMMISSIONERS shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
- B. That portion of the remainder of the total proceeds which came from payments made by ~~FOR a hotel~~ny HOUSE, ~~motel, apartment, cottage or other similar place~~ TOWNHOUSE, APARTMENT, CONDOMINIUM UNIT, COTTAGE, CABIN, MANUFACTURED HOME, ROOMING HOUSE, RECREATIONAL VEHICLE, RECREATIONAL PARK MODEL, HOTEL OR MOTEL ROOM, OR ANY OTHER BUILDING OR STRUCTURE OR PORTION THEREOF USED AS SLEEPING ACCOMMODATIONS located in whole or in part within the corporate limits of a municipal corporation in a resort area in WITHIN the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
- C. The remaining portion of the total proceeds shall be credited to the general funds of the County.

- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.

- (g) State administrative fee. The Retail Sales Tax Division of the Comptroller's Office shall supply to the Board of County Commissioners information in aid of verification of liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.

- (h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. ~~If and a~~ As applicable, the laws and the regulations in effect as

to the sales and use tax in Maryland shall be adopted and followed by the Board of County Commissioners in promulgating or changing a rule or regulation.

- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners; to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
 - (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
 - (2) In lieu of the bond required by Subsection (k)(1) HEREIN, securities approved by the Board of County Commissioners or cash in such amount as the Board prescribes may be deposited, which shall be kept in the custody of the Board. The Board, at any time, without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by the Board at public or private sale without notice to the depositor of the securities.
- (l) Applicability. The procedures under Title 9 20, Subtitle 7 4 (HOTEL RENTAL TAXES), of THE LOCAL GOVERNMENT Article 24 of the Annotated Code of Maryland, AS FROM TIME TO TIME AMENDED, SHALL apply to this section.

Replace

SUBTITLE VI
Hotel Rental Tax

§ TR 1-601. General provisions.

- (a) Imposition and rate. The Board of County Commissioners of Worcester County may impose a tax within every resort area within the county on the amount paid for room or building rental by or for any transient at any hotel, motel, apartment, cottage or other similar place providing sleeping accommodations. This tax, if imposed, shall be at the rate as a per centum of the room or building rental as the Board may, by resolution after public notice and hearing, determine, but not to be imposed at a rate in excess of five percent (5.0%). Any resolution establishing a rate in excess of three percent shall require the unanimous consent of all of the County Commissioners. The notice of public hearing shall be advertised at least twice in at least one newspaper of general circulation in the County, with the first such notice appearing not less than ten days prior to the date of such hearing and shall state the possible rates that may be set and the date, time and place of the hearing. Bill 19-1, passed 5/21/19 Effective 7/5/19

- (b) Definitions. In this section, the following words and phrases have the meanings indicated, unless the context clearly indicates a different meaning:

HOTEL, MOTEL, APARTMENT, COTTAGE OR OTHER SIMILAR PLACE — Any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, apartment house, cottage or other similar lodging place offering sleeping accommodations or space for one or more persons at any time, and the owner and operator thereof, which for compensation holds out to furnish or furnishes sleeping accommodations or space to any transient.

PERSON — Any individual, corporation, company, association, firm, copartnership or any group of individuals acting as a unit and includes any trustee, receiver, assignee or personal representative thereof.

RESORT AREA — Any portion or portions of the County, as specified by the Board of County Commissioners from time to time, which, by reason of natural, scenic or man-made attractions or development, has or have an unusual influx of visitors, sojourners and temporary residents and which, by reason of the influx, requires municipal services in unusual number or magnitude. The term specifically includes but is not necessarily limited to the tenth election district of the County, as it existed on January 1, 1971.

ROOM OR BUILDING RENTAL — The total charge made by any hotel, motel, apartment, cottage or other similar place for sleeping accommodations or space furnished the transient. If the charge includes any amount for services or accommodations in addition to that of the use of sleeping space, the portion of the total charge which represents only "room or building rental" shall be distinctly set out and billed to the transient as a separate item.

TRANSIENT — Any person who, for any period of not more than four consecutive months, obtains sleeping accommodations or space, either at his own expense or at the

expense of another, in any hotel, motel, apartment, cottage or other similar place for which there is a room or building rental.

- (c) Collection. Every person receiving any payment for room or building rental on which a tax is levied under this section shall collect the amount of tax imposed from the transient or person on whom it is levied or from the person paying for the room or building rental at the time payment is made. The taxes required to be collected hereunder shall be deemed held in trust by the person required to collect them until remitted as hereinafter required.
- (d) Reports and remittances. The person collecting the tax shall make out a report, upon forms and setting forth information the County Commissioners prescribe and require, showing the amount of room or building rental charges that have been collected and the tax required to be collected; and he shall sign and deliver the report to the Board of County Commissioners, with a remittance of the tax required hereunder. The reports and remittances shall be made on or before the 21st day of each month, covering the sales and the amount of tax collected during the preceding calendar month. If the reports and remittances are mailed to the Board of County Commissioners, a postmark on the 18th day of the month is deemed to be evidence of timely payment.
- (e) Failure to report and remit. If any person fails or refuses to remit to the Board of County Commissioners the tax required to be collected and paid under this section within the time and in the amount specified in this section, there shall be added to the tax by the Board of County Commissioners interest at the rate of one-half percent per month on the unpaid tax for each month or portion thereof from the date upon which the tax is due, as provided in this section; and if the tax remains delinquent and unpaid for a period of one month from the date it is due and payable, there shall be added thereto by the Board of County Commissioners a penalty of ten percent of the unpaid tax. The Board of County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.
- (f) Distribution of proceeds.
 - (1) From the total proceeds collected from the tax by the Board of County Commissioners from time to time from the hotels, motels, apartments, cottages or other similar places:
 - A. The Board shall deduct a reasonable sum or percentage for the cost of imposing and collecting the tax and credit this deduction to the general funds of the County.
 - B. That portion of the remainder of the total proceeds which came from payments made by a hotel, motel, apartment, cottage or other similar place located in whole or in part within the corporate limits of a municipal corporation in a resort area in the County shall be paid over, without qualification or condition, to the Mayor and City Council, by whatever name known, of the municipal corporation.
 - C. The remaining portion of the total proceeds shall be credited to the general funds of the County.

- (2) Distribution of these several payments shall be made periodically by the Board of County Commissioners, not less than fifteen days nor more than thirty days following the last day of each month during the year.
- (g) State administrative fee. The Retail Sales Tax Division of the Comptroller's office shall supply to the Board of County Commissioners information in aid of verification of liability for the tax. The Retail Sales Tax Division may make a reasonable charge for this assistance, which shall be paid by the Board of County Commissioners and treated as a part of the reasonable costs of collecting the tax.
- (h) Amendments to laws and procedures. The Board of County Commissioners may promulgate and from time to time change or repeal rules and regulations not inconsistent with this section and deemed necessary to provide for an orderly, systematic and thorough collection and distribution of the tax imposed in this section. If and as applicable, the laws and the regulations in effect as to the sales and use tax in Maryland shall be adopted and followed by the Board of County Commissioners in promulgating or changing a rule or regulation.
- (i) Surety bond of Treasurer. The surety bond of the Treasurer of the County may be increased by the Board of County Commissioners in relation to the moneys collected and distributed under this section. The premium for any increase in the surety bond shall be deemed part of the cost of imposing and collecting the tax imposed in this section.
- (j) Processing fee retained by remitter. The person collecting the tax may apply and credit against the amount of tax payable by him an amount equal to one and five-tenths percent of the gross tax to be remitted by him to the Board of County Commissioners, to cover his expense in the collection and remittance of the tax. However, nothing in this subsection applies to any person who fails or refuses to file his return with the Board of County Commissioners within the time prescribed within this section.
- (k) Bond.
- (1) The Board of County Commissioners, in order to protect the revenues to be obtained under this section, may require any person collecting the tax to file with the Board a surety bond issued by a surety company authorized to do business in this state and approved by the State Insurance Commissioner as to solvency and responsibility, in such amount or amounts from time to time as the Board of County Commissioners may fix, to secure the payment of the tax due or which may become due from the person collecting the tax. If the Board determines that the person is to file such a bond, the Board shall give notice to the person to that effect, specifying the amount of bond required. The person collecting the tax shall file the bond within five days after receiving the notice unless, within that period, the person requests, in writing, a hearing before the Board, at which hearing the necessity, propriety and amount of the bond shall be determined by the Board of County Commissioners. This determination is final and shall be complied with within fifteen days after the person collecting the tax receives notice thereof.
- (2) In lieu of the bond required by Subsection (k)(1), securities approved by the Board of County Commissioners or cash in such amount as the Board prescribes may be deposited, which shall be kept in the custody of the Board. The Board, at any time,

without notice to the depositor of the securities or cash, may apply them to any tax due, and for that purpose the securities may be sold by the Board at public or private sale without notice to the depositor of the securities.

- (l) Applicability. The procedures under Title 9, Subtitle 7, of Article 24 of the Annotated Code of Maryland apply to this section.

SUBTITLE VII

Recordation Tax

[Added 6-18-1991 by Bill No. 91-7]

§ TR 1-701. Imposition and rate of tax.

- (a) Tax imposed. A recordation tax, as authorized by and subject to Title 12 of the Tax-Property Article of the Annotated Code of Maryland, is imposed upon instruments of writing recorded with the Clerk of the Circuit Court of Worcester County.
- (b) Rate. Effective September 1, 1991, the recordation tax rate in Worcester County shall be two dollars and twenty cents for each five hundred dollars or fraction of five hundred dollars of the consideration payable or of the principal amount of the debt secured for an instrument of writing. Effective September 1, 1997, the recordation tax rate in Worcester County shall be three dollars and thirty cents for each five hundred dollars or fraction of five hundred dollars of the consideration payable or of the principal amount of the debt secured for an instrument of writing. The consideration includes the amount of any mortgage or deed of trust assumed by the grantee. [Amended 6-10-1997 by Bill No. 97-11]

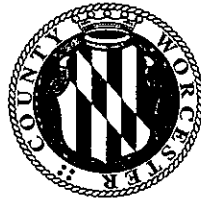
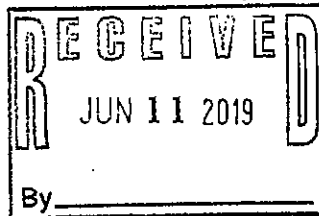
SUBTITLE VIII

County Transfer Tax

[Added 6-18-1991 by Bill No. 91-8]

§ TR 1-801. Imposition, rate and collection of tax.

- (a) Tax imposed. A transfer tax, as authorized by and subject to Title 13 of the Tax-Property Article of the Annotated Code of Maryland, is imposed upon instruments of writing recorded with the Clerk of the Circuit Court for Worcester County or filed with the State Department of Assessments and Taxation. The transfer tax does not apply to the first fifty thousand dollars of the consideration payable for an instrument of writing for residentially improved owner-occupied real property, provided that the property is the principal residence of the grantee and will actually be occupied by the grantee as the grantee's principal residence for at least seven months of any twelve-month period, provided that the instrument of writing is accompanied by a statement under oath signed by the grantee that such is the case. [Amended 8-11-1992 by Bill No. 92-14]
- (b) Rate. The transfer tax rate shall be five-tenths percent of the consideration payable for the instrument of writing. The consideration includes the amount of any mortgage or deed of trust assumed by the grantee.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

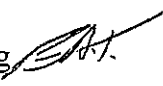
Worcester County


ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

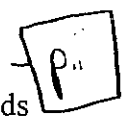
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www.co.worcester.md.us/drp/drpindex.htm

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting 
DATE: June 11, 2019
RE: Countywide Rental License Program

Pursuant to your memorandum dated January 23, 2019, I have comprehensively reviewed the existing regulations on room tax, mobile and manufactured home park licenses, excise tax, tourist permits, and the Zoning Code as they pertain to the various types of lodging facility regulations. Much of the language contained therein utilizes outdated terminology and is frequently inconsistent with other pertinent regulations. I have been working with my staff to develop a framework to create a comprehensive rental license program that would apply to short and long term residential rentals and the necessary text amendments to remove all of the inconsistencies in our existing codes relative to residential property rentals as well as to establish new regulations for short term vacation rentals with regard to single family homes. To date we have completed four different legislative bills for the County Commissioners' consideration. 

The first legislative bill involves numerous changes to the Zoning and Subdivision Control Article. Among its 17 separate sections, it removes certain antiquated definitions, revises or adds new definitions to reflect the addition of new regulations regarding short term rentals of residential dwellings, removes "conversion of architecturally significant dwellings into an inn" and "country inns" from several districts and puts all of these very similar uses under the term "bed and breakfast establishment" to simplify and streamline the Code, and makes subtle changes to Section § ZS 1-340 of the Zoning Code with respect to bed and breakfast establishments to make them more inclusive. This first bill also adds the keeping of not more than two roomers and boarders to select zoning districts that allow single family homes where they were previously omitted in error, creates an entirely new Zoning Code section to deal with the short term lodging issues from platforms such as AirBnb and Vacation Rental by Owner 

(VRBO) and provides that the County Commissioners may by resolution establish standards or require additional information to enforce the provisions.

The second bill repeals Section § TR 2-201 concerning Tourist Permits from the Taxation and Revenue Article and creates an entirely new section entitled Section § TR 2-106 Rental Licenses. This new section is the basis for the entire licensing program. As drafted so far, this section would require a rental license for any type of building, dwelling, recreational vehicle, hotel or motel, cottage, apartment, condominium or site for placement of a recreational vehicle or any other form of shelter for lodging or domicile regardless of the rental term. It further provides that the County Commissioners would set rental license fees by resolution and I recommend that such fees be established by the class of rental. For example, the license fee could be different for hotels and motels on a per room basis as opposed to an entire house or other place of accommodation. I believe it is most important that all rental properties have a license, however. There are also provisions for license applications, terms, renewals and display of licenses, restrictions on licenses, enforcement and revocation of licenses.

The third bill makes a limited number of changes to the Taxation and Revenue Article in Section § TR 1-601 Hotel Rental Tax to update the language with regard to rental units so that it is consistent with the other sections and articles referenced above. It is important to note that with the development of the rental license and the short term rental regulations, the maximum occupancy of a dwelling unit would remain as currently defined for a family or housekeeping unit in the Zoning Code, specifically, "an individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit." As drafted, these regulations would not permit the occupancy of a dwelling by multiple families or groups of unrelated persons, no matter the length of stay.

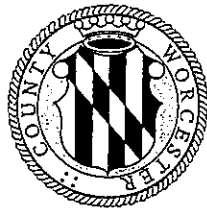
The fourth bill repeals Subtitle V Mobile and Manufactured Home Park Licenses in its entirety, which also serves to eliminate the excise tax for these uses. The lost revenue could be made up in whole or in part by the setting of the rental license fee for the individual mobile or manufactured home sites at whatever level determined necessary by the County Commissioners.

