



OCEAN PINES ASSOCIATION, INC.  
BOARD OF DIRECTORS' REGULAR MEETING  
AGENDA  
Saturday, May 15, 2021  
9:00 am, Assateague Room, Community Center

Call to Order – Larry Perrone, President

Pledge of Allegiance – All

Approval of Agenda – Board

Approval of Minutes

March 26, 2021 - Closed Meeting

April 21, 2021 – Regular Meeting

President's Remarks – Larry Perrone, President

GM Report – John Viola

Treasurer's Report- Doug Parks

Public Comments

Capital Purchases Requests – None

CPI Violations- None

Unfinished Business –

Discussion – Short Term Rental Recommendation – Frank Daly

Motion – Lease with Seacrets for Parking Lot Use – Colette Horn

Motion - Succession Planning for GM Position Document Approval – Colette Horn

New Business –

First reading – Repeal of Resolution B-08 – Frank Daly

Appointments –

Ann Shockley – Chair – ARC

Adjournment



OCEAN PINES ASSOCIATION, INC.  
BOARD OF DIRECTORS' REGULAR MEETING  
Wednesday, April 21, 2021  
7:00 pm, Assateague Room, Community Center

PRESENT: Larry Perrone, Doug Parks, Frank Brown, Colette Horn, Camila Rogers, Frank Daly and Tom Janasek.

ALSO PRESENT: John Viola, General Manager, 2 members of the press and approximately 8 Association members.

**Call to Order** – Larry Perrone called the meeting to order at 7:00 pm with the Pledge of Allegiance.

**Approval of Agenda**

Ms. Rogers moved to accept the Agenda with the following changes, Mr. Daly seconded, all in favor of amending the Agenda. Ms. Rogers added the appointment of Lora Pangratz to the By Laws & Regulations Committee, Ms. Horn added a closed session motion for Board self-evaluation, Mr. Brown added the 4<sup>th</sup> term of Larry Malone on the ARC, Ms. Horn moved to accept the amended agenda, Mr. Parks seconded, all in favor.

**Approval of Minutes**

March 20, 2021 – Regular Meeting – Ms. Rogers moved to accept, Ms. Horn seconded, all in favor.

March 26, 2021 - Special Meeting - Mr. Parks moved to accept, Ms. Horn seconded, all in favor.

**President's Remarks – Larry Perrone** – Mr. Perrone announced the “Wall That Heals” opens tomorrow with a candlelight service Friday evening at 7 pm.

**Announcement of Email Votes/Motions – Colette Horn (attached)**

**GM Report – John Viola (attached)**

**Treasurer's Report- Doug Parks (attached)**

**Public Comments**

Dutch Oostveen – 12 Lord Guy Terrace

Frank Daly – 834 Ocean Parkway

Gene Ringsdorf – 5 Macafee Court

### **Capital Purchases Requests-**

Public Works – Roof Replacement on Mumford Pool House & Shed – Mr. Parks moved to accept the recommendation, Mr. Daly seconded, all in favor.

Public Works – 2021 Secondary Road Rehabilitation – Mr. Daly moved to accept the recommendation, Ms. Rogers seconded, all in favor.

### **CPI Violations- None**

### **Unfinished Business – None**

### **New Business – None**

### **Appointments –**

Lisa Romersa – 1st Term – By-Laws & Resolutions

Lora Pangratz – 1st Term - By-Laws & Resolutions

Larry Malone – 4th Term - ARC

The above nominations were approved unanimously.

### **Motion to adjourn to Closed Session**

Adjournment to closed session for the purpose of discussion of matters pertaining to employees and personnel specifically pertaining to self-evaluation of director, officer and board performance, as permitted by the MD Homeowner's Association Act, Section 11B-111(4)(i). – Colette Horn – Mr. Perrone seconded, 5 in favor (Perrone, Horn, Brown, Daly and Rogers) 2 opposed (Parks and Janasek). Ms. Horn stated, since 2 directors are no longer committed to this, she withdrew the motion.

