



OCEAN PINES ASSOCIATION, INC.
BOARD OF DIRECTORS' REGULAR MEETING
AGENDA
Wednesday, July 1, 2020
7 PM, Clubhouse, OP Golf Course

Call to Order – Doug Parks, President

Pledge of Allegiance – All

Approval of Agenda – Board

Approval of Minutes
June 3, 2020 – Regular Meeting

President's Remarks – Doug Parks, President

GM Report – John Viola

Treasurer's Report- Larry Perrone

Public Comments

Capital Purchases Requests – None

CPI Violations- None

Unfinished Business – None

New Business –

Motion to approve submission of application for a text amendment to the Worcester County Zoning and Subdivision Control Article – Colette Horn

Motion to direct legal counsel to develop the wording necessary to amend the Declarations of Restrictions in all sections to ban rentals of less than one week and once established to place that question before all homeowners in a Referendum vote. – Frank Daly

Appointments –

Margaret McGovern – 2nd Term – ARC

Dick Keiling – 2nd Term – Budget & Finance

Adjournment



OCEAN PINES ASSOCIATION, INC.
BOARD OF DIRECTORS' REGULAR MEETING
Wednesday, June 3, 2020
7 PM, Microsoft Team Virtual Meeting

PRESENT: Doug Parks, Colette Horn, Camilla Rogers, Larry Perrone, Frank Daly and Tom Janasek. Steve Tuttle was absent but excused.

ALSO PRESENT: John Viola, General Manager.

Call to Order – Doug Parks called the meeting to order at 7:00 pm with the Pledge of Allegiance.

Approval of Agenda

Mr. Parks asked for a Motion to amend the Agenda, Mr. Perrone so moved, Ms. Rogers seconded. Mr. Parks added under New Business, a Motion to accept the approved Seacrets MOU; Mr. Perrone added under New Business, a Discussion of Pool Openings, all in favor.

Approval of Minutes

May 2, 2020 – Regular Meeting – Ms. Horn moved to accept, Mr. Perrone seconded, all in favor.

May 12, 2020 – Special Meeting - Ms. Horn moved to accept, Mr. Perrone seconded, all in favor.

May 12, 2020 – Closed Meeting – Mr. Perrone moved to accept, Mr. Janasek seconded, all in favor.

May 18, 2020 – Special Meeting - Ms. Horn moved to accept, Mr. Perrone seconded, all in favor.

May 18, 2020 – Closed Meeting - Mr. Perrone moved to accept, Mr. Janasek seconded, all in favor.

President's Remarks – Doug Parks – Mr. Parks urged everyone to respond to the 2020 Census and encourage friends and family to do the same. He gave kudos to people that attended the opening of outdoor dining at the Yacht Club and Matt Ortt staff, everyone was following the guidelines.

GM Report- John Viola (see attached)

Treasurer's Report- Larry Perrone (see attached)

Public Comments

Mr. Parks stated no comments or questions were received prior to the meeting. He then explained how to make a comment on the chat feature. No public comments were offered.

Capital Purchases Requests- None

CPI Violations- None

Unfinished Business – None

New Business –

Motion - Move to approve the Memorandum of Understanding with Seacrets for the use of the beach side and bay side parking lots. – Doug Parks – Mr. Perrone seconded, all in favor.

Discussion – Pool Openings – Larry Perrone

Appointments –

Frank Biancaniello – 2nd Term – Golf – Mr. Daly moved to approve, Ms. Horn seconded, all in favor.

At 8:46 pm, Mr. Daly moved to adjourn, Ms. Rogers seconded, all in favor.

Respectfully submitted:
Camila Rogers, Secretary

*Please note at a May 12, 2020 Special Board Meeting - Mr. Parks moved to Adjourn to closed session for the purpose of consideration of the terms or conditions of a business transaction in the negotiation stage if the disclosure could adversely affect the economic interests of the homeowner's association; specifically discussion of matters pertaining to employees and personnel as permitted by the MD Homeowner's Association Act, Section 11B-111 (4) (vi) and Section 11B-111 (4) (i).– Mr. Daly seconded, after a lengthy discussion of the loan process, all were in favor of the Motion.