I would like to point out that there is not a rental license inspection component in any of the legislation. While inspections will certainly be necessary to address licensing complaints, there is currently no requirement for any type of inspection either before or after the issuance of a rental license. Additionally, the draft legislation affecting the Zoning and Subdivision Control Article as it applies to short term rentals permits the County Commissioners to adopt by resolution additional standards or require additional information to enforce the provisions of the Title. While I have not drafted such a resolution for consideration at this point, I suggest that it include such items as providing operable smoke and carbon monoxide detectors in all sleeping areas, posting a floor plan showing the path to the nearest exist, posting maximum occupancy limits, establishing minimum square footage requirements per occupant in sleeping rooms and requirements for a fire extinguisher.

Lastly, I recommend that any changes adopted relative to these recommendations become effective no earlier than January 1, 2020 and be accompanied by an aggressive public information campaign this coming Fall. Since any of these proposed changes would also affect the operations of the Treasurer's Office, I have consulted with Phil Thompson throughout this process. While I cannot speak for Mr. Thompson, I can say with regard to my department that, as outlined, we do not have sufficient staff to implement a comprehensive rental license program as drafted. If we were to contract with a consulting firm to identify short-term rentals such as Talbot County has done and Ocean City has contemplated, I expect it would only add to the staff requirements but would also generate additional revenue.

I look forward to discussing these issues with you and the County Commissioners at your convenience.

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
Phil Thompson, Finance Officer



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OFFICE OF THE
COUNTY COMMISSIONERS

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 23, 2019

TO: Edward A. Tudor, Director of Development Review and Permitting
Phil Thompson, Finance Officer

FROM: Harold L. Higgins, Chief Administrative Officer HH

SUBJECT: Countywide Rental License Program

Thank you for your thorough memo and recommendations regarding the proposed Countywide Room Tax/Rental License Program in Worcester County. As you are aware, as a result of their discussion regarding this matter at their meeting on January 22, 2019, the Worcester County Commissioners have directed you to develop the framework for County code revisions required to remove all of the inconsistencies between the various sections of the County Law as you suggested and to create a Rental License Program which would apply to both long-term and short-term rentals. The Commissioners understand that this work will require significant effort on your part and have therefore agreed to anticipate receiving your draft report in April 2019, which could then be followed by a text amendment or amendments thereafter.

Thank you for your attention to this matter. If you should have any questions or concerns, please feel free to contact me at this office.

KS/kah

cc: Maureen Howarth, County Attorney
Kelly Shannahan, Assistant Chief Administrative Officer
Kathy Whited, Budget Officer

The Commissioners met with Mr. Thompson and Mr. Tudor to discuss staff's findings regarding steps that could be taken to initiate a Countywide room tax and rental license program and to discuss the success of similar programs already in effect in Talbot County and Ocean City.

Mr. Tudor stated that Talbot County has a very specific code section dealing solely with short-term rentals (STRs), which utilizes software developed by Bear Cloud Software at a cost of \$1,250 per month for a total annual cost of \$15,000, to identify STRs and assist the County in licensing, enforcement, tax collection, and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash, and excess numbers of renters. Mr. Tudor stated that Talbot County began using the software in August, 2018, and rental license applications can only be filed during the months of July, August, January, and February, according to their law, so they have not had sufficient time to evaluate the efficacy of the software.

Mr. Thompson stated that the County collects room tax on behalf of the Town of Ocean City, which in spring 2018 mailed approximately 30,000 letters to remind property owners about the town's property rental license program and to encourage compliance. He advised that the letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue.

Mr. Tudor stated that the County does not have a rental license requirement, but rather a requirement in the Taxation and Revenue Article known as a Tourism Permit, which is required for any structure rented or capable of being rented to four or more persons for less than six months. A separate section of the County Code requires the payment of a Hotel Rental Tax (Room Tax) on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Mr. Tudor explained that under the current County Code, the number of combinations of lengths of stay and number of persons can quickly become very confusing, and he cited specific instances in which renting to three people would violate the Zoning Ordinance if the homes were located in the A-1, A-2, E-1, V-1, R-1, R-2, and R-3 Zoning Districts. He noted that, due to the way the County's various codes are written today, it may be counterproductive to hire a software consultant or even send letters to all of the County property owners to increase enforcement or raise awareness of the Tourist Permit and Room Tax requirements until staff can remove all the inconsistencies in the various Codes. He stated that the first step would be to begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of rooms or borders to perhaps as many as four or more persons. Then, the Tourist Permit should be repealed and replaced with a comprehensive rental license requirement, which simply put would require anyone renting a property, regardless of the term, to have a rental license. Mr. Tudor stated that the Room Tax provisions concerning the length of stay could remain as is or be revised to a different length of stay at the Commissioners' discretion. However, there needs to be very clear guidance pertaining to the licensing component, specifically whether the Commissioners wish to address nuisance issues and public safety as part of the rental license; basic safety inspections of rental properties for such things as smoke detectors and required means of egress; an established minimum square footage requirement for sleeping rooms (as Ocean City requires) to avoid overcrowding in these rental units; and increased parking beyond the current Zoning Ordinance standard of two parking spaces per single-family dwelling when the house is used for short-term rentals. He stated that perhaps greater awareness and compliance could be gained if that process could be coupled with an

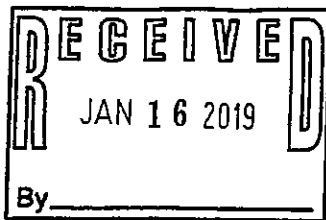
aggressive public outreach campaign, thus saving the County the cost of the software firm initially. He stated that additional staff will be necessary to implement any changes to the existing law, and the number and classification of the staff will be dependent upon the components of the licensing program.

Commissioner Mitrecic made a motion to direct staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals.

Commissioner Bunting stated that any doubts he had initially about instituting this Countywide program were removed after he saw on the internet where one individual owns eight to nine houses in a single subdivision and rents those properties weekly throughout the summer months. Commissioner Bertino stated that homeowners should have the right to rent their properties, without government using it as a new means of reaching into their pockets. In response to a question by Commissioner Church, Mr. Tudor stated that the proposed program would require extensive revisions to the County Code, but with guidance from the Commissioners, staff could develop a framework for their consideration by spring 2019.

Commissioner Church stated that he has received calls from concerned constituents regarding rental properties limited to eight occupants that have housed upwards of 25 people, and a defined rental license program would help assure some much-needed accountability. Therefore he is very much in favor of the proposed program. Commissioner Nordstrom concurred, and he pointed out that private rentals, which currently pay no taxes or licensing fees, compete with area hotels that are paying taxes and licensing fees. In response to a question by Commissioner Elder, Mr. Tudor advised that the County could develop a room tax and rental licensing program that takes into account the different rates that could be assessed between short-term and long-term rentals.

Following some discussion and upon a vote on the motion by Commissioner Mitrecic, the Commissioners voted 5-1-1, with Commissioner Bertino voting in opposition and Commissioner Elder abstaining due to a conflict of interests, for staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals for their consideration in April 2019.



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: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
Phil Thompson, Finance Officer *DGT*
DATE: January 15, 2019
RE: Countywide Room Tax/Rental License Program

Pursuant to your request, we have jointly worked to gather information and prepare this memorandum relative to the above referenced issues. Specifically, we reviewed the recent actions taken by both Talbot County and Ocean City. Both jurisdictions have had rental licensing programs on the books for a number of years. Talbot County has a very specific code section dealing solely with short term rentals (STRs). On the other hand, Ocean City has a more general approach to rentals. Recently, however, both jurisdictions took action to attempt to enhance revenue collection. Before discussing the specifics of our current law and programs, we will provide a brief discussion of both Talbot County and Ocean City's recent actions.

In June 2018 Talbot County entered into a contract with Bear Cloud Software to develop a software program to assist the County with identifications of STRs. In addition to identifying the properties the software has a number of other features that assist the County in licensing, enforcement, tax collection and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash and excessive numbers of renters, etc. It also supports a very robust amount of data collection, information and reports on the rental properties themselves. Talbot County is paying \$1,250 per month for a period of one year for the service, according to the contract. Since the contract for the software was signed at the end of last August and rental license applications can only be filed during the months of July, August, January and February according to their county law, I would not expect that they have had sufficient time to evaluate the efficacy of the software as of yet.

While Ocean City apparently discussed a software solution similar to Talbot County, it is our understanding that to date they have taken a different path. Like Talbot County, Ocean City has had a rental licensing and enforcement program for quite some time. According to conversations with Town staff, in the spring of 2018 they sent out approximately 30,000 letters to remind property owners that the Town had a property rental license program and to encourage compliance. Included with the letters was information regarding the County room tax remittance and contact information for the Maryland State Comptroller's Office with regard to sales and use tax collection and remittance. The letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue. Although the Town received proposals from firms for software similar to that utilized by Talbot County, with some at considerably greater expense, no further action has been taken at this time.

With regard to our licensing, taxation and zoning regulations on rental properties, I have prepared the attached chart to provide a better picture of the complexities of our system. First, we do not have a rental license per se but rather a requirement in the Taxation and Revenue Article for what is known as a Tourist Permit. These permits are required for any structure rented or capable of being rented to four or more persons for less than six months. Secondly, the Taxation and Revenue Article requires the payment of a Hotel Rental Tax on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Quite obviously, neither the length of stay or number of renters is consistent between the two provisions. The number of combinations of lengths of stay and number of persons can quickly become very confusing. Take the example of someone renting a room in their home. If they rent to three people for four months and a day, they do not need a Tourist Permit nor are they required to pay Room Tax. Reduce the stay to four months for the same number of people and now they are required to pay Room Tax but still do not need a Tourist Permit. If the homeowner rents to one more person, for a total of four persons, for six months, they do not need a Tourist Permit nor are they required to pay the Room Tax. Reduce the stay by one day and now a Tourist Permit is necessary but the homeowner is still not subject to the Room Tax. On top of all these combinations we have the limitations in the Zoning Ordinance. Take the first example of someone renting a room in their home to three people for four months and a day. As stated before, they do not need a Tourist Permit and are not required to pay Room Tax. However, if they are renting to three people they are in violation of the Zoning Ordinance if the home is in the A-1, A-2, E-1, V-1, R-1, R-2 and R-3 Zoning Districts. If the home is in the R-4 Zoning District they could rent to the three persons as an accessory use. If in the V-1 District they could do so as a Special Exception as a boarding or lodging house but would still not need a Tourist Permit or pay Room Tax. Now if the space had its own cooking facilities and therefore was classified as an accessory apartment, it could be rented to the three persons in all of the aforementioned Zoning Districts. They would not need a Tourist Permit at all and would only need to pay Room Tax if they rented the apartment for four months or less. Add one more person in the accessory apartment, cut the term to four months and now they need a Tourist Permit and have to pay Room Tax but are not in violation of the Zoning Ordinance. We think you can see just how quickly the combinations can get out of hand and how confusing it is.

With the way our various codes are written today, we think it may actually be counterproductive to hire a software consultant or even send letters to all of the County property owners. Our gut instincts tell us that most likely the STRs advertised for rent on various platforms would accommodate at least four persons but would also most likely be located in Zoning Districts other than the R-4 District which would then prohibit the rental entirely unless they are located in an accessory apartment. If we then enforced the terms of the Zoning Ordinance we would most likely significantly reduce the number of units/rooms that could be rented and thus those for which a Tourist Permit could be issued and hence Room Tax collected from property owners. Certainly some property owners may then begin to advertise that they only accommodate two persons or less but of course then they would not be subject to getting a Tourist Permit, making it more difficult to track and collect Room Tax.

Given all of the information above, we believe that before embarking on a program to increase enforcement or to simply raise awareness of the Tourist Permit and Room Tax requirements we should clean up our various codes to remove all of the inconsistencies between the various sections of the law. This would begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of roomers or boarders to perhaps as many as four or more persons. Secondly, we believe that the existing Tourist Permit requirement should be repealed and replaced with a comprehensive rental license requirement. Simply put, if you are renting your property, regardless of the term, you need a rental license. The fee could be adjusted for the particular type of license, i.e., short or long term, but there would be a license requirement regardless. The Room Tax provisions concerning the length of stay could remain as it or be revised to a different length of stay at the County Commissioners' discretion. Lastly, while not necessarily a component of the revenue issue, should the County Commissioners see fit to make revisions as outlined above, we believe there needs to be very clear guidance pertaining to the licensing component. Specifically, do the County Commissioners wish to address nuisance issues and public safety as part of the rental license? Should we have basic safety inspections of rental properties for such things as smoke detectors and required means of egress? Should we establish minimum amounts of square footage for sleeping rooms as does Ocean City to avoid overcrowding in rental units? Should there be increased parking requirements beyond our current Zoning Ordinance standard of two parking spaces per single family dwelling when the house is used for short term rentals? Obviously, these changes to the law would require public hearing which may inform a small segment of the property owners but perhaps greater awareness and compliance could be gained if that process could be coupled with an aggressive public outreach campaign. This could save the County the cost of a software firm, at least until we see how things are functioning. In any event, we believe additional staff will be necessary to implement any changes to our existing laws. The number and classification of those staff will be dependent upon the components of the licensing program.

As always, we will both be available to discuss the matter in greater depth with you and the County Commissioners at your convenience.

APPROVED

Worcester County Commissioners

Date HH / 22 / 19

Approve concept of
rental license 24



OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

July 16, 2019

17

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

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



FAXED
7/16/19 @ 3:54pm

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

Please print the attached Notice of Introduction of Bill 19-6 in *The Daily Times/Worcester County Times/Ocean Pines Independent* and *Ocean City Digest/Ocean City Today* on August 1, 2019 and August 15, 2019. Thank you.

NOTICE OF INTRODUCTION OF BILL 19-6
WORCESTER COUNTY COMMISSIONERS

Take Notice that **Bill 19-6 (Taxation and Revenue - Mobile and Manufactured Home Park Licenses)** was introduced by Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell on July 16, 2019.

A fair summary of the bill is as follows:

§ TR 1-601. (Repeals Subtitle V "Mobile and Manufactured Home Park Licenses" of Title 1 "Taxation" of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland to eliminate this subtitle which requires a license to establish, maintain or operate any mobile or manufactured home park in the County, which also serves to eliminate the excise tax for these uses, given that mobile or manufactured home parks will be regulated under the terms of Section TR 2-106 (Rental Licenses) as established by Bill 19-4 and Section TR 1-601 (Hotel Rental Tax) as revised by Bill 19-5.)

