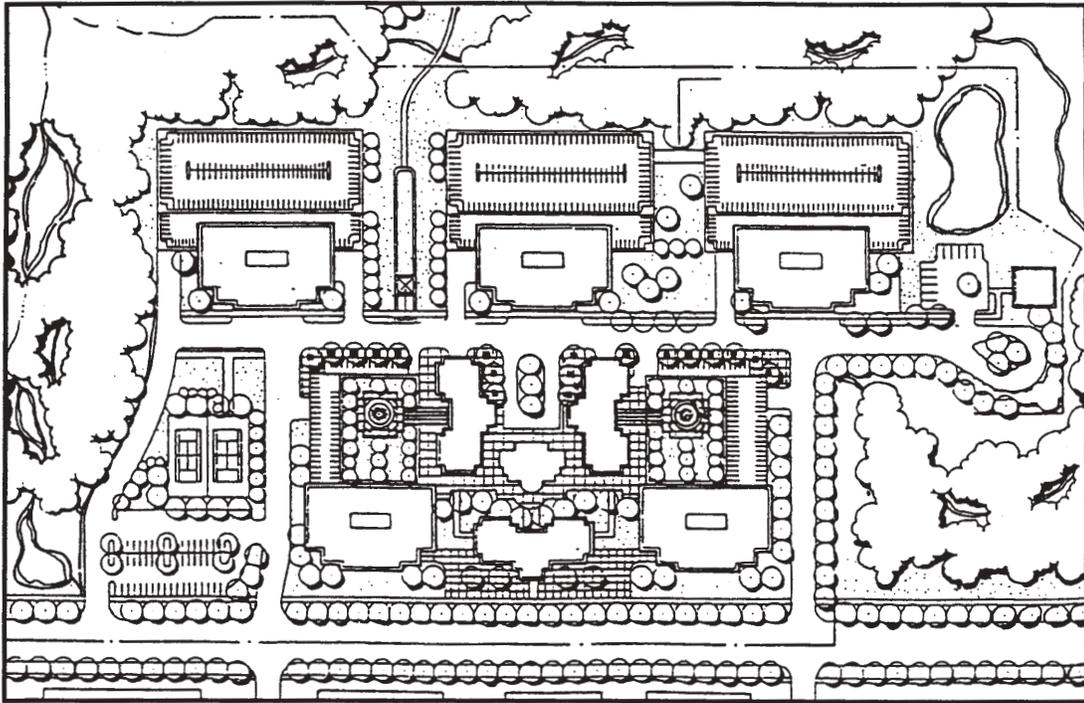


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# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE



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ADOPTED BY THE BALTIMORE COUNTY COUNCIL  
AUGUST 5, 2002 AND SEPTEMBER 3, 2002

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# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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## INTRODUCTION

On June 4, 2001, the Baltimore County Council adopted Resolution No. 62-01 (Appendix A), which requested that the Planning Board prepare a study of the industrially and RC 3 zoned properties located within the vicinity of the extension of White Marsh Boulevard (MD 43) between Bird River Road and Eastern Boulevard. The primary focus of this study is on the unimproved or underdeveloped parcels within the Middle River Employment Center (MREC). The study area is bounded by Wampler Road, Bird River Road, Ebenezer Road and the Chessie/Amtrak railroad tracks. The US Army Publication Depot site and the Chesapeake Industrial Park, located south of the railroad tracks, are also included. Both sites are within the MREC. Approximately 80 % of the MREC is undeveloped because of lack of access, making it the largest area of unimproved land with industrial zoning in Baltimore County (see Figure 1).

The area between Bird River Road, Ebenezer Road and the Chessie/Amtrak railroad tracks has characteristics that differ significantly from the land south of the railroad tracks. For this reason the two areas have been treated separately. Reports presented to the Baltimore County Planning Board are issued as a two-part document. The former is produced as *The Middle River Employment Center Area Plan, Part One*, the latter as *The Middle River Employment Center Area Plan, Part Two*.

The State of Maryland and Baltimore County have budgeted more than \$60 million to extend MD 43 from its current terminus at Pulaski Highway to Eastern Boulevard. This extension will connect the MREC with the White Marsh Employment Center and provide access to I-95. An analysis

prepared in 1997 by the Department Economic Development and the Office of Planning to justify the funding requests for the extension of MD 43, projected the creation of up to 9,500 new jobs paying family supporting wages. Because most of the land would not be developable without government investment, County Council Resolution 62-01 spells out precise parameters under which development should occur and lists several key factors that need to be considered in this study:

Land with ML-IM zoning allows unlimited retail and service uses on industrially zoned land.

County and State support for the MD 43 extension is predicated on the creation of export type businesses that generate jobs with family supporting wages.

Given the proximity of adjacent residential communities, development in the MREC must be of the highest quality.

The purpose of the study is thus threefold: (1) to develop a use list and conditions under which development should be permitted in the Middle River Employment Center; (2) to assure design excellence; and (3) to examine the appropriateness of the existing zoning classifications and to recommend zoning changes that are consistent with the plan objectives.

## BACKGROUND

Few areas in Baltimore County have been subject to greater scrutiny than Essex/Middle River and its vicinity. In July 1, 1996 the County Council



# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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adopted two plans that shaped the future of the eastside. A *Community Conservation Plan for Essex-Middle River* and the *Eastern Baltimore County Revitalization Strategy*. The former recognizes that Essex-Middle River, like other inner ring suburban communities, is subject to social and economic decline that needs to be remedied. It identifies issues and recommends specific actions to address these problems. While it touches on the area's tenuous employment base, the plan's primary focus is on social conditions and how land use and zoning can be used to revitalize the area. The latter provides an economic development strategy to thwart the further decline of the eastside. Providing access to the undeveloped and underdeveloped parcels in the MREC is a key recommendation.

On January 4, 1999, the Baltimore County Council adopted the *Windlass Run/Bird River Road Area Community Plan* and on January 22, 2002, the *Middle River-Bird River Area Plan* was adopted. In many ways the study area of these two plans overlaps with the area examined here. The Windlass plan describes the existing conditions with a broad brush. Topics discussed include land use, zoning, development patterns, transportation, environmental issues, public water and sewer and economic development.

One of the recommendations listed in the *Windlass Run/Bird River Road Area Community Plan*, is to evaluate the appropriateness of existing zoning classifications and to develop residential standards for new development. The *Middle River-Bird River Area Plan* takes on this task. It proposes zoning changes and development standards for the areas designated residential on the Baltimore County land use map and recommends a separate