*Please note at a May 18, 2020 Special Board Meeting – Mr. Parks moved to Adjourn to closed session for the purpose of consideration of the terms or conditions of a business transaction in the negotiation stage if the disclosure could adversely affect the economic interests of the homeowner's association; specifically discussion of matters pertaining to the Seacrets parking lot lease as permitted by the MD Homeowner's Association Act, Section 11B-111 (4) (vi) - Mr. Daly seconded, all in favor.



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

**PETITION FOR AMENDMENT TO THE OFFICIAL TEXT
OF THE ZONING AND SUBDIVISION CONTROL ARTICLE**

(For Office Use Only – Please Do Not Write in this Space)

Date Received by Office of the County Commissioners _____

Date Received by Development Review and Permitting _____

Date Reviewed by the Planning Commission _____

I. Application: Proposals for amendments to the text of the Zoning and Subdivision Control Article may be made by any interested person who is a resident of Worcester County, a taxpayer therein, or by any governmental agency of the County. Check applicable status below:

- a. Resident of Worcester County: _____
- b. Taxpayer of Worcester County: X
- c. Governmental Agency: _____

(Name of Agency)

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

- a. Section Number: §ZS 1-324(c)
- b. Page Number: ZS 1:III:110
- c. Proposed revised text, addition or deletion:
 Add (c)(9) per attachment.

III. Reasons for Requesting Text Change:

- a. Please list reasons or other information as to why the proposed text change is necessary and therefore requested:

IV. Signature of Applicants

Signature(s): _____

Printed Name(s): _____

Mailing Address: _____

Phone Number: _____

Email: _____

Date: _____

V. Signature of Attorney

Signature: _____

Printed Name: _____

Mailing Address: _____

Phone Number: _____

Email: _____

Date: _____

VI. General Information Relating to the Text Change Process

- a. Applications for text amendments shall be addressed to and filed with the Office of the County Commissioners. The required filing fee must accompany the application.

- b. Procedure for Text Amendments: Text amendments shall be passed by the County Commissioners of Worcester County as Public Local Laws according to legally required procedures, with the following additional requirements. Any proposed amendment shall first be referred to the Planning Commission for recommendation. The Planning Commission shall make a recommendation within a reasonable time after receipt of the proposed amendment. After receipt of the recommendation of the Planning Commission, the County Commissioners shall hold at least one public hearing in relation to the proposed amendment, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing and the nature of the proposed amendment shall be published in an official paper or a paper of general circulation in Worcester County. In the event no County Commissioner is willing to introduce the proposed amendment as a bill, it will not be considered.

A BILL ENTITLED

AN ACT Concerning

Zoning – Signs

For the purpose of amending the Zoning and Subdivision Control Article to permit on-premises signs internal to an established residential community.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-324(c) be amended by the addition of a new Subsection § ZS 1-324(c)(9) to read as follows:

- (9) Internal community signs shall be located within the boundaries of an established community as shown on a site plan or subdivision plat approved by the Planning Commission. Internal community signs shall only be for the purpose of conveying community events, amenity and emergency information and shall not include any commercial advertising message unassociated with the community. Such signs may be permitted subject to the following provisions:
- A. No more than four such signs shall be permitted for any community.
 - B. Such signs may be located in any R, E or V zoning district.
 - C. All signs shall be setback a minimum of four hundred and fifty feet from the perimeter boundary line of the established community and shall be separated by not less than one hundred feet from any other sign on the same parcel or lot.
 - D. Such signs shall not be subject to any yard setback requirements; however, no sign shall project over any property line or road right-of-way.
 - E. The sign must be of a monument design and shall not exceed either forty square feet in area or ten feet in height, including the base and face. Where the grade at the sign base is below the road center line, the area in which the sign is situated may be bermed to the center line grade. The provisions of the subsection may not be increased or otherwise altered by the Board of Zoning Appeals.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this _____ day of _____, 2020.

COUNTY COMMISSIONERS OF
ATTEST:

WORCESTER COUNTY, MARYLAND

Harold L. Higgins
Chief Administrative Officer

Joseph M. Mitrecic, President

Theodore J. Elder, Vice President

Anthony W. Bertino, Jr.

Madison J. Bunting, Jr.