A Public Hearing

will be held on Bill 19-6 at the Commissioners' Meeting Room, Room 1101 - Government Center, One West Market Street, Snow Hill, Maryland, on **Tuesday, August 20, 2019 at 11:00 a.m.**

This is only a fair summary of the bill. A full copy of the bill is posted on the Legislative Bulletin Board in the main hall of the Worcester County Government Center outside Room 1103, is available for public inspection in Room 1103 of the Worcester County Government Center and is available on the County Website at www.co.worcester.md.us.

THE WORCESTER COUNTY COMMISSIONERS

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 19-6

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: July 16, 2019

A BILL ENTITLED

AN ACT Concerning

Taxation and Revenue - Mobile and Manufactured Home Park Licenses

For the purpose of amending the Taxation and Revenue Article to repeal Title I, Subtitle V, Mobile and Manufactured Home Park Camp Licenses.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that Title I, Subtitle V of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland is hereby repealed in its entirety.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect January 1, 2020.

PASSED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom

Delete

SUBTITLE V

Mobile and Manufactured Home Park Licenses

[Amended 11-10-1987 by Bill No. 87-5; 3-20-2018 by Bill No. 18-1]

§ TR 1-501. License required.

No person shall establish, maintain or operate any mobile or manufactured home park in the County without first having obtained a mobile and manufactured home park license from the County Commissioners.

§ TR 1-502. Definitions.

For the purposes of this Subtitle, the following words and phrases shall have the meanings respectively ascribed to them by this section:

DEPARTMENT — The County department designated by the County Commissioners to administer and enforce this Title.

MANUFACTURED HOME — A factory built structure which is manufactured or constructed after June 15, 1976, under authority of 42 U.S.C. § 5403, Federal Manufactured Home Construction and Safety Standards Act of 1974, as from time to time amended, and designed to be used as a single-family residential dwelling with or without a permanent foundation and which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent location and which does not have any wheels or axles permanently attached to its body or frame. The placing of a manufactured home on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such manufactured home.

MANUFACTURED OR MOBILE HOME PARK — Any area or tract of land designed or used for the parking or other type of installation of manufactured or mobile homes on spaces or lots offered for lease, rent or use, with or without compensation, including all improvements, buildings, structures, recreation areas, or other facilities for the use of the residents of such development. A manufactured or mobile home park does not include sales lots on which unoccupied manufactured or mobile homes are parked for inspection or sale or to manufactured or mobile homes used as farm dwellings or accessory structures or for seasonal use on a farm as permitted by the terms of the Zoning and Subdivision Control Article.

MOBILE HOME — A detached residential or business unit manufactured prior to June 15, 1976, and not required to be constructed in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 and which contains not less than five hundred square feet of gross livable floor area in the original manufactured unit and was designed and intended for repeated or periodic transportation in one or more sections on the highway on a chassis which is permanent or designed to be permanent and arriving at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking

and assembly of sections, location on jacks or other foundations, connection to utilities and the like. The placing of a mobile home on a permanent foundation or the construction of additions, porches and the like shall not change the classification of such mobile home.

§ TR 1-503. Application for license.

- (a) Form. Applicants for a mobile or manufactured home park license shall make application on forms to be supplied by the Department.
- (b) Content. All applications must contain the following:
 - (1) The proper name and permanent mailing address of each applicant.
 - A. If the applicant is the owner of the premises, each owner must apply, including each spouse if the property is owned by husband and wife; if the applicant is a tenant or lessee, each tenant or lessee must apply, including each spouse.
 - B. If the applicant is a firm or partnership, each member of such firm or partnership must apply, and the trade name and address, if any, of the firm or partnership must be listed.
 - C. If the applicant is a corporation, application must be made in the name of the corporation, signed by the president or vice president thereof, and the name and permanent mailing addresses of the principal officers must be listed.
 - (2) A statement of the number of lots or parcels upon which mobile or manufactured homes may be placed and which are held out for rental use.
- (c) Filing of application. All applications must be filed with the Department, together with a license fee as established by resolution of the County Commissioners and a plat, or drawing of the premises showing the outlines of the property, the streets, and roads, all improvements, if any, and each lot or parcel of land to be occupied by one individual mobile or manufactured home. The lots or parcels designated for use by a mobile or manufactured home shall be numbered. The plat or drawing required hereby shall be to scale and accurately show the location and number of lots and parcels set aside for rental use.
- (d) Renewal. Renewal applications shall be made in the same manner as hereinabove set forth for new applications, with the exception of the necessity of filing a plat or drawing of the premises, unless there have been changes during the previous year with respect to the number or location of lots or in the use of the property, in which case an amended plat or drawing shall be filed with the renewal application.

§ TR 1-504. License year; proration of fees; transfer.

- (a) Term. Mobile or manufactured home park licenses shall be issued annually by the County Commissioners for the period of one year from January 1 to December 31 in each and every year. Licenses may be issued for a shorter period of time, at the discretion of the Commissioners, for cause shown.

- (b) Prorating fees prohibited. No license fees will be prorated, either upon application or upon cancellation, whether voluntary or otherwise.
- (c) Licenses not transferable. No license issued hereunder shall be transferable, either to another person for the same premises or to other premises by the applicant to whom issued.

§ TR 1-505. License taxes and provisions for collection.

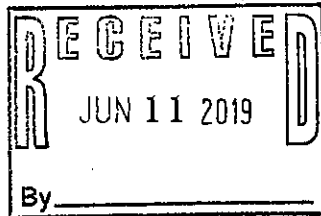
- (a) Applicability. Every person or entity licensed to operate a mobile or manufactured home park in the County under existing laws and/or regulations pertaining thereto shall collect from any person paying charges for the rental, leasing or use of any space, facilities or accommodations in or for the providing of any services by such mobile or manufactured home park a tax thereon, computed at a percentage of such charges to be established by resolution of the County Commissioners, provided that no tax shall be levied on individually metered natural or propane or other manufactured gas, electricity or fuel oil, and further provided that the providing of any services shall include, without limitation, the leasing of sites or lots for the placement of a mobile or manufactured home.
- (b) Determination of tax where licensee owns mobile or manufactured home. In those cases where the licensee itself maintains mobile or manufactured homes which themselves are owned, leased, controlled or operated by such licensee upon the premises of a licensed mobile or manufactured home park and leases or rents those mobile or manufactured homes to others, for the purpose of determining the tax created hereby, the gross charges for the rental, leasing or use of the spaces or lots or parcels occupied by such mobile or manufactured homes and the gross charges for providing any services therefor shall be deemed to be equivalent to the gross charges collected for other spaces, lots or parcels rented to other persons for the use of their mobile or manufactured home and the gross charges for providing any services thereof.
- (c) Reporting and accounting. The aforesaid tax shall be accumulated and paid quarterly to the County Commissioners. On or before the 21st day of April, July, October and January of each year, every licensed mobile or manufactured home park operator shall file with the Department a report showing the amount of tax due for each of the three months preceding the filing of such report and shall pay unto the County Commissioners the total tax for the three preceding months as shown thereon. Any person or entity required to collect or remit the tax imposed by this section shall be liable to the County Commissioners in the amount of any such tax or portion thereof required to be collected and remitted by it which it fails either to collect or remit.
- (d) Forms for returns. The quarterly report shall be prepared and filed with the Department on forms to be furnished by the Department.
- (e) Credit for expense in remittance. The owner shall be entitled to apply and credit against the amount of tax collected and payable by him an amount equal to two percent of the gross tax to be remitted by him to cover his expense in the collection and remittance of the tax, provided that nothing contained in this subsection shall apply to any licensee who shall fail or refuse to collect the tax provided hereby or who shall fail or refuse to file his return with the Department within the time prescribed by this section.

- (f) Failure to file reports. If any person or entity required to collect and remit the tax imposed by this section fails to file a statement and a remittance within the time provided herein or if the Department has reason to believe that any report which has been filed is in error or incomplete, the Department may proceed to determine the amount due to the County Commissioners and in connection therewith shall make such investigation and take such testimony and other evidence as may be necessary, provided that notice and opportunity to be heard is given by the County Commissioners to any person who may become liable for an amount determined by it. The Department may refuse to accept an incomplete return. The filing of an incomplete return shall not constitute filing under this section.
- (g) Responsibility of owner. The owner of the premises upon which any mobile or manufactured home park is operated or maintained shall be responsible for the filing of reports and remittance of taxes as provided in this section regardless of who may actually prepare and file the report. If adequate records cannot be found to determine the amount of taxes due the County, they shall be determined in the manner above provided.

§ TR 1-506. Enforcement; inspections; penalties.

- (a) Enforcement. The provisions of this Subtitle shall be enforced by the Department, who shall perform such duties as may be assigned to or required of it under this regulation and such other duties as may be assigned to it by the County Commissioners. In the performance of its duties, it shall have all authority, rights, privileges, powers, limitations and immunities reasonably necessary to enable it to carry out such duties and shall be considered to be law enforcement officers and peace officers of the County.
- (b) Right of entry; inspections. The Department shall have the right to enter upon any premises for which a mobile or manufactured home park license has been issued hereunder in order to inspect such premises and, in addition thereto, any books or records kept by the licensee pertaining to the gross monthly charges as defined herein.
- (c) Reports. If the reports required by this Subtitle are not filed, the Director of the Department may estimate the tax due based on any information the Director can obtain, including prior years' information. The Director shall make such investigation as may be necessary to estimate this tax; provided, however, that notice and opportunity to be heard shall be given to any person or corporate entity that may become liable for any amount determined by the County to be due.
- (d) Violations and penalties.
- (1) Any person or entity who 1) establishes, maintains or operates any mobile or manufactured home park in the County without having first obtained a mobile or manufactured home park license, 2) willfully fails to collect, remit or pay the taxes imposed by this Subtitle, 3) willfully fails to file any report required by this Subtitle or 4) willfully makes any false statement or misleading omission in any report filed as required by this Subtitle, shall be guilty of a civil infraction and shall be subject to a fine. The Department is authorized to issue said civil infractions.

- (2) Any person or entity who fails to file a timely return or pay the appropriate tax in a timely manner pursuant to the terms of this Subtitle shall be liable for penalty in the amount of twenty percent per annum, computed from the date due to the date of payment, based upon the gross tax due as determined by the terms of this Subtitle.
- (3) In addition to any other penalty for violation, any person or entity who violates any provision of this Subtitle may, at the discretion of the County Commissioners, have the mobile or manufactured home park license revoked without further action and may, at the discretion of the County Commissioners, be denied any further mobile or manufactured home park licenses.
- (4) The County Commissioners may proceed to collect delinquent and unpaid taxes by suit or distraint.
- (5) The County Commissioners may institute injunctive, mandamus or other appropriate proceedings of law to correct violations of this Subtitle. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.
- (6) Delinquent and unpaid taxes shall become a lien upon the real property of the person or entity from whom they are due and shall be collectible in the same manner as real estate taxes assessed against any such property.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

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

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
DATE: June 11, 2019
RE: Countywide Rental License Program

Pursuant to your memorandum dated January 23, 2019, I have comprehensively reviewed the existing regulations on room tax, mobile and manufactured home park licenses, excise tax, tourist permits, and the Zoning Code as they pertain to the various types of lodging facility regulations. Much of the language contained therein utilizes outdated terminology and is frequently inconsistent with other pertinent regulations. I have been working with my staff to develop a framework to create a comprehensive rental license program that would apply to short and long term residential rentals and the necessary text amendments to remove all of the inconsistencies in our existing codes relative to residential property rentals as well as to establish new regulations for short term vacation rentals with regard to single family homes. To date we have completed four different legislative bills for the County Commissioners' consideration. P.

The first legislative bill involves numerous changes to the Zoning and Subdivision Control Article. Among its 17 separate sections, it removes certain antiquated definitions, revises or adds new definitions to reflect the addition of new regulations regarding short term rentals of residential dwellings, removes "conversion of architecturally significant dwellings into an inn" and "country inns" from several districts and puts all of these very similar uses under the term "bed and breakfast establishment" to simplify and streamline the Code, and makes subtle changes to Section § ZS 1-340 of the Zoning Code with respect to bed and breakfast establishments to make them more inclusive. This first bill also adds the keeping of not more than two roomers and boarders to select zoning districts that allow single family homes where they were previously omitted in error, creates an entirely new Zoning Code section to deal with the short term lodging issues from platforms such as AirBnb and Vacation Rental by Owner P.

(VRBO) and provides that the County Commissioners may by resolution establish standards or require additional information to enforce the provisions.

The second bill repeals Section § TR 2-201 concerning Tourist Permits from the Taxation and Revenue Article and creates an entirely new section entitled Section § TR 2-106 Rental Licenses. This new section is the basis for the entire licensing program. As drafted so far, this section would require a rental license for any type of building, dwelling, recreational vehicle, hotel or motel, cottage, apartment, condominium or site for placement of a recreational vehicle or any other form of shelter for lodging or domicile regardless of the rental term. It further provides that the County Commissioners would set rental license fees by resolution and I recommend that such fees be established by the class of rental. For example, the license fee could be different for hotels and motels on a per room basis as opposed to an entire house or other place of accommodation. I believe it is most important that all rental properties have a license, however. There are also provisions for license applications, terms, renewals and display of licenses, restrictions on licenses, enforcement and revocation of licenses.

The third bill makes a limited number of changes to the Taxation and Revenue Article in Section § TR 1-601 Hotel Rental Tax to update the language with regard to rental units so that it is consistent with the other sections and articles referenced above. It is important to note that with the development of the rental license and the short term rental regulations, the maximum occupancy of a dwelling unit would remain as currently defined for a family or housekeeping unit in the Zoning Code, specifically, "an individual, two or more persons related by blood or marriage or a group of not more than five persons not related by blood or marriage living together as a single housekeeping group in a dwelling unit." As drafted, these regulations would not permit the occupancy of a dwelling by multiple families or groups of unrelated persons, no matter the length of stay.

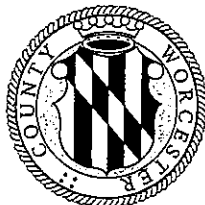
The fourth bill repeals Subtitle V Mobile and Manufactured Home Park Licenses in its entirety, which also serves to eliminate the excise tax for these uses. The lost revenue could be made up in whole or in part by the setting of the rental license fee for the individual mobile or manufactured home sites at whatever level determined necessary by the County Commissioners.

I would like to point out that there is not a rental license inspection component in any of the legislation. While inspections will certainly be necessary to address licensing complaints, there is currently no requirement for any type of inspection either before or after the issuance of a rental license. Additionally, the draft legislation affecting the Zoning and Subdivision Control Article as it applies to short term rentals permits the County Commissioners to adopt by resolution additional standards or require additional information to enforce the provisions of the Title. While I have not drafted such a resolution for consideration at this point, I suggest that it include such items as providing operable smoke and carbon monoxide detectors in all sleeping areas, posting a floor plan showing the path to the nearest exist, posting maximum occupancy limits, establishing minimum square footage requirements per occupant in sleeping rooms and requirements for a fire extinguisher.