At 7:56 pm, Mr. Daly moved to adjourn, Ms. Rogers seconded, all in favor.

Respectfully submitted:  
Camila Rogers, Secretary

\*Please note at the March 26, 2021 Special Meeting, Mr. Perrone moved, and Mr. Parks seconded that the Board move to Closed session for the discussion of a personnel matter at 11:02 a.m., all in favor. The Board adjourned to Closed Session for the purpose of discussion matters pertaining to employees and personnel specifically pertaining to an adjustment for the general manager regarding the 401-k program and to discuss the Seacrets lease renewal as permitted by the MD Homeowner's Association Act, Section 11B-111(4)(i) & (vi).



**OCEAN PINES ASSOCIATION, INC.**  
**Proposed Topic for Discussion**  
**by Board of Directors**

**DATE: May 7, 2021**

**TOPIC: Short Term Rental Recommendation**

**FOR INCLUSION IN MEETING HELD ON: May 15, 2021**

**SUBMITTED BY: Frank Daly**

**TOPIC: Attorney Recommendation for Declaration of Restriction amendment regarding Short Term Rentals**

**CONCISE STATEMENT: Recommendation for amending Declarations of Restrictions to regulate Short Term Rentals**

**BACKGROUND: The STR workgroup has been working with stakeholders to provide a balanced approach to regulating short term rentals. After multiple discussions spanning two years, we have concluded that the optimal solution is to adopt the existing Worcester County Code into our Declaration of Restrictions with enhanced enforcement provisions. This will have no effect on property rights but will provide a fast and efficient mechanism to address problem properties.**

## AMENDED DECLARATION OF RESTRICTIONS

### THE DECLARATION OF RESTRICTIONS IN SECTION \_\_\_\_\_, OCEAN PINES, SHALL BE AMENDED AS TO THE PROVISIONS IN PARAGRAPH 4 OF SAID RESTRICTIONS AS FOLLOWS:

New material to be inserted is underlined.

#### "4. EXCLUSIVE RESIDENTIAL USE AND IMPROVEMENTS

- A. No numbered lot shall be used except for residential purposes. No structures shall be erected, placed or permitted to remain on any such lot other than one (1) detached, single family residence dwelling and such outbuildings constructed in connection with such residence as are usually accessory to a single family residence dwelling including a private garage.
- B. No lot shall be used or developed as a time-share project as defined in Title 11A of the Real Property Article of the Annotated Code of Maryland as may, from time to time, be amended Time-shares shall be prohibited in the Section.
- C. The Board of Directors of Ocean Pines Association, Inc. has the authority to regulate any residential numbered lot which is utilized for Short Term Rentals as defined in Section ZS1-351 of the Worcester County Zoning Code and subject to the provisions of said Code in a manner and with the authority established by the Ocean Pines Association Board of Directors. Such regulations shall include the right of said Ocean Pines Association, Inc. to establish fines for violations of said Short Term Rental provisions, and suspend the privilege of rental for stated periods of time in order to resolve repeated violations of Short Term Rental conditions in the Worcester County Zoning Code."

Worcester County, MD  
Tuesday, April 27, 2021

## Subtitle ZS1:III. Supplementary Districts and District Regulations

### § ZS 1-351. Short-term rentals.

[Added 10-15-2019 by Bill No. 19-3]

- (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. The definition of "family or housekeeping unit" as contained in § ZS 1-103 hereof shall not apply in determining the occupancy limitations for short-term rentals holding a valid rental license pursuant to § TR 2-105 of the Taxation and Revenue Article of the Code of Public Local Laws of Worcester County, Maryland but rather shall be determined as follows:
      1. Every bedroom, as defined in § ZS 1-103 hereof, occupied by more than one person shall contain not less than fifty square feet of floor area unobstructed other than by furniture for each occupant.
      2. The total number of occupants permitted in any short-term rental unit shall not exceed the sum total of all occupants permitted in each bedroom of the structure.
    - B. Accessory apartments shall only be rented in their entirety and shall be subject to the occupancy limitations as contained in Subsection (b)(3)A, above. 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) shall be provided for all short-term rental structures for which a building permit application is received after the effective date of this section.
  - (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.