James C. Church

Joshua C. Nordstrom

Diana Purnell

From: Frank Daly [<mailto:fjd@jordanfrank.com>]
Sent: Tuesday, June 16, 2020 9:24 PM
To: 'Directors@oceanpines.org'
Subject: Motion for referendum

All, I wanted to respond to Doug's email and to each of you. His email is below in italics and my response follows.

Frank,

Just a minor change to your description of the mechanics. Since the proposed changes deal with the Declaration of Restrictions, a referendum will need to be conducted for each section of Ocean Pines separately. The responses will be tabulated based on the number of homes in that section and a majority is needed in order for the change to be enacted. Your note that the DR will remain unchanged for any section that does not have a majority in favor of the change is correct.

All,

Frank brings up a good point for consideration that I also want to discuss. If I were a betting man, and I'm not, I would wager that the majority of Ocean Pines homeowners would agree with a restriction. However, in any one section there may be a majority of homeowners that rely on short-term rentals for income and I suspect would not be in favor of such a restriction. While not unmanageable, we have the possibility of some sections allowing short term rentals and some sections restricting them. Also with regard to voting the sections have slightly different language regarding the vote to change. I attached an excerpt from the DRs for section 1 and section 16. Note in section 1 that 2/3rds of the lots need to have cast a vote and a majority of those votes will enable the change. In section 16 it notes that just a majority of the voting members would enable a change and makes no reference to the number of votes eligible to be cast. Just something to think about and manage accordingly as we consider these options.

As I stated in my previous email, I think a discussion on the issue is warranted so we can publicly share our thoughts and opinions on this matter.

==Doug

All,

I want to respond to all regarding the points that Doug has made and apologize in advance for the length of the response. This is an extremely difficult issue to address and I have given considerable thought to what I consider to be a reasonable approach.

Let me give a little background.

From an Ocean Pines standpoint we were essentially at the same point regarding this issue last June. At that time the Board had received a few complaints regarding single night rentals and certain problems associated with them. But by and large the issue was on the smaller side (although growing).

Then, as I understand it, we were alerted that the County Commissioners led by Commissioners Bertino and Bunting, were working on this issue. They met with the Board to discuss legislation they were

proposing regarding short term rentals. That legislation was passed last summer. At that time 180+ short term rentals were identified in Ocean Pines by the county.

During the Commissioner's meeting with us, and at the Commissioner's meeting approving the legislation at Snow Hill, several key points were made....

1. The Commissioners basically consider the short term rental issue to predominately be an Ocean Pines problem. As one Commissioner pointed out, OP is the largest non-incorporated area of the county and lacks the ability to pass specific rental restrictions via zoning ordinances. Other areas such as Pocomoke, Ocean City, Berlin and Snow Hill do not have the same issue.

2. Commissioners Bertino and Bunting attempted a friendly amendment to make the legislation stricter and much friendlier to Ocean Pines. That attempt was blocked by the Commissioner representing Ocean City.

3. The County indicated a willingness to consider Text Amendments to the legislation (and I believe to zoning legislation) tailored to meet Ocean Pines issues. They also made it clear that it was up to Ocean Pines to develop and present those requests.

4. The Board collectively agreed not to pursue further action on our part until the county developed their plans for implementing and enforcing the short term rental legislation.

5. As the county was developing their implementation and enforcement plans our activities continued. We did not meet in August except for the Annual Meeting. In September we sat, trained and named the officers for the 2019/2020 Board. We moved onto the Budget and Budget approval process. And in the March time frame we began dealing with the pandemic in earnest.

6. As it turned out the county legislation, although well meaning, is not funded. Meaningful implementation and enforcement is highly questionable and will be complain driven. I believe I am correct in saying that county officials have termed the program 'largely voluntary'.

So given the above in June, 2020 Ocean Pines is essentially in the same place that it was in June, 2019. We have a short term rental problem of some magnitude and no meaningful solution to it. And that is the reason that I am making a Motion rather than presenting the issue as a Discussion Topic.

As I see it we have the same issues before us today that existed last year. We will not meet in August. In September will we sit a new Board with the potential of one new member. In October and November I believe the majority of us, and our 8452 homeowners, will be consumed with a Presidential Election. Post November a fair amount of our homeowners will be heading south for the winter. And, barring some type of miracle on the order of the Second Coming, we will still be dealing with the pandemic as we begin the budget process. So in my opinion having a discussion will lead us in June, 2021 to exactly where we are at today. Time will have moved on but we will have not moved on the problem.