Lastly, I recommend that any changes adopted relative to these recommendations become effective no earlier than January 1, 2020 and be accompanied by an aggressive public information campaign this coming Fall. Since any of these proposed changes would also affect the operations of the Treasurer's Office, I have consulted with Phil Thompson throughout this process. While I cannot speak for Mr. Thompson, I can say with regard to my department that, as outlined, we do not have sufficient staff to implement a comprehensive rental license program as drafted. If we were to contract with a consulting firm to identify short-term rentals such as Talbot County has done and Ocean City has contemplated, I expect it would only add to the staff requirements but would also generate additional revenue.

I look forward to discussing these issues with you and the County Commissioners at your convenience.

cc: Phyllis Wimbrow, Deputy Director
Jennifer Keener, Zoning Administrator
Phil Thompson, Finance Officer



COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
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OFFICE OF THE
COUNTY COMMISSIONERS

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

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

January 23, 2019

TO: Edward A. Tudor, Director of Development Review and Permitting
Phil Thompson, Finance Officer
FROM: Harold L. Higgins, Chief Administrative Officer HH
SUBJECT: Countywide Rental License Program

Thank you for your thorough memo and recommendations regarding the proposed Countywide Room Tax/Rental License Program in Worcester County. As you are aware, as a result of their discussion regarding this matter at their meeting on January 22, 2019, the Worcester County Commissioners have directed you to develop the framework for County code revisions required to remove all of the inconsistencies between the various sections of the County Law as you suggested and to create a Rental License Program which would apply to both long-term and short-term rentals. The Commissioners understand that this work will require significant effort on your part and have therefore agreed to anticipate receiving your draft report in April 2019, which could then be followed by a text amendment or amendments thereafter.

Thank you for your attention to this matter. If you should have any questions or concerns, please feel free to contact me at this office.

KS/kah

cc: Maureen Howarth, County Attorney
Kelly Shannahan, Assistant Chief Administrative Officer
Kathy Whited, Budget Officer

The Commissioners met with Mr. Thompson and Mr. Tudor to discuss staff's findings regarding steps that could be taken to initiate a Countywide room tax and rental license program and to discuss the success of similar programs already in effect in Talbot County and Ocean City.

Mr. Tudor stated that Talbot County has a very specific code section dealing solely with short-term rentals (STRs), which utilizes software developed by Bear Cloud Software at a cost of \$1,250 per month for a total annual cost of \$15,000, to identify STRs and assist the County in licensing, enforcement, tax collection, and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash, and excess numbers of renters. Mr. Tudor stated that Talbot County began using the software in August, 2018, and rental license applications can only be filed during the months of July, August, January, and February, according to their law, so they have not had sufficient time to evaluate the efficacy of the software.

Mr. Thompson stated that the County collects room tax on behalf of the Town of Ocean City, which in spring 2018 mailed approximately 30,000 letters to remind property owners about the town's property rental license program and to encourage compliance. He advised that the letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue.

Mr. Tudor stated that the County does not have a rental license requirement, but rather a requirement in the Taxation and Revenue Article known as a Tourism Permit, which is required for any structure rented or capable of being rented to four or more persons for less than six months. A separate section of the County Code requires the payment of a Hotel Rental Tax (Room Tax) on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Mr. Tudor explained that under the current County Code, the number of combinations of lengths of stay and number of persons can quickly become very confusing, and he cited specific instances in which renting to three people would violate the Zoning Ordinance if the homes were located in the A-1, A-2, E-1, V-1, R-1, R-2, and R-3 Zoning Districts. He noted that, due to the way the County's various codes are written today, it may be counterproductive to hire a software consultant or even send letters to all of the County property owners to increase enforcement or raise awareness of the Tourist Permit and Room Tax requirements until staff can remove all the inconsistencies in the various Codes. He stated that the first step would be to begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of rooms or borders to perhaps as many as four or more persons. Then, the Tourist Permit should be repealed and replaced with a comprehensive rental license requirement, which simply put would require anyone renting a property, regardless of the term, to have a rental license. Mr. Tudor stated that the Room Tax provisions concerning the length of stay could remain as is or be revised to a different length of stay at the Commissioners' discretion. However, there needs to be very clear guidance pertaining to the licensing component, specifically whether the Commissioners wish to address nuisance issues and public safety as part of the rental license; basic safety inspections of rental properties for such things as smoke detectors and required means of egress; an established minimum square footage requirement for sleeping rooms (as Ocean City requires) to avoid overcrowding in these rental units; and increased parking beyond the current Zoning Ordinance standard of two parking spaces per single-family dwelling when the house is used for short-term rentals. He stated that perhaps greater awareness and compliance could be gained if that process could be coupled with an

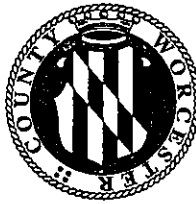
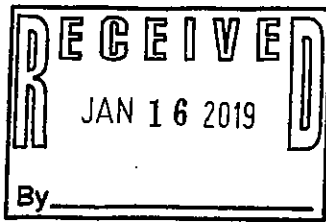
aggressive public outreach campaign, thus saving the County the cost of the software firm initially. He stated that additional staff will be necessary to implement any changes to the existing law, and the number and classification of the staff will be dependent upon the components of the licensing program.

Commissioner Mitrecic made a motion to direct staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals.

Commissioner Bunting stated that any doubts he had initially about instituting this Countywide program were removed after he saw on the internet where one individual owns eight to nine houses in a single subdivision and rents those properties weekly throughout the summer months. Commissioner Bertino stated that homeowners should have the right to rent their properties, without government using it as a new means of reaching into their pockets. In response to a question by Commissioner Church, Mr. Tudor stated that the proposed program would require extensive revisions to the County Code, but with guidance from the Commissioners, staff could develop a framework for their consideration by spring 2019.

Commissioner Church stated that he has received calls from concerned constituents regarding rental properties limited to eight occupants that have housed upwards of 25 people, and a defined rental license program would help assure some much-needed accountability. Therefore he is very much in favor of the proposed program. Commissioner Nordstrom concurred, and he pointed out that private rentals, which currently pay no taxes or licensing fees, compete with area hotels that are paying taxes and licensing fees. In response to a question by Commissioner Elder, Mr. Tudor advised that the County could develop a room tax and rental licensing program that takes into account the different rates that could be assessed between short-term and long-term rentals.

Following some discussion and upon a vote on the motion by Commissioner Mitrecic, the Commissioners voted 5-1-1, with Commissioner Bertino voting in opposition and Commissioner Elder abstaining due to a conflict of interests, for staff to develop the framework for County Code revisions required to remove all of the inconsistencies between the various sections of the County Law and to create a rental license program that would apply to both long-term and short-term rentals for their consideration in April 2019.



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

ZONING DIVISION
BUILDING DIVISION
DATA RESEARCH DIVISION

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

ADMINISTRATIVE DIVISION
CUSTOMER SERVICE DIVISION
TECHNICAL SERVICE DIVISION

MEMORANDUM

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Edward A. Tudor, Director of Development Review and Permitting *EAT*
Phil Thompson, Finance Officer *PGA*
DATE: January 15, 2019
RE: Countywide Room Tax/Rental License Program

Pursuant to your request, we have jointly worked to gather information and prepare this memorandum relative to the above referenced issues. Specifically, we reviewed the recent actions taken by both Talbot County and Ocean City. Both jurisdictions have had rental licensing programs on the books for a number of years. Talbot County has a very specific code section dealing solely with short term rentals (STRs). On the other hand, Ocean City has a more general approach to rentals. Recently, however, both jurisdictions took action to attempt to enhance revenue collection. Before discussing the specifics of our current law and programs, we will provide a brief discussion of both Talbot County and Ocean City's recent actions.

In June 2018 Talbot County entered into a contract with Bear Cloud Software to develop a software program to assist the County with identifications of STRs. In addition to identifying the properties the software has a number of other features that assist the County in licensing, enforcement, tax collection and nuisance abatement for STRs, including online applications and payments, filing of complaints relative to noise, trash and excessive numbers of renters, etc. It also supports a very robust amount of data collection, information and reports on the rental properties themselves. Talbot County is paying \$1,250 per month for a period of one year for the service, according to the contract. Since the contract for the software was signed at the end of last August and rental license applications can only be filed during the months of July, August, January and February according to their county law, I would not expect that they have had sufficient time to evaluate the efficacy of the software as of yet.

While Ocean City apparently discussed a software solution similar to Talbot County, it is our understanding that to date they have taken a different path. Like Talbot County, Ocean City has had a rental licensing and enforcement program for quite some time. According to conversations with Town staff, in the spring of 2018 they sent out approximately 30,000 letters to remind property owners that the Town had a property rental license program and to encourage compliance. Included with the letters was information regarding the County room tax remittance and contact information for the Maryland State Comptroller's Office with regard to sales and use tax collection and remittance. The letter campaign yielded approximately 500 new licenses and approximately \$70,000 in additional revenue. Although the Town received proposals from firms for software similar to that utilized by Talbot County, with some at considerably greater expense, no further action has been taken at this time.

With regard to our licensing, taxation and zoning regulations on rental properties, I have prepared the attached chart to provide a better picture of the complexities of our system. First, we do not have a rental license per se but rather a requirement in the Taxation and Revenue Article for what is known as a Tourist Permit. These permits are required for any structure rented or capable of being rented to four or more persons for less than six months. Secondly, the Taxation and Revenue Article requires the payment of a Hotel Rental Tax on any structure rented or capable of being rented to one or more persons for not more than four consecutive months. Quite obviously, neither the length of stay or number of renters is consistent between the two provisions. The number of combinations of lengths of stay and number of persons can quickly become very confusing. Take the example of someone renting a room in their home. If they rent to three people for four months and a day, they do not need a Tourist Permit nor are they required to pay Room Tax. Reduce the stay to four months for the same number of people and now they are required to pay Room Tax but still do not need a Tourist Permit. If the homeowner rents to one more person, for a total of four persons, for six months, they do not need a Tourist Permit nor are they required to pay the Room Tax. Reduce the stay by one day and now a Tourist Permit is necessary but the homeowner is still not subject to the Room Tax. On top of all these combinations we have the limitations in the Zoning Ordinance. Take the first example of someone renting a room in their home to three people for four months and a day. As stated before, they do not need a Tourist Permit and are not required to pay Room Tax. However, if they are renting to three people they are in violation of the Zoning Ordinance if the home is in the A-1, A-2, E-1, V-1, R-1, R-2 and R-3 Zoning Districts. If the home is in the R-4 Zoning District they could rent to the three persons as an accessory use. If in the V-1 District they could do so as a Special Exception as a boarding or lodging house but would still not need a Tourist Permit or pay Room Tax. Now if the space had its own cooking facilities and therefore was classified as an accessory apartment, it could be rented to the three persons in all of the aforementioned Zoning Districts. They would not need a Tourist Permit at all and would only need to pay Room Tax if they rented the apartment for four months or less. Add one more person in the accessory apartment, cut the term to four months and now they need a Tourist Permit and have to pay Room Tax but are not in violation of the Zoning Ordinance. We think you can see just how quickly the combinations can get out of hand and how confusing it is.

With the way our various codes are written today, we think it may actually be counterproductive to hire a software consultant or even send letters to all of the County property owners. Our gut instincts tell us that most likely the STRs advertised for rent on various platforms would accommodate at least four persons but would also most likely be located in Zoning Districts other than the R-4 District which would then prohibit the rental entirely unless they are located in an accessory apartment. If we then enforced the terms of the Zoning Ordinance we would most likely significantly reduce the number of units/rooms that could be rented and thus those for which a Tourist Permit could be issued and hence Room Tax collected from property owners. Certainly some property owners may then begin to advertise that they only accommodate two persons or less but of course then they would not be subject to getting a Tourist Permit, making it more difficult to track and collect Room Tax.

Given all of the information above, we believe that before embarking on a program to increase enforcement or to simply raise awareness of the Tourist Permit and Room Tax requirements we should clean up our various codes to remove all of the inconsistencies between the various sections of the law. This would begin with a comprehensive amendment to the Zoning Ordinance to increase the allowable number of roomers or boarders to perhaps as many as four or more persons. Secondly, we believe that the existing Tourist Permit requirement should be repealed and replaced with a comprehensive rental license requirement. Simply put, if you are renting your property, regardless of the term, you need a rental license. The fee could be adjusted for the particular type of license, i.e., short or long term, but there would be a license requirement regardless. The Room Tax provisions concerning the length of stay could remain as it or be revised to a different length of stay at the County Commissioners' discretion. Lastly, while not necessarily a component of the revenue issue, should the County Commissioners see fit to make revisions as outlined above, we believe there needs to be very clear guidance pertaining to the licensing component. Specifically, do the County Commissioners wish to address nuisance issues and public safety as part of the rental license? Should we have basic safety inspections of rental properties for such things as smoke detectors and required means of egress? Should we establish minimum amounts of square footage for sleeping rooms as does Ocean City to avoid overcrowding in rental units? Should there be increased parking requirements beyond our current Zoning Ordinance standard of two parking spaces per single family dwelling when the house is used for short term rentals? Obviously, these changes to the law would require public hearing which may inform a small segment of the property owners but perhaps greater awareness and compliance could be gained if that process could be coupled with an aggressive public outreach campaign. This could save the County the cost of a software firm, at least until we see how things are functioning. In any event, we believe additional staff will be necessary to implement any changes to our existing laws. The number and classification of those staff will be dependent upon the components of the licensing program.

As always, we will both be available to discuss the matter in greater depth with you and the County Commissioners at your convenience.

APPROVED

Worcester County Commissioners

Date 11/11/22

Approve concept of
rental license 16



18

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

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

OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

August 1, 2019



FAXED
8/1/19 @ 9:05am

See also public comments
on page 27

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

Please print the attached Notice in *The Daily Times/ Worcester County Times/Ocean Pines Independent and Ocean City Digest/Ocean City Today* on August 8, 2019. Thanks.