§ 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.) This bill becomes effective forty-five (45) days from the date of its







## **General Manager Qualifications and Required Skills**

### **Minimum Qualifications**

1. A Bachelor's degree from an accredited college or university with major course work in public administration, business administration, economics, or related field. A Master's degree is highly desirable.
2. Ten years of progressively responsible experience in the management of a large community association, business entity, non-profit or municipality similar in size and scope requiring extensive public interface. Minimum of three (3) years' recent experience as Assistant Manager or General Manager in these types of organizations is required.
3. CMCA and/or other related industry designations required. PCAM preferred. In the absence of CMCA designation, commitment to initiate within the first year of employment to training necessary to acquire it.
4. Previous experience in maintenance supervision, recreation management, project development, customer service, public relations or real estate related fields helpful.
5. Knowledge of accepted management practices and procedures, building and grounds maintenance requirements, personnel development and administration, and budget and finance.
6. Proficiency in Microsoft Office products suite.
7. General knowledge of association management systems such as NorthStar or other financial management software such as SAP or Oracle is strongly preferred.
8. Ability to motivate employees to accomplish established goals within the related areas of responsibility, and to establish work standards to evaluate personnel performance.
9. Excellent writing and communication skills.

### **Critical Skills**

#### **1. LEADERSHIP.**

- A. Ability to build effective relationships with a Board of Directors or similar governing body as evidenced by regular, timely and clear communication regarding the operations of the organization.
- B. Ability to direct the Annual Budgeting process of an organization with an operating budget of \$13-\$15 million, ensuring that the needs and requirements of all departments are clearly articulated and prioritized in a manner that is consistent with the organization's mission and strategic plan and that justification for capital expenditure requests is clearly articulated.

- C. Ability to direct the forecasting of funds needed for staffing, equipment, materials, supplies, and for capital and major maintenance projects.
- D. Ability to direct the establishment and administration of effective financial controls for the management of the organization's revenues.
- E. Possesses the knowledge required to direct the development of a strategic plan.
- F. Proven track record of notifying the Association President or other chief executive immediately of operational issues that pose a threat to life and safety with recommendations for problem resolution.
- G. Ability to provide a monthly analysis of financial performance highlighting and explaining sources of any significant variances to budget, provide any needed revisions to projections of revenue or expense, and provide plans to address variances when deficits are noted.
- H. Ability to manage activities and amenities in accordance with provisions of governing documents, applicable Federal and State laws and regulations, and organization policies.
- I. Proven ability to ensure the enforcement of established policies, conveyance of homeowners' grievances, timely notification to the Board of any grievances having potential for legal and/or financial impact and which must be handled urgently, and provision of reports regarding the same.
- J. Proven ability to direct department heads as appropriate to respond to and resolve difficult and sensitive citizen inquiries and complaints in a timely manner.
- K. Proven ability to effectively prioritize and manage competing demands and initiatives.
- L. Proven ability to work effectively with department heads to ensure observable progress toward achievement of business goals and strategic plans.

## **2. COMMUNICATION WITH KEY STAKEHOLDERS.**

- A. Proven ability to maintain effective, timely, pertinent, and clear communication of organizational policies, goals, and priorities with key internal stakeholders such as homeowners and the Board of Directors.
- B. Proven ability to ensure, through delegation to appropriate staff effective, timely and pertinent communication with internal stakeholders.