What I am proposing is a simple question-- **"Do you want to ban rentals of less than one week in your Section of Ocean Pines?"**

Disclaimer: I am not an attorney. But I really can't see framing the above in a yes/no question as a complex legal issue that is time consuming and expensive.

I believe the question can be developed and the referendum conducted prior to the annual meeting. And I consider that essential for the following reason....

To have meaningful enforcement we will need text amendments to existing county legislation. When developed, and if approved by the county, those text amendments can be enforced by our Police Department. These amendments are the best hope for any fast, meaningful enforcement to address problems. Based on the outcome of the Referendum we could request the county to issue a Text Amendment banning all rentals less than one week in Ocean Pines. We could also request Text Amendments covering noise (Chief Massey sent an example to the Board last year), trash and parking. The alternative is attempting enforcement via our Declaration of Restrictions. Even with the new process in place this will not be cost or time effective.

However, I suspect getting Text Amendments through the county will take time. My concern is not acting now will put the summer of 2021 in jeopardy for any meaningful action.

Again, I apologize for the lengthy reply but I wanted to give a complete reason for the motion and why I consider it important to act now.

Frank

**OCEAN PINES ASSOCIATION
ADVISORY COMMITTEE APPLICATION**

1. Name of Applicant: Margaret McGovern
 2. Address: 261 WINDJAMMER RD.
 3. Email: OP9TEE@GMAIL.COM
 4. Telephone: 410-208-1774 / 410-627-9702 Property Owner for 17 (years)
 5. Committee in which you would like to be involved:

- | | | |
|--|----------------|-------------------------------------|
| <input type="checkbox"/> Aquatics | Re-Appointment | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Architectural Review | Re-Appointment | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Budget & Finance | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> By-Laws & Resolutions | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Clubs | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Elections | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Environment & Natural Assets | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Golf | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Recreation & Parks | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Communications | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Strategic planning | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Search | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Marine Activities | Re-Appointment | <input type="checkbox"/> |
| <input type="checkbox"/> Other _____ | Re-Appointment | <input type="checkbox"/> |

Impending Term: 1st 2nd 3rd ~ Term will expire: 6/23/20

6. Why do you want to be on this Committee? RE-APPOINTMENT

7. What knowledge/input can you offer to this Committee?
1 year of experience.

Signature Margaret McGovern Date June 16, 2020

1st Endorsement from Committee Chairperson:
 Comment: MRS MCGOVERN IS A SIGNIFICANT RESET TO ARC.
 Signature Lawrence Malone Date 6/16/22

2nd Endorsement from Board Liaison to Committee:
 Comment:
 Signature Steph Kalk Date 06/18/2020

Board Action: _____ Date: _____
 President's Signature _____ Date _____

OCEAN PINES ASSOCIATION ADVISORY COMMITTEE APPLICATION

1. Name of Applicant: Dick Keiling

2. Address: 205 Breezy Creek Court

3. Email: keiling8082@gmail.com

4. Telephone: 603-303-3704 Property Owner for 4.5 (years)

5. Committee in which you would like to be involved:

<input type="checkbox"/> Aquatics	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Architectural Review	Re-Appointment	<input type="checkbox"/>
<input checked="" type="checkbox"/> Budget & Finance	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> By-Laws & Resolutions	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Clubs	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Elections	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Environment & Natural Assets	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Golf	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Recreation & Parks	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Communications	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Strategic planning	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Search	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Marine Activities	Re-Appointment	<input type="checkbox"/>
<input type="checkbox"/> Other _____	Re-Appointment	<input type="checkbox"/>

Impending Term: 1st 2nd 3rd ~ Term will expire: 1st term expires July 2020

6. Why do you want to be on this Committee? Continue work as Chairman of B&F for 2nd term during these unusual economic times.

7. What knowledge/input can you offer to this Committee? Former member and existing Chairman.

Signature H. A. Keiling Date 6/17/20

1st Endorsement from Committee Chairperson:
Comment: _____

Signature _____ Date _____

2nd Endorsement from Board Liaison to Committee:
Comment: _____

Signature [Signature] Date 6/18/20

Board Action: _____ Date: _____

President's Signature _____ Date _____