NOTICE OF RESCHEDULED PUBLIC HEARING
STANDARD SEWER FLOW CALCULATIONS FOR PUBLIC SEWER SYSTEMS
WORCESTER COUNTY, MARYLAND

The Worcester County Commissioners propose to adopt a resolution establishing standard flow calculations for determining required capacity to serve residential and non-residential land uses to be served by public sewer systems in Worcester County, Maryland. Standard flow calculations for proposed developments will assist the County in definitively determining the number of Equivalent Dwelling Units (EDUs) required to serve proposed development and ensures that the sale and allocation of EDUs will not exceed the rated capacity of the wastewater treatment plant serving each community. The resolution includes a formal policy as well as a Table of Standard Sewer Flow Calculations in Worcester County, Maryland which are primarily based on State guidelines but also reflect local experience of actual flows generated by similar existing land uses in Worcester County and other nearby jurisdictions. A rescheduled public hearing on the proposed resolution will be held on

TUESDAY, AUGUST 20, 2019 at 11:30 A.M.
in the County Commissioners' Meeting Room
Room 1101 Government Center, One West Market Street
Snow Hill, Maryland 21863

Copies of the draft resolution and report of the Worcester County Sewer Committee are available on the County website at www.co.worcester.md.us and are also available for inspection in the Department of Environmental Programs, Worcester County Government Center, Suite 1306 (3rd floor), One West Market Street, Snow Hill, Maryland, 21863 during regular business hours of 8:00 am to 4:30 pm. Questions may be directed to Bob Mitchell, Director of Environmental Programs, by calling (410) 632-1220, extension 1601 or email at bmitchell@co.worcester.md.us

THE WORCESTER COUNTY COMMISSIONERS

Citizens and Government Working Together

1a

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



COMMISSIONERS
DIANA PURNELL, PRESIDENT
JOSEPH M. MITRECIC, VICE PRESIDENT
ANTHONY W. BERTINO, JR.
MADISON J. BUNTING, JR.
JAMES C. CHURCH
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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

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21863-1195

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

Rescheduled Public Hearing
on August 20, 2019

July 10, 2019

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
On Behalf Of Worcester County Sewer Committee
SUBJECT: Proposed Revised Resolution Establishing Standard Sewer Flow Calculations

Following your Work Session on July 2, 2019, the Worcester County Sewer Committee met with Commissioners Bunting, Church and Mitrecic on July 9, 2019 to review and revise the draft resolution establishing standard flow calculations for determining required capacity to serve residential and non-residential land uses to be served by public sewer systems in Worcester County, Maryland. Attached please find a ~~Strike~~ and REPLACE version of the revised resolution and attachments for your consideration.

We look forward to reviewing this revised draft resolution at your meeting on July 16, 2019. With your approval, we will schedule a public hearing on the revised draft for your meeting of August 6, 2019. Please feel free to contact me if you should have any questions or concerns.

cc: Sewer Committee

RESOLUTION NO. 19 - ____

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

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

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

WHEREAS, the Commissioners have determined the treatment capacity necessary to serve a single-family residential dwelling unit in each Sanitary Service Area on an Equivalent Dwelling Unit (EDU) basis AS ESTABLISHED BY THE COMMISSIONERS FOR EACH INDIVIDUAL SANITARY SERVICE AREA whereby each EDU is currently projected to generate a flow of 300 (three hundred) gallons per day (gpd) per EDU; and

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

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

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

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

1. **CALCULATION OF REQUIRED EDUs**

- A. The water and sewer allocation for a single family residential unit shall require one EDU.
- B. For non-residential units, the number of EDU's required for a project shall be based on the specific use and scope as determined and approved by County staff, in accordance with the provisions of this Resolution.
- C. Unless otherwise provided in this Resolution, the calculation of the number of EDUs required for a project shall be based on the Standard Sewer Flow Calculations in Worcester County, Maryland (Flow Table) attached hereto as Attachment A.
- D. The calculation of the required EDU's shall result in a whole number. Calculations resulting in a fraction shall be rounded up to the next whole number.
- E. If a project or use is not adequately addressed in the Flow Table, County staff from the Departments of Environmental Programs, Public Works, and the Treasurer's Office shall collectively review the use and estimate the capacity required based on available data from MDE, neighboring jurisdictions, local experience, or other similar sources which staff determines to be reputable and acceptable. FOR ANY PROJECT THAT HAS A USE THAT MUST FOLLOW THIS PROCEDURE, THE PROPERTY OWNER SHALL BE REQUIRED TO ENTER INTO AN ALLOCATION AGREEMENT WITH THE COUNTY THAT WILL MONITOR THE EDU USAGE FOR A PERIOD OF TWENTY-FOUR MONTHS FOLLOWING COMPLETION OF THE PROJECT, CONNECTION TO COUNTY SANITARY SERVICES, AND COMMENCEMENT OF OPERATIONS. THE ALLOCATION AGREEMENT SHALL HAVE OTHER TERMS AND CONDITIONS DEEMED NECESSARY BY THE COUNTY.
 - i. ~~Following the EDU calculation by staff, the County shall monitor water consumption as an indication of actual sewer flow for a period of twenty-four months following completion of the project, connection to County sanitary services, and commencement of operations. If the observed peak flow exceeds the established EDUs allocated to the property, the property owner shall be required to purchase additional sanitary capacity to reflect the actual peak flow in excess of the previously allocated number of EDUs. There shall be no lowering of the initial EDU calculation.~~

2. **PROCEDURE**

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

3. **RECORD-KEEPING AND DOCUMENTATION**

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

4. **AMENDMENTS TO THE FLOW TABLE**

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

5. **NATURE OF ALLOCATION**

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

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

PASSED AND ADOPTED this _____ day of _____, 2019.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Diana Purnell, President

Joseph M. Mitrecic, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Theodore J. Elder

Joshua C. Nordstrom

**Standard Sewer Flow Calculations
in Worcester County, Maryland**

Attachment A

Table A	
Flow Projection Based Upon Gallons Per Day (gpd) Per Person	
Type of Establishment	Gallons Per Day (gpd) Per Person
	(Unless otherwise noted)
Airports (per passenger + 15 gpd per employee)	5
Auditorium or Assembly Hall (per seat)	3
Bathhouses and swimming pools	15
Boarding houses (per room)	100
Camps: Campground with central comfort stations (PER SITE)	35 70
Camps: With flush toilets, no showers	25
Camps: Day camps (no meals served)	15
Camps: Resort camps (night and day) with limited plumbing	50
Camps: Luxury camps WITH WATER/SEWER HOOK-UPS (PER CAMPSITE)	100 150
Country clubs (based on rated capacity)	50
Church (per seat) + ADDITIONAL FLOW FOR ACCESSORY USES	3
— Church with private kitchen (per seat)	5
— Church with commercial kitchen (per seat)	15
Daycare (per student and teacher)	15
Factories (gallons per person, per shift, exclusive of industrial wastes)	25
Golf Course - 18 holes with limited service snack bar (PER COURSE)	3,500
Golf Course - 9 holes with limited service snack bar (PER COURSE)	1,500
Hospitals (per bed space)	350
Institutions other than hospitals (per bed space)	130
Marina pump out (per slip)	35
Mobile home parks (1 EDU per space)	300 VARIES
Motels (per room)	125
Picnic Parks (toilet wastes only) (per picnicker)	5
Picnic Parks with bathhouses, showers and flush toilets (per picnicker)	10
Schools: Boarding	100
Schools: Day, without gyms, cafeterias or showers	15
Schools: Day, with gyms, cafeterias and showers	30
Schools: Day, with cafeterias, but without gyms or showers	20
Stable, Commercial Riding (per horse)	8
Swimming pool Club House/Bath House	20
Tasting Room - for winery, brewery - no food service - (minimum)	400
Theaters: Indoor (per auditorium seat)	3
Theaters: Drive-in (per car space)	5
Travel Trailer Parks (transient or seasonal) — no sewer hook-ups (per space)	85
Travel Trailer Parks (transient or seasonal) — with sewer hook-ups (per space)	100
Footnote: Number of persons is calculated by the occupant load as determined by the County Building Code.	

see p. 26

see p. 23

**Standard Sewer Flow Calculations
in Worcester County, Maryland**

Attachment A

Table B	
Flow Projections for Commercial Establishments	
Public Service Buildings or Other Uses	
Type of Establishment	Projected Flow by Area
Accupuncture/massage	Gross Sq. Ft. x 0.10 = gpd
Amusement Park	Gross Sq. Ft. of site x 0.008 = gpd
Arcades	Gross Sq. Ft. x 0.10 = gpd
Banks	Gross Sq. Ft. x 0.05 = gpd
Barber Shops	Gross Sq. Ft. x 0.20 = gpd
Beauty Salons	Gross Sq. Ft. x 0.35 = gpd
Car Wash with Wastewater Recirculation Equipment	Gross Sq. Ft. x 0.55 = gpd
Car Wash without Wastewater Recirculation Equipment	Gross Sq. Ft. x 4.90 = gpd
Conference Room/Meeting Room	Gross Sq. Ft. x 0.50 = gpd
Contractor's Shop	Gross Sq. Ft. x 0.04 = gpd
Convenience Store	Gross Sq. Ft. x 0.05 = gpd
Day Spa	Gross Sq. Ft. x 0.35 = gpd
Department Store with FOOD SERVICE Lunch Counter	Gross Sq. Ft. x 0.08 = gpd
Drug Stores (with pharmacy, no food served)	Gross Sq. Ft. x 0.13 = gpd
Dry Goods Stores	Gross Sq. Ft. x 0.05 = gpd
Funeral Homes	Gross Sq. Ft. x 0.45 = gpd
Gym - with Showers	Gross Sq. Ft. x 0.20 = gpd
Gym - no Showers	Gross Sq. Ft. x 0.10 = gpd
Hotels and Motels	Gross Sq. Ft. x 0.25 = gpd
Laundries & Cleaners	Gross Sq. Ft. x 0.31 = gpd
Laundromats	Gross Sq. Ft. x 3.68 = gpd
Medical Dialysis Centers	Gross Sq. Ft. x 1.00 = gpd
Medical Office Buildings - offices only	Gross Sq. Ft. x 0.10 = gpd
Medical Surgery Centers	Gross Sq. Ft. x 0.60 = gpd
Office Buildings	Gross Sq. Ft. x 0.09 = gpd
Swimming pools: 3 to 5-feet deep	Gross Sq. Ft. x 0.83 = gpd
Swimming pools: greater than 5-feet deep	Gross Sq. Ft. x 0.67 = gpd
Retail Stores	Gross Sq. Ft. x 0.05 = gpd
Restaurants, Bars and Lounges	Gross Sq. Ft. x 1.00 = gpd
- Restaurants - Carry-out only	Gross Sq. Ft. x 0.50 = gpd
Service Stations - FULL SERVICE GARAGE	Gross Sq. Ft. x 0.18 = gpd
Shopping Centers	Gross Sq. Ft. x 0.18 = gpd
Supermarkets	Gross Sq. Ft. x 0.20 = gpd
Warehouses	Gross Sq. Ft. x 0.03 = gpd

See p. 21

**Standard Sewer Flow Calculations
in Worcester County, Maryland**

Attachment A

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

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

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

EDU Allocation Worksheet

Project:

Tax Map:

Parcel:

Lot:

Tax ID:



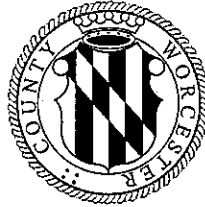
Use Description	Allocation Rate	Estimated Quantity (sf)	EDU Flow per Gal	EDU Total
<u>Common uses:</u>				
General Office	0.09	0.00	300	0
Retail	0.05	0.00	300	0
Contractors Shops	0.04	0.00	300	0
Medical and Dental Offices	0.10	0.00	300	0
Carry Out (non-public food prep area)	0.50	0.00	300	0
Restaurants	1.00	0.00	300	0
Additional use (not listed above)	0.00	0.00	300	0
Total EDU Projection				0

Notes:

1. Enter building size in quantity.

Date Approved: _____

Approved By: _____



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

COMMISSIONERS
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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

June 6, 2019

TO: Worcester County Commissioners
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KL*
On Behalf Of Worcester County Sewer Committee
SUBJECT: Proposed Resolution Establishing Standard Sewer Flow Calculations

At the Worcester County Sewer Committee meeting earlier today, the Committee reviewed and recommended adoption of the attached draft resolution establishing standard flow calculations for determining required capacity to serve residential and non-residential land uses to be served by public sewer systems in Worcester County, Maryland. As stated in the draft resolution, standard flow calculations for proposed developments will assist the County in definitively determining the number of Equivalent Dwelling Units (EDUs) required to serve proposed development and ensures that the sale and allocation of EDUs will not exceed the rated capacity of the wastewater treatment plant serving each community. As you will see, the resolution includes a formal policy as well as a Table of Standard Sewer Flow Calculations in Worcester County, Maryland. This resolution will provide staff with approved flow calculations which are primarily based on State guidelines but also reflect local experience of actual flows generated by similar existing land uses in Worcester County and other nearby jurisdictions. As new data is collected on actual flows, we anticipate that these Standard Sewer Flow Calculations in Worcester County, Maryland can be periodically updated by the County Commissioners to more accurately reflect the projected sewer capacity required to serve all types of development.

The Sewer Committee requests your review and approval of this resolution at your next meeting. In the meantime, if you should have any questions or concerns, please feel free to contact me.

cc: Sewer Committee

Postponed
APPROVED *Wok Sess*
Worcester County Commissioners
Date *6/18/19*

Background Information on Standard Sewer Flow Calculations

EDU Charges - An equivalent dwelling unit (EDU) charge is collected in the County service areas for the purpose of paying any debt related to the acquisition or construction of sanitary facilities. One EDU represents the equivalent flow of an average single family home, which is typically 300 gallons per day (gpd). So for example, if a wastewater treatment plant was expanded to treat an additional 100,000 gpd of sewage, that expansion could serve an additional 333 single family homes, or 333 EDU's, as follows: $100,000 \text{ gpd} \div 300 \text{ gpd/EDU} = 333 \text{ EDU's}$. If the cost of that expansion was \$2 million, we would need to collect a total of roughly \$6,000 per EDU to cover the cost of expansion ($\$6,000/\text{EDU} \times 333 \text{ EDUs} = \2 million). Further, we are counting on eventually selling all 333 EDUs in order to fully recoup the cost of the expansion by the new customers served by that expanded capacity rather than the existing customers.

Determining EDUs for New Development - Determining the number of EDUs required to serve a new single-family residential subdivision is quite simple and only requires multiplying the number of homes by 1 EDU per home. However, in order to determine the number of EDUs needed to serve commercial and other developments requires us to project the sewer flow based upon the proposed development. Guidance is provided by the Maryland Department of Environment (MDE) as well as local experience of actual flows generated by similar existing land uses. Our goal is to combine these guidance documents and experience in order to establish local standards which can be applied consistently to all new development in the County which will eliminate subjectivity (which often results in disagreements between staff and developers regarding projected flow), streamline the EDU calculation process, lessen the existing workload on staff, and ultimately be more business-friendly by defining a standard that all new development can rely upon when planning their projects.