- C. Proven ability to maintain effective, timely, pertinent, and clear communication with external stakeholders such as contractors; consultants; and County, State and Federal officials and representatives to the extent needed to support the goals and priorities of the organization. Proven ability to support and empower subordinates in communications with external stakeholders as indicated.
- D. Proven ability to direct, manage and maintain timely and accurate communications with the media.
- E. Demonstrates knowledge of principles involved in the projection of a positive public image as the General Manager of the Ocean Pines Association.
- F. Ability to organize clear and timely reports to the Board of Directors and other key stakeholders as required by governing documents and applicable State and Federal laws and regulations, or as directed by the Association President.

### **3. MANAGEMENT OF DEPARTMENT HEADS AND PERSONNEL.**

- A. Demonstrated ability to
  - i. set clear standards of performance for department heads and staff,
  - ii. hold department heads accountable for progress toward meeting departmental performance goals,
  - iii. complete performance reviews of direct-reports annually or as otherwise prescribed in the organization's HR policies, and
  - iv. hold department heads accountable for completion of timely performance appraisals of department staff.
- B. Demonstrated ability to hold department heads responsible for
  - i. ensuring that staff is trained to perform job requirements competently and safely, and
  - ii. engagement of opportunities for cross training as needed for the effective operation of all departments and amenities.
- C. Demonstrated ability to develop succession planning for key leadership positions within the organization.
- D. Demonstrated ability to
  - i. ensure the adoption of personnel policies and procedures consistent with current legal and business requirements,
  - ii. ensure the implementation and enforcement of employment policies, and
  - iii. assist department heads in problem solving HR issues and encouragement of staff to utilize Human Resources personnel as appropriate, and

- iv. identify indicators that justify use of Legal counsel for human resources issues.
- E. Possesses knowledge and/or abilities necessary to ensure compliance with governing documents, applicable State and Federal laws and regulations, and best practices that are applicable to the organization.
- F. Ability to demonstrate characteristics of self-awareness, self-regulation, intrinsic motivation, integrity, empathy, adaptability, and social skills necessary to project a professional demeanor with internal and external stakeholders and the media.



## OCEAN PINES ASSOCIATION

### JOB DESCRIPTION – GENERAL MANAGER

#### **Position**

The General Manager leads the administrative operation of the Association and is responsible for providing the overall supervision of staff in supporting the Ocean Pines community. This full-time, on-site position reports to the Association's Board of Directors and is also responsible for overseeing maintenance of common areas, property assets and all the association's amenities. The General Manager interacts with homeowners, vendors, the Board of Directors and advisory committee members as well as local and state elected and appointed officials.

#### **Essential Duties and Responsibilities**

- Build strong relationships with board members who provide leadership to the community.
- Communicate regularly and strategically with board members to provide information and gain consensus.
- Implement Board policy, strategic directions, and directives within the scope of the employment agreement or as otherwise specified in the By-Laws of the Association.
- Direct and supervises all on-site personnel, and oversees contractors providing service to the community.
- Oversee and participate in the development and administration of the association's annual budget.
- Direct the forecast of funds needed for staffing, equipment, materials, and supplies.
- Establish and administer effective financial controls for the management of association's revenues and resources.
- Advise the Board of Directors of the financial conditions and future needs of the Association and, subject to the limits and guidelines established by the Board.
- Advise the Board of Directors of significant operational problems or deviations from the Reserve Study, Reserve Fund or Capital Improvement Plan.
- Responsible for the enforcement of the established policies and the conveyance of homeowners' grievances.
- Enforce all rules and regulations of the Association and investigate all complaints in relation to the administration and operations of the Association.
- Respond to and resolve difficult and sensitive citizen inquiries and complaints; assign departments to resolve citizen complaints and concerns in a timely manner.
- Plan, direct and manage the association's work plan; meet with management staff to identify and resolve problems.



## OCEAN PINES ASSOCIATION

### JOB DESCRIPTION – GENERAL MANAGER

- Assign projects and programmatic areas of responsibility; review and evaluate program goals and objectives.
- Prepares schedules and establishes priorities for routine work and special projects.