The Problem with Subjective Flow Calculations - As an example, we recently received an application for two new 3,500 square foot (sf) shopping center buildings. One 3,500 sf building was to be used as a dental office and the second 3,500 sf building was to be used for a restaurant (1,500 sf) and a retail store (2,000 sf). The applicant calculated that he needed a total of 3 EDUs to serve his proposed development, as follows: 1 EDU for the 3,500 sf dental office and 2 EDUs for the restaurant (1 EDU) and retail building (1 EDU). Based upon current guidance documents, staff initially calculated the required EDUs as follows: 2 EDUs for the dental office ($3,500 \text{ sf} \times 0.1 \text{ gallons/sf/day} = 350 \text{ gpd} = 2 \text{ EDUs rounded up}$); and 1 EDU for the 3,500 "shell building" ($3,500 \text{ sf} \times 0.05 \text{ gallons/sf/day} = 175 \text{ gpd} = 1 \text{ EDU}$). However, knowing that the shell building was to be divided into a 1,500 sf restaurant and a 2,000 sf retail store, it was determined that the restaurant space must be calculated based upon the number of seats proposed as has been our past practice. When the applicant was advised of this requirement, they submitted plans showing only 6 seats in the restaurant. As a result, the estimate was recalculated based upon 6 seats (at 25 gallons per seat $\times 6 \text{ seats} = 150 \text{ gpd}$) and the bulk of the space as a carry-out restaurant (at $1,479 \text{ sf} \times 0.5 \text{ gallons/sf/day} = 740 \text{ gpd}$) for a total estimated flow of 890 gpd which would require 3 EDUs for the restaurant and 1 EDU for the retail store ($2,000 \text{ sf} \times 0.05 \text{ gallons/sf/day} = 100 \text{ gpd}$). So the applicant was required to purchase a total of 6 EDUs for their 7,000 sf shopping center (2 EDUs for the Dental Office and 4 EDUs for the restaurant and retail store).

But based upon our current subjective standards, that may not be the end of it. Given that the current calculation for the restaurant is based upon a total of 6 seats, if the eventual restaurant

operator decides that they prefer a sit-down operation over carry-out, that will require more seats which will generate significantly greater sewage flow. Based upon our records, we know that a typical 1,500 sf sit down restaurant has approximately 60 seats. At the rate of 25 gallons per seat that would generate flow of 1,500 gpd (at 25 gallons per seat x 60 seats = 1,500 gpd) and would require a total of 5 EDUs ($1,500 \text{ gpd} \div 300 \text{ gpd/EDU} = 5 \text{ EDUs}$). History has shown that catching these changes at a later date may be difficult. So in the end, the restaurant may be using 5 EDUs worth of flow only having paid for 3 EDUs leaving the remaining service area customers to absorb the cost of those additional 2 EDUs. Even worse, had we allowed the applicant's calculation of 1 EDU needed for the 3,500 sf "shell building" the remaining service area customers would have subsidized 4 additional EDUs needed to serve the restaurant.

Standard Sewer Flow Calculations - The above incident lead to discussions by the Worcester County Sewer Committee members regarding the need for standard sewer flow calculations based wherever possible on the square footage of the proposed development rather than subjective standards based on the number of people estimated to be served. For example, since we know that the a 1,500 sf sit down restaurant typically comprises 60 seats for which we calculate 25 gallons per seat or 1,500 gpd ($1,500 \text{ gpd} \div 300 \text{ gpd/EDU} = 5 \text{ EDUs}$), we reasoned that sit down restaurants typically requires 1.0 gallon/sf/day which could be applied to the square footage of the proposed building to determine the estimated flow and therefore the number of EDUs required. So in this case we could calculate the flow from a 1,500 sf restaurant as $1,500 \text{ sf} \times 1.0 \text{ gallons/sf/day} = 1,500 \text{ gpd}$ which is the same as the prior method of calculation based on the number of seats for a 60-seat restaurant. Furthermore, the new method is completely objective based upon the size of the restaurant rather than a declared number of seats by the applicant. Using this same methodology, we were able to convert several other uses to a more objective square footage basis rather than a subjective basis of how many people are estimated by the applicant to be served.

MDE Calculations Converted to Local Calculations - I have attached copies of the original MDE Guidance Documents which include: Table I - Flow Projections Based Upon Gallons Per Person Per Day; Table II - Guiding Factors for Flow Projection Related with Commercial Establishments, Public Service Buildings, or Dwelling Units; Table III - Flow Projection for Country Clubs; and Table IV - Flow Projection for Public Parks. I have also attached flow calculation estimates used by County staff which have been developed over the years to determine flow for land uses not listed in the MDE Guidance Document. These calculations were incorporated into our local Standard Sewer Flow Calculations. Finally, I have attached our proposed Worcester County Standard Sewer Flow Calculations, which includes: Table A - Flow Projections Based Upon Gallons Per Day (gpd) Per Person; Table B - Flow Projections for Commercial Establishments, Public Service Buildings or Other Uses; Table C - Flow Projection for Country Clubs; and Table D - Flow Projection for Public Parks. The primary difference between our local standards and the MDE standards is that we have incorporated local flow calculations for land uses not listed in the MDE Guidance Document, and wherever possible, converted flow projections previously based upon gpd per person (Table A) to flow projections based upon the square footage of the facility being served and the type of establishment (Table B). We also added a footnote to Table A to provide that the number of persons to be served is calculated by the occupant load of the establishment as determined by the County Building Code which results in a definitive number rather than a declaration of the applicant which is often under-estimated to reduce the number of EDUs required for purchase which therefore deprives the service area of revenues we counted on to retire the debt service on improvements.

P. 12

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P. 5

Original MDE Guidance

①

Table I - Flow Projection Based Upon Gallons Per Person Per Day

Airports (per passenger)	5
Apartments-multiple family (per resident)	60
Bathhouses and swimming pools.....	10
Camps:	
Campground with central comfort stations.....	35
With flush toilets, no showers	25
Day camps (no meals served)	15
Resort camps (night and day) with limited plumbing	50
Luxury camps	100
Cottages and small dwellings with seasonal occupancy.....	50
Country clubs (per resident member).....	100
Country clubs (per non-resident member present).....	25
Dwellings:	
Boarding houses.....	50
additional for non-resident boarders.....	10
Luxury residences and estates	150
Multiple family dwellings (apartments).....	60
Rooming houses.....	40
Single family dwellings.....	75-100
Factories (gallons per person, per shift, exclusive of industrial wastes)	35
Hospitals (per bed space)	350
Hotels with private baths (2 persons per room).....	60
Hotels without private baths.....	50
Institutions other than hospitals (per bed space).....	125
Laundries, self-service (gallons per wash, i.e., per customer)	50
Mobile home parks (per space).....	250
Motels with bath, toilet and kitchen wastes (per bed space)	50
Motels (per bed space)	40
Picnic Parks (toilet wastes only) (per picnicker)	5
Picnic Parks with bathhouses, showers and flush toilets	10
Restaurants (per seat)	25
Restaurants (toilet and kitchen wastes per patron)	10
Restaurants (kitchen wastes per meal served)	3
Restaurants, additional for bars and cocktail lounges.....	2
Schools:	
Boarding	100
Day, without gyms, cafeterias or showers	15
Day, with gyms, cafeterias and showers.....	25
Day, with cafeterias, but without gyms or showers	20
Service Stations (per vehicle served).....	10

Swimming pools and bathhouses	10
Theaters:	
Movie (per auditorium seat)	1
Drive-in (per car space)	5
Travel Trailer Parks without individual water and sewer hook-ups (per space)	50
Travel Trailer Parks with individual water and sewer hook-ups (per space)	100
Workers:	
Construction (at semi-permanent camps).....	50
Day, at schools and offices (per shift).....	15

An alternative method used to project average daily flows generated from commercial establishments, public service buildings, or dwelling units can be figured on the basis of total floor area, number of building units, or service seats multiplied by a statistical factor. Guiding factors are given in Table II.

Table II - Guiding Factors for Flow Projection Related with Commercial Establishments, Public Service Buildings, or Dwelling Units

Office Buildings	Gross Sq. Ft. x 0.09 = gpd
Medical Office Buildings.....	Gross Sq. Ft. x 0.62 = gpd
Warehouses.....	Gross Sq. Ft. x 0.03 = gpd
Retail Stores	Gross Sq. Ft. x 0.05 = gpd
Supermarkets.....	Gross Sq. Ft. x 0.20 = gpd
Drug Stores.....	Gross Sq. Ft. x 0.13 = gpd
Beauty Salons.....	Gross Sq. Ft. x 0.35 = gpd
Barber Shops.....	Gross Sq. Ft. x 0.20 = gpd
Department Store with Lunch Counter.....	Gross Sq. Ft. x 0.08 = gpd
Department Store without Lunch Counter.....	Gross Sq. Ft. x 0.04 = gpd
Banks.....	Gross Sq. Ft. x 0.04 = gpd
Service Stations	Gross Sq. Ft. x 0.18 = gpd
Laundries & Cleaners	Gross Sq. Ft. x 0.31 = gpd
Laundromats.....	Gross Sq. Ft. x 3.68 = gpd
Car Wash without Wastewater Recirculation Equipment.	Gross Sq. Ft. x 4.90 = gpd
Hotels.....	Gross Sq. Ft. x 0.25 = gpd
Motels	Gross Sq. Ft. x 0.23 = gpd
Dry Goods Stores	Gross Sq. Ft. x 0.05 = gpd
Shopping Centers	Gross Sq. Ft. x 0.18 = gpd

Flow projection for country clubs or public parks may be made on the basis of plumbing fixtures. The related statistical flow figures per unit of plumbing fixture are shown in Table III and Table IV.

Table III - Flow Projection for Country Clubs

	Gallons Per Day Per Fixture
Showers.....	500
Baths.....	300
Lavatories	100
Toilets	150
Urinals.....	100
Sinks	50

Table IV - Flow Projection for Public Parks
(During hours when park is open)

	Gallons Per Day Per Fixture
Flush toilets	35
Urinals	10
Showers	100
Faucets	15

Design Flow Estimation Table

Flow Projection Based Upon Gallons
Per Person, per Day

②
Environmental
Programs
Guidance

Type of Establishment	Gallons per Person per Day (Unless otherwise noted)
Airports (per passenger + 15 gpd per employee)	5
Animal Shelter /Kennels (per employee)	15
Animal Shelter /Kennels (per run)	25
Auditorium or Assembly Hall (per seat)	3
Auto Dealerships	0.078 gal/sf
Bathhouses and swimming pools	15
Bowling Alley	
per employee	15
per lane, no bar/food	75
per lane, bar only	125
per lane, bar and food	200
Camps:	
Campground with central comfort stations, per campsite	100
Conference/Meeting Room (gross sf/15 = occupants)	5
Cottages and Seasonal Dwellings with Seasonal Occupancy(limit 2 bedrooms)	0.25 gal/sf
Cottages and Seasonal Dwellings with Seasonal Occupancy(3 bedrooms)	1 EDU
Country clubs (based on rated capacity)	50
Daycare (students and teachers)	15
Dwellings:	
Boarding houses (per room)	120
Multiple family dwellings (per apartment)	1 EDU
Single family dwellings (per address)	1 EDU
Factories (gallons per person, per shift, exclusive of industrial wastes)	35
Fairgrounds (per person)	5
Fraternal Service Organizations	0.14 gal/sf
Funeral Homes w/embalment	0.31 gal/sf
Funeral Homes w/o embalmment	0.05 gal/sf
Golf Course (w/snackbar, limited food service) 18 holes	3,500
Golf Course (w/snackbar, limited food service) 9 holes	1,500
Hospitals (per bed space)	350
Hotels	0.25 gal/sf
Institutions other than hospitals (per bed space)	120
Laundries, self-service (per washing machine)	125
Mobile home parks (per space)	1 EDU
Motels (rooms entered from outside)	0.23 gal/sf
Nursing Homes (per bed space)	130
Picnic Parks (toilet wastes only) (per picnicker)	5
Picnic Parks with bathhouses, showers and flush toilets	10

Restaurants, bars, lounges (per seat, food served)	25
Schools:	
Boarding	100
Day, without gyms, cafeterias or showers	15
Day, with gyms, cafeterias and showers	30
Day, with cafeterias, but without gyms or showers	20
Service Stations (per vehicle served)	25
Swimming pools and bathhouses, per employee	15
Per swimmer, over 6ft in depth- depth determines # of swimmers only	10
Per swimmer, under 6ft in depth – depth determines # of swimmers only	10
Tasting Room for Winery/Brewery w/Public Restrooms (no food served)	400 min.
Theaters:	
Indoor (per auditorium seat)	3
Drive-in (per car space)	5
Travel (transient or seasonal) Trailer Parks with individual water and Sewer hook-ups (per space)	100

Guiding Factors For Flow Projection Related With Commercial
Establishments, Public Service Buildings or Dwelling Units

Type of Establishment

Office Buildings	Gross Sq. Ft. x 0.09 = gpd
Medical Office Buildings	Gross Sq. Ft. x 0.10 = gpd
Warehouses	Gross Sq. Ft. x 0.03 = gpd
Retail Stores	Gross Sq. Ft. x 0.05 = gpd
Supermarkets (without food preparation)	Gross Sq. Ft. x 0.20 = gpd
Drug Stores(w/pharmacy, no food served)	Gross Sq. Ft. x 0.13 = gpd
Beauty Salons	Gross Sq. Ft. x 0.35 = gpd
Barber Shops	Gross Sq. Ft. x 0.20 = gpd
Department Store with Lunch Counter	Gross Sq. Ft. x 0.08 = gpd
Department Store without Lunch Counter	Gross Sq. Ft. x 0.05 = gpd
Banks	Gross Sq. Ft. x 0.05 = gpd
Service Stations	Gross Sq. Ft. x 0.18 = gpd
Laundries & Cleaners	Gross Sq. Ft. x 0.31 = gpd
Laundromats (w/o low flow fixtures/recirculation equip.)	Gross Sq. Ft. x 3.68 = gpd
Car Wash without Wastewater Recirculation Equipment	Gross Sq. Ft. x 4.90 = gpd
Dry Goods Stores	Gross Sq. Ft. x 0.05 = gpd
Shopping Centers	Gross Sq. Ft. x 0.18 = gpd
Dry Cleaners (retail only-clothing sent out for cleaning)	Gross Sq. Ft. x 0.05 = gpd

Flow Projection for Country Clubs and Public Parks

Type of Fixture	Gallons Per Day	Per Fixture
Showers		500
Baths		300
Toilets		150
Urinals		100
Sinks		50

Adapted from flow tables provided in "MDE Guidance Document, Wastewater Capacity Management Plans, 2006" with local amendments. Also utilized: "MDE Guidelines for Estimating Water and/or Wastewater Flow," Maryland Department of the Environment, July 2005, and "Design Guidelines for Sewerage Facilities; Technical Bulletin M-DHMH-EHA-S-001," Environmental Health Administration, Department of Health and Mental Hygiene, State of Maryland, 1978 Edition.

Flow Calculation Estimates Used by County Staff to Determine Flow for Land Uses Not Listed in the MDE Guidance Document

- Acupuncture/massage** - use 0.10 g/SF/day
- Amusement Park** - SF of site x .008 g/SF/day
- Arcades** - sq. ft./50 = # of people x 5 gpp
- Carwash w/recycling** - is 70% of max flow or about 6000 gpd on septic
and 4,154 on sewer based on Jiffy Lube in WOC
- Commercial Kitchen** - use 0.2 gallons/SF/day
- Commercial Riding Stables**(Boarding/Lessons/Shows) - 7.5 gallons/horse
- Conference Room /Meeting Room** - use sq. ft./15 = # people x 5 gpd.
If standing room, use sq. ft./7 = #people x 5gpd
- Contractor Shop** - use .04 for gross sq. ft. or figure office space in it at .09
and the rest at .03g/sq ft/day
- Convenience Store** - use SF x .05 for retail, .03 for storage, and 25 gallons per seat
- Day Care** - (# of students + teachers) x 15 gpd
- Day Spa** - ranges from 0.065 g/SF/day to 0.17 g/SF/day on sewer, for septic use 0.35 g/SF/d
- Dialysis** - (based on Town of Berlin) -1 gallon/SF
- Dog Grooming/Barber Shop** - was 0.2 gallons/SF/day, Beauty Salon = 0.35 gallons/SF/day
or 200 gallons/chair
- Funeral Homes** - (sq. ft. of public area/7 per Fire Marshal x 3 gallons per person)
+ 15 gallons per employee
- Gym** - Sq. ft. /50 = # of people x 10 gpp with showers or 5 gpp w/o showers
- Marina pump out** - 35 gallons/slip/day
- Medical facility** - use 0.62 g/SF/day when has lab/imaging, use 0.1 g/SF/day without
- Nail Salon only** - use retail flow of 0.05 g/SF/day
- Restaurants** - sq. ft. of public area/15 = # of seats x 25 gpd
- Restaurant - Carry-out only** - use 0.50 gallons per gross SF
- Swimming pools** - (3'-5'deep) use SF/12 SF/person = # people x 10 gpd,
- (for deeper or diving area) use 300 SF/person or
- if no deep end use 15 SF/person (These figures came from DHMH)

Restaurant Study					
2005					
Sit Down Restaurants					
Name	Service area	Actual seats per count	Flow at 25 gpd per seat	Gross sq ft	Flow per Gross sq. ft.
The Wedge	WOC	108	2,700	2,400	1.13
Papa Vito's/Paolis	WOC	60	1,500	1,200	1.25
Harborside	WOC	239	5,975	5,573	1.07
Green Turtle	MYH	218	5,450	5,420	1.01
Bull on the Beach	WOC	208	5,200	6,455	0.81
Hoopers	WOC	532	13,300	11,725	1.13
Captain's Galley	WOC	517	12,925	11,874	1.09
Applebee's	WOC	224	5,600	8,032	0.70
Mione's	WOC	83	2,075	2,142	0.97
Salvatore's/Trader Lee's	WOC	276	6,900	7,680	0.90
Sunset Grill	MYH	227	5,675	7,060	0.80
TC Diner	WOC	80	2,000	2,158	0.93
Average Flow per Gross sq. ft.-					0.98

Local Amended Design Flow Estimation Table

Flow Projection Based Upon Gallons
Per Day

Type of Establishment	Flow Rate
Medical and Dental Office Buildings (note 1)	0.1 gal/sf

Note 1: Outpatient and investigative procedures only with no intensification of services permitted without acquisition of additional capacity.



DEPARTMENT OF ENVIRONMENTAL PROGRAMS

Additional Flow Information

Medical Offices

From Salisbury Public Works we have the following for more intensive uses:

Deer Pointe Surgical Center 6505 Deer Pointe Drive
4,800 gpd average, SDAT sf = 9,880, 0.48 gpd/sf

A multispecialty outpatient surgery center located in Salisbury, Maryland just 30 minutes from the beaches of Ocean City. Our center performs a wide variety of orthopaedic surgical procedures and pain management procedures.

Delmarva Surgical Center, 641 S. Salisbury Blvd
10,400 gpd average, SDAT sf = 15,305 , 0.68 gpd/sf

An intensive surgical center that performs ENT surgery, General surgery, Gynecologic surgery, Oral (OMS) surgery, Orthopedic surgery, pain management, Plastic surgery, and podiatric surgery.

Barretts Medical Center, Berlin
32,549 sf @0.1 gal/sf, that's 13 EDUs (That is what Berlin Allocated).

Various medical specialty doctor's offices as tenant leaseholders. Outpatient investigative procedures for gastrointestinal and ENT. No additional EDUs required by Berlin. They have stayed within this flow footprint per Berlin Water/Wastewater

Determine on a
case-by-case basis

Car Washes

Berlin has 2 carwashes - 1 is automated and the other is self-serve.

Berlin Auto Wash, Automated, 1 bay, allocated 12 EDUs
2 year average flow is 84,920 gallons/month or 2,831 gpd or 11.32 EDUs (12 allocated).

Book flow for car washes is 4.9 gal/sf without any consideration for self serve/automated or recycling systems.

This location is 6,482 sf and the multiplied allocation on book flow would be 134 EDUs.

Union Station, Self Serve - 4 Bays, allocated 1 EDU
2 year average flow is 6,800 gallons/month or 227 gal/day

Book flow for car washes is 4.9 gal/sf without any consideration for self serve/automated or recycling systems.

This location is 2,432 sf and the multiplied allocation on book flow would be 48 EDUs.

Kelly Shannahan

From: Robert Mitchell
Sent: Wednesday, July 10, 2019 4:39 PM
To: Kelly Shannahan; John Ross
Cc: Commissioner Madison J. Bunting; David M. Bradford; Ed Tudor; Harold Higgins; Jennifer Swanton; Jessica Wilson; John Tustin; Maureen L. Howarth
Subject: RE: Flow Projections for Campgrounds and Churches

Kelly-

Looking at prior guidance documents and other counties:

State:

1987 DHMH (MDE) - Not in there

MDE Capacity Management Documents (2006) – Not in there

MDE 1990 Flow Guidance with Large Septic Flow Design – 3 gal/seat, add for food service

MDE 2011 Flow Guidance for Large Septic Flow Design (Current) – 3 gal seat/5 gal seat with private kitchen

Counties:

St Mary	1 EDU w/additional for accessory uses (County had flow study averaging 269 GPD but did not include # of seats for the churches included)
Calvert	1 EDU (250 gal) for worship hall, add for additional uses
Howard	3 gal/seat, add for food service
AA Co.	4 gal/seat
Garrett	3 gal/seat
WSSC	4 gal/seat

Other:

International Private Sewage Disposal Code	3 gal per person no kitchen 7.5 gal/per person, kitchen
--------------------------------------------	------------------------------------------------------------

We have been using what was in the proposed table with the draft resolution:

Per sanctuary seat:	3 gallons	
With private kitchen (members only):	5 gal/seat	(have not really encountered this – could be a kitchen for a rectory for the priests/pastors or just for staff or a very small congregation)
With comm. Kitchen (open to general public):	15 gal/seat	(this is in conjunction with food service permit from health dept)

For our table in Worcester:

Churches	3 gal/seat w/additional flow for accessory uses
----------	-------------------------------------------------

The above simplifies the discussion. Restaurant (Kitchen), catering halls, daycare, schools, all would be assessed separately and given additional flow. We would not need to include a commercial or private kitchen flow on the table. Flow for accessory uses can be assigned by the use and we have food, school, staff, office and daycare flow numbers on the draft chart.

An alternate could be:

Churches	1 EDU minimum w/additional for accessory uses and size of worship hall
----------	------------------------------------------------------------------------

This gets too messy and confusing with respect to the minimum hall size as we don't have data to support that. St. Johns was 300 seats as they didn't build their larger addition and they have offices that may or may not be used during

week. They are within the 3 edu flow. Community church is within their assigned flow, but were assessed and required to buy more edus due to daycare. That plays into the requirement for additional flow for accessory uses.

I would submit that we have a cleaner path with the 3 gal/seat (Fire occupancy I believe is 18 inches per "seat" in pews) and to allocate additional flow for additional uses. They are required to submit this information with permit, TRC site plan, ect. They would also be required to identify information if they were adding accessory uses as well.

Bob

Robert J. Mitchell, LEHS, REHS
Director

Worcester County

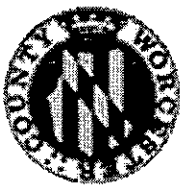
Department of Environmental Programs

1 West Market Street, Room 1306

Snow Hill, MD 21863

Phone (410) 632-1220 x 1601

Fax (410) 632-2012



From: Kelly Shannahan <kellys@co.worcester.md.us>

Sent: Wednesday, July 10, 2019 9:50 AM

To: John Ross <jross@co.worcester.md.us>; Robert Mitchell <bmittchell@co.worcester.md.us>

Cc: Commissioner Madison J. Bunting <j.bunting12345@gmail.com>; David M. Bradford <dbradford@co.worcester.md.us>; Ed Tudor <etudor@co.worcester.md.us>; Harold Higgins <hhiggins@co.worcester.md.us>; Jennifer Swanton <jswanton@co.worcester.md.us>; Jessica Wilson <jwilson@co.worcester.md.us>; John Tustin <jtustin@co.worcester.md.us>; Kelly Shannahan <kellys@co.worcester.md.us>; Maureen L. Howarth <mhowarth@co.worcester.md.us>

Subject: Flow Projections for Campgrounds and Churches

Importance: High

John and Bob:

Following up from our Sewer Committee meeting yesterday, I am revising the flow tables as we discussed. I am currently awaiting information from each of you as follows:

John – Please provide the flow per site for Luxury Campgrounds with water/sewer hook-ups based on actual peak flows over the past 4th of July weekend. We discussed 150 gallons per site, but you agreed to verify that number. It would also be helpful to show the Commissioners the actual flows as an attachment in their meeting package if you have time to put that together.

Bob – Please provide a revised flow calculation for churches to reflect the limited usage once a week. My notes indicated to provide 1 EDU + add for accessory uses. But we should be more specific based upon your research and

hopefully come up with a more specific flow figure either based on the number of seats or square footage. As you are aware, our previous proposal was:

Church (per seat) - 3

- Church with private kitchen (per seat) - 5
- Church with commercial kitchen (per seat) - 15

I am hoping to get this revised draft completed today.

Thanks for your help.

Kelly Shannahan

Assistant Chief Administrative Officer

Worcester County Administration

Room 1103 Government Center

One West Market Street

Snow Hill, MD 21863-1195

410-632-1194

410-632-3131 (fax)

Luxury Campground Usage

= Peak Usage

Frontier Town

Campsites- 585

Capacity Purchased- 49,800 gpd - (166 EDUs based on 585 sites @ 85 gpd/site)

Day	Date	gpd	Commercial	Campsites	EDU Equiv	gpd/Site
1	7/3/2019	57,900	6,677	51,223	171	88
2	7/4/2019	89,300	6,677	82,623	275	141
3	7/5/2019	94,700	6,677	88,023	293	150
4	7/6/2019	74,100	6,677	67,423	225	115
5	7/7/2019	59,800	6,677	53,123	177	91
6	7/8/2019	50,700	6,677	44,023	147	75
7	7/9/2019	54,500	6,677	47,823	159	82
8	7/10/2019	61,300	6,677	54,623	182	93
8 Day Avg		67,788	6,677	61,111	204	104

Castaways

Campsites- 394

Capacity Purchased- 26,400 gpd - (88 EDUs based on 394 sites @ 65 gpd/site)

# of Days	Date	Total Flow	gpd	EDU Equiv	gpd/Site
3 Day Avg	7/5-7/8, 2019	107,071	35,690	119	91
10 Day Avg	6/28-7/8, 2019	338,840	33,884	113	86

*

Peak Flow = 150 gpd/site

Public Comments

Submitted by
Palmer Gillis

July 2, 2019

Water and sewer usage:

1. City of Salisbury. Considers lower flow usage on medical offices. We are experiencing a .03 to .05 G/SF/D on average at over 105,000 gsf of various medical offices. Salisbury allows a recapture of fee after 24 months of experience in the event is determined an overcharge. The City has 60 months to recalculate the fee in the event the usage exceeds the calculated amount. No assessment for shell until usage/fit-out is finalized. We typically experience a flow rate of .03 to .05 gallons per square foot per day
2. Georgetown. After providing evidence that 18,000 GSF medical offices (2- 9,000 gross square footage of medical offices) only consumed about 3 EDU's in grand total the town waived fees on the final fit out.
We are experiencing a flow rate of approximately .02 to .015 G/SF/D.
3. Berlin. The Town reduced their EDU calculation on the latest 2 buildings after the usage at Berlin Main Place showed a significant lesser flow than .1 G/SF/D . They only access 1 (or a token 1- EDU) upon building shell permit until such time as the interior fit out is applied for. We are experiencing a flow usage rate of approximately .03 to .05 G/SF/D. Of the 3 buildings on site (excluding dialysis facility) we are experiencing a .01 to a .02 gallons per square foot per day usage.
4. Millsboro. Reduced their initial EDU calculation by half upon our presentation to them of flows for comparable medical offices. They monitored to confirm. On a 50,000-sf medical office facility the flow rate is validated at .028 G/SF/D with over 3 years' experience.
5. Easton. Our experience over 36 months on 2 existing medical offices are showing a consistent .026 G/SF/D usage. The Town is allowing on a new project for the purposes of a shell permit the lower usage classification to accommodate the unknown user application.
6. Worcester County, Ocean Pines building #1, 20,000 sf averages 3 EDUs over 14 quarters. The County calculation would be 8 EDUs. We have not deducted irrigation from this calculation.
7. Core factor, which on a larger building can be as much as 15% to 20% of the total square footage is not allowed as a deduct in the determination of square footage in Worcester County. Core factor consists of, stair towers, elevators, elevator equipment rooms, mechanical rooms (meter rooms), etc. These areas do not consume water usage and should be an allowable deduction of square footage calculation. Square footage calculations also include the exterior walls which can add about 10 % to the overall square footage calculation.

NOTE:

1. In all cases, landscaping irrigation has been included in the EDU representation. When reduction is considered, these EDU calculations would result in a lower conclusion
2. G/SF/D = gallons per square foot per day.