#### **Minimum Qualifications**

- A Bachelor's degree from an accredited college or university with major course work in public administration, business administration, economics, or related field. A Master's degree is highly desirable.
- Ten years of progressively responsible experience in the management of a large community association, business entity, non-profit or municipality similar in size and scope requiring extensive public interface. Minimum of three (3) years' recent experience as Assistant Manager or General Manager in these types of organizations is required.
- CMCA and/or other related industry designations required. PCAM preferred. In the absence of CMCA designation, commitment to initiate within the first year of employment the training required to acquire CMCA designation.
- Previous experience in maintenance supervision, recreation management, project development, customer service, public relations or real estate related fields helpful.
- Knowledge of accepted management practices and procedures, building and grounds maintenance requirements, personnel development and administration, and budget and finance.
- Proficiency in Microsoft Office products suite.
- General knowledge of association management systems such as NorthStar or other financial management software such as SAP or Oracle is strongly preferred.
- Ability to motivate employees to accomplish established goals within the related areas of responsibility, and to establish work standards to evaluate personnel performance.
- Excellent writing and communication skills.





# OCEAN PINES ASSOCIATION, INC.

## First Reading

**DATE:** May 3, 2021

**TOPIC:** Repeal of Resolution B-08

**FOR INCLUSION IN MEETING HELD ON:** May 15, 2021

**SUBMITTED BY:** Frank Daly

The purpose of this First Reading is to repeal Resolution B-08 in its entirety.

## B-08 Discussion

While developed and passed with the best of intentions Resolution B-08 has become this Associations poster child for unintended, and bad, consequences.

In my time on this Board, we have had three B-08 complaints. In my opinion none have measured up to the standard of excellence and fairness that we expect of each other and that the community expects of us.

This resolution has prevented the Board from identifying who made the complaint, who the complaint is against and what the complaint is. This resolution has completely prevented the accused of making any comments to defend themselves. It has prevented answers to totally appropriate questions from Association members. The procedure employed have raised fair, and serious, questions regarding due process for both the accused and accuser.

All three B-08 complaints to date have had serious problems with the complaint. The practice of a board member writing a complaint on behalf of an employee, who is not involved in its drafting or even consulted before it is shared with the Board, is unreasonable.

The complaint should be written by the person making the complaint, not a board member who at some point will be asked to render a judgment on it. It should clearly state what the complaint is, why it is being lodged, and the specific remedy or remedies requested by the person making the complaint, not some intermediary.

Another area that is problematic is notification of the complaint to the Board. This should be done within minutes, not days. The Board being notified of the complaint by the complainant's spouse in a late-night email is totally unacceptable and unfair to all parties.

Basic Information regarding the complaint should also be made available. Under B-08 it is not. Who is the complaint being made against and who is making the complaint should be public information, not a public guessing game.

The investigation process for any complaint needs to be defined in advance, well publicized, and followed in all cases. All investigations should follow a basic written procedure. All parties need to know, in advance, who will be conducting the investigation and why. Who the investigators will interview and will not be able to interview requires precise definition. The current Resolution lacks these basic, fair concepts.

What will happen after the investigation is complete and the timelines involved also needs to be clearly defined, communicated, and followed. How and when the results of any investigation will be available to both the accused and the accuser must be defined. Currently they are not.

The ability of all parties involved to address the Board before any judgements are made are not included in B-08. Another reason it must be rescinded.

Any hearing should have a pre-defined protocol that is clearly communicated to all parties and the community at large. The community must be made aware of and have sufficient time and information to

review before any public hearing is held. What restrictions, if any, on witnesses or public participation should be clearly defined and communicated. Currently they are not.

My final issue involves potential penalties. B-08 was supposed to provide the ability to penalize conduct short of removal. Yet the first vote B-08 requires is a vote for removal. Another reason to rescind until, or unless, B-08 is substantially modified to address its shortcomings.