Palmer Gillis, pgillis@ggibuilds.com 410-749-4821

GEORGETOWN MEDICAL FACILITY

June 5, 2019

I. 501 & 503 West Market Street (501 does not exist during this period)

<u>Period</u>	<u>Usage per Day</u>	<u>Approx. # Days</u>	<u>Daily Usage</u>
12/08/16 - 03/17/17	15,552	101	153/GPD
03/17/17 - 06/15/17	14,621	88	166/GPD
06/15/17 - 09/19/19	15,659	94	167/GPD

II. 503 West Market Street

<u>Period</u>	<u>Usage per Day</u>	<u>Approx. # Days</u>	<u>Daily Usage</u>
09/19/17 - 12/12/17	13,597	83	164/GPD
12/12/17 - 03/13/18	14,072	91	155/GPD
03/13/18 - 06/22/18	19,646	99	198/GPD
06/22/18 - 09/13/18	12,987	81	160/GPD
09/13/18 - 12/12/18	17,398	89	195/GPD
12/12/18 - 03/26/19	18,994	103	185/GPD

III. 501 West Market Street

<u>Period</u>	<u>Usage per Day</u>	<u>Approx. # Days</u>	<u>Daily Usage</u>
02/19/18 - 03/07/18	100	18	6/GPD
03/07/18 - 06/12/18	3,600	95	38/GPD
06/12/18 - 09/10/18	1,800	88	20/GPD
09/10/18 - 12/06/18	6,000	86	70/GPD
12/06/18 - 03/07/19	7,900	91	87/GPD

NOTES:**503 West Market St.**

Fully occupied 9,800 GSF medical office

Average 172 gallons per day

0.018 gallons per square foot per day

501 West Market St.

Partially occupied (assume 50%) 9,700 GSF medical office

Average 54 gallons per day

Assume 4,700 occupied space

0.011 gallons per square foot per day

From: LuAnne Timmons <ltimmons@GGIBuilds.com>

Sent: Monday, July 1, 2019 2:12 PM

To: Melissa Coffey <mcoffey@berlinmd.gov>

Cc: Palmer Gillis <pgillis@GGIBuilds.com>

Subject: water usage

BERLIN MAIN PLACE

Melissa, Palmer Gillis is only needing the WATER USAGE for the following three buildings.

Building 1	9956 N. Main St	Uses an average of 2000 -4000 gallons per month but is charged 5 minimum bills (5 active units leased) each tenant = \$ 82.34	$10,000 \text{ SF} \cdot 4000 \text{ GALLONS} \div 30 = 133 \text{ GPD} \div 10,000 \text{ SF} = .013 \text{ G/SF/DAY}$
Building 2	9954 N. Main St	Uses an average of 2000 gallons per month but is charged 3 minimum bills (3 active units leased) each tenant = \$ 79.94	$7700 \text{ SF} \cdot 2000 \text{ GALLONS} \div 30 = 66 \text{ GPD} \div 7700 \text{ SF} = .0086 \text{ G/SF/DAY}$
Building 6	9948 N. Main St	Uses an average of 2000 gallons per month. (Anne Arundel Dermatology) = \$77.85 per month.	$6060 \text{ SF} \cdot 2000 \text{ GALLONS} \div 30 = 67 \text{ GALLONS PER DAY} \div 6060 = .011 \text{ G/SF/DAY}$

Difference in minimum bills is due to the stormwater charges. I included average of what each tenant should be paying. Usage looks to be very minimal.


This should be only one number for each building, a large detail report is not necessary. He has a meeting early Tuesday morning and needs this information.

Sorry to be such a problem, your help is appreciated.

Thank you,
Luanne S. Timmons
Bookkeeper

P.O. Box 4322
150 West Market Street, Suite 200
Salisbury, MD 21803
410-749-4821
ltimmons@gillisgilkerson.com
www.gillisgilkerson.com

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 Please consider the environment before printing this email or any attachments.

April 25, 2019

30265 COMMERCE DRIVE, DELMARVA HEALTH PAVILION, MILLSBORO, DE

50,000 Gross Square Foot Medical Office Building 90% Occupied

Water Meter Usage

<u>Bill Date</u>	<u># Gallons</u>	<u># Days</u>	<u>Peak Usage</u>
4/1/2016	23,000 gallons	69	333/day
7/1/2016	43,000 gallons	92	467/day
10/1/2016	36,000 gallons	93	387/day
1/1/2017	85,000 gallons	102	833/day
4/1/2017	33,000 gallons	85	388/day
7/1/2017	88,000 gallons	91	967/day
10/1/2017	54,000 gallons	90	600/day
1/1/2018	124,000 gallons	88	1,410/day
4/1/2018	56,000 gallons	94	595/day
7/1/2018	77,000 gallons	87	885/dy
10/1/2019	80,000 gallons	89	898/day
1/1/2019	40,000 gallons	101	396/day
4/1/2019	39,000 gallons	84	464/day

778,000 gallons

1,165 days

Average: 680 gallons per day or 2.61 EDU's

Average: 680 gallons ÷ 50,000 gross square feet = .0136 gallons per foot per day

Peak: 1,400 gallons ÷ 50,000 SF = .028 gallons per square foot per day

April 24, 2019

Purdy Street Medical Center

I. Building One: 10,667 Net Square Footage

<u>Bill Date</u>	<u># Gallons</u>	<u># Days</u>	<u>Usage per Day</u>
1/9/2018	10,400	30	347/day
2/12/2018	11,300	30	377/day
3/12/2018	10,100	30	367/day
4/9/2019	11,300	30	377/day
5/9/2018	12,000	30	400/day
6/11/2018	12,100	30	403/day
7/10/2018	11,800	30	393/day
8/9/2018	11,900	30	397/day
9/11/2018	12,900	30	430/day
10/9/2018	10,800	30	360/day
11/3/2018	14,000	30	467/day
12/10/2018	21,500	30	717/day
1/10/2019	9,800	30	327/day
2/11/2019	13,600	30	453/day
3/11/2019	11,200	30	373/day
4/9/2019	11,400	30	380/day

Average Usage: 411 Gallons per Day

Average PSF: 411 Gallons ÷ 10,667 NSF = .0385 Gallons per Square Foot per Day

II. Building Two: 10,590 Net Square Footage

<u>Bill Date</u>	<u># Gallons</u>	<u># Days</u>	<u>Usage per Day</u>
1/9/2018	4,300	30	143/day
2/12/2018	4,300	30	143/day
3/12/2018	4,100	30	137/day
4/9/2019	4,800	30	160/day
5/9/2018	4,500	30	150/day
6/11/2018	4,400	30	147/day
7/10/2018	4,100	30	137/day
8/9/2018	4,600	30	153/day
9/11/2018	5,600	30	187/day
10/9/2018	4,100	30	137/day
11/3/2018	5,000	30	167/day
12/10/2018	4,200	30	140/day
1/10/2019	3,900	30	130/day
2/11/2019	5,100	30	170/day
3/11/2019	4,200	30	140/day
4/9/2019	4,900	30	163/day

Average Usage: 150 Gallons per Day

Average PSF: 150 Gallons ÷ 10,590 NSF = .0142 Gallons per Square Foot per Day

Water Usage Summary April 4, 2019

11105 Cathage Road, Ocean Pines, 20,000 S.F. Medical Office Building

<u>Period</u>	<u>Total Usage</u>	<u># of Days</u>	<u>Per Day</u>	<u>EDU</u>
10/01/17 - 12/31/17	207,900	15	13,860/day	55 EDU's
01/01/18 - 03/31/18	124,700	57	2,188/day	8.75 EDU's
04/01/18 - 06/30/18	29,300	120	244/day	1 EDU
07/01/18 - 09/30/18	148,300	60	2,472/day	9.89 EDU's
10/01/18 - 12/31/18	56,800	101	562/day	2.24 EDU's
01/01/19 - 03/31/19	77,800	82	948/day	3.8 EDU's

NOTE: Irrigation system usage has not been deducted.

Water Usage Summary April 4, 2019

11101 Cathage Road, Ocean Pines, 20,000 S.F. Medical Office Building

<u>Period</u>	<u>Total Usage</u>	<u># of Days</u>	<u>Per Day</u>	<u>EDU</u>
10/01/15 - 12/31/15	90,108		1,001/day	4 EDU's
01/01/16 - 03/31/16	33,700		374/day	1.6 EDU's
04/01/16 - 06/30/16	33,900		376/day	1.6 EDU's
07/01/16 - 09/30/16	61,500		683/day	2.7 EDU's
10/01/16 - 12/31/16	61,400		682/day	2.7 EDU's
01/01/17 - 03/31/17	34,900		387/day	1.6 EDU's
* 04/01/17 - 06/30/17	213,000		2,367/day	9.4 EDU's
07/01/17 - 09/30/17	51,300		520/day	2.28 EDU's
10/01/17 - 12/31/17	43,400	93 days	467/day	1.9 EDU's
01/01/18 - 03/31/18	32,500	91 days	357/day	1.43 EDU's
04/01/18 - 06/30/18	40,000	120 days	334/day	1.34 EDU's
7/1/2018 - 09/30/18	63,600	60 days	1,060/day	4.24 EDU's
10/01/18 - 12/31/18	123,400	98 days	1,260/day	5.04 EDU's
01/01/19 - 03/31/19	37,600	85 days	422/day	1.8 EDU's

* NOTE #1: Service was used for linear accelerator start up and testing during this period.

NOTE #2: Irrigation system usage has not been deducted.

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OF COUNSEL
HAROLD B. GORDY, JR.

July 23, 2019

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

RE: Proposed Resolution Establishing Standard Sewer Flow Calculations

Dear President Purnell:

This letter will confirm our telephone conversation yesterday regarding the public hearing presently scheduled for August 6, 2019, in order to consider the above-referenced matter. First, I would like to thank you for taking the time to discuss my request that this public hearing be rescheduled for a time when I am available to attend on behalf of several clients with an interest in this matter.

As you know, there are principally two attorneys in Worcester County that tend to represent the public relative to issues involving Equivalent Dwelling Units ("EDUs") of water or wastewater; Hugh Cropper and me. As such, I have become generally more educated and familiar with a variety of issues surrounding the calculation, allocation and acquisition of EDUs. For that reason, several of my clients have asked that I attend the public hearing on the proposed resolution in order to present questions or concerns that my clients, as lay people, do not feel comfortable or qualified addressing.

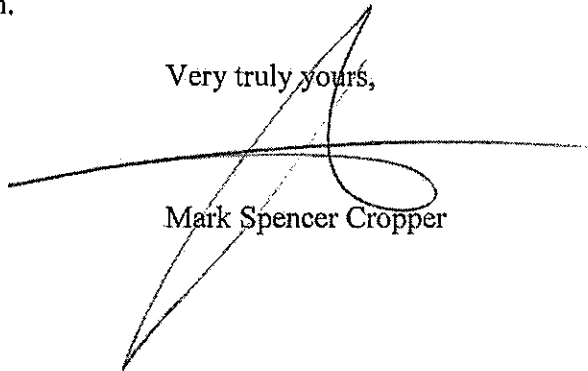
Unfortunately, approximately a year ago (as with many years in the past) I scheduled to participate in the world-renowned White Marlin Open sportfishing tournament, which takes place this year from August 5th through August 9th, making it impossible for me to prepare for or attend the scheduled public hearing. While I do not speak for Hugh Cropper, he has contacted me and expressed the same concern.

I respectfully request that, in the interest serving the public, this public hearing

presently scheduled for August 6, 2019, be delayed by only two weeks in order that I be able to properly prepare for and represent my clients' interests regarding this matter. To do otherwise would prejudice their concerns and simply be unfair. Unless there is an urgency for proceeding on the scheduled date, I am respectfully at a loss as to why such a short delay would negatively impact the Commissioners, their staff or the public in any manner.

Should you wish to discuss this letter with me, feel free to give me a call. Any additional consideration that you could give this request would be most appreciated. Thank you in advance for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Spencer Cropper". The signature is stylized with a large, sweeping loop that extends upwards and to the right, crossing over the text "Very truly yours,".

Mark Spencer Cropper

MSC:slc

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July 26, 2019

Worcester County Commissioners
Attn: Mrs. Diana Purnell, President
One West Market Street
Snow Hill, Maryland 21863

RE: **Proposed Resolution Establishing Standard Sewer Flow Calculations**

Dear President Purnell and Commissioners:

I would like to request a postponement of the public hearing presently scheduled for August 6, 2019 regarding the above referenced Resolution.

I represent numerous clients, all of whom are interested in this Resolution, and many of whom will be impacted by the new standard sewer flow calculations. My clients have asked many questions, and we need additional time to prepare comments for this public hearing.

I am not sure that all of my clients will necessarily oppose the Resolution, but they would like to have an opportunity to meet with their consultants, to determine how they may be impacted.

A postponement will give us time to prepare better for this hearing, and to provide more useful comments.

Additionally, I am currently not available on that date, but the real reason for the postponement is to allow my clients, who are citizens and taxpayers, additional time to understand the Resolution, its impact on their properties, and to prepare for this hearing.

July 26, 2019
Page Two

Thank you very much.

Very truly yours,

A handwritten signature in black ink, appearing to be 'H Cropper IV', written in a cursive style.

Hugh Cropper IV

HC/tgb

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



19

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CHIEF ADMINISTRATIVE OFFICER
MAUREEN F.L. HOWARTH
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OFFICE OF THE
COUNTY COMMISSIONERS

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET • ROOM 1103

SNOW HILL, MARYLAND

21863-1195

August 20, 2019

TO: Harold L. Higgins, Chief Administrative Officer
FROM: Kelly Shannahan, Assistant Chief Administrative Officer *KS*
SUBJECT: Revised Listing Agreement for Liquor Control Warehouse in Snow Hill

As you are aware, at their meeting of March 19, 2019, the County Commissioners met with John McClellan, Senior Advisor with SVN Miller Commercial Real Estate regarding the sale of the former Liquor Control Warehouse in Snow Hill. Following his presentation, the Commissioners agreed to list the Department of Liquor Control (DLC) warehouse in Snow Hill for six months with Mr. McClellan at an asking price of \$749,000, with a commission of 6% for SVN's services to be paid if the property is sold. While Mr. McClellan has advised that their marketing efforts have generated a series of interested prospects, none have followed through with an offer at or near the asking price. He now believes that a reduced asking price and a new marketing effort will help us to find the right buyer for this property. Given that there is a remaining mortgage of \$434,526 on this property, staff has suggested a reduced asking price of \$599,000.

Please present this matter to the Commissioners at their meeting of August 20, 2019.

LISTING AMENDMENT

The undersigned owner(s) hereby agree to amend the listings currently in effect as follows:

The list price of 5363 Snow Hill Rd. Snow Hill, MD shall hereby be reduced to

\$ 599,000.00

The term of this listing agreement shall hereby be extended through February 29, 2020.

All other terms and conditions of the original listing agreement will remain in full force and effect.

County Commissioners of Worcester County, MD

By: _____

Date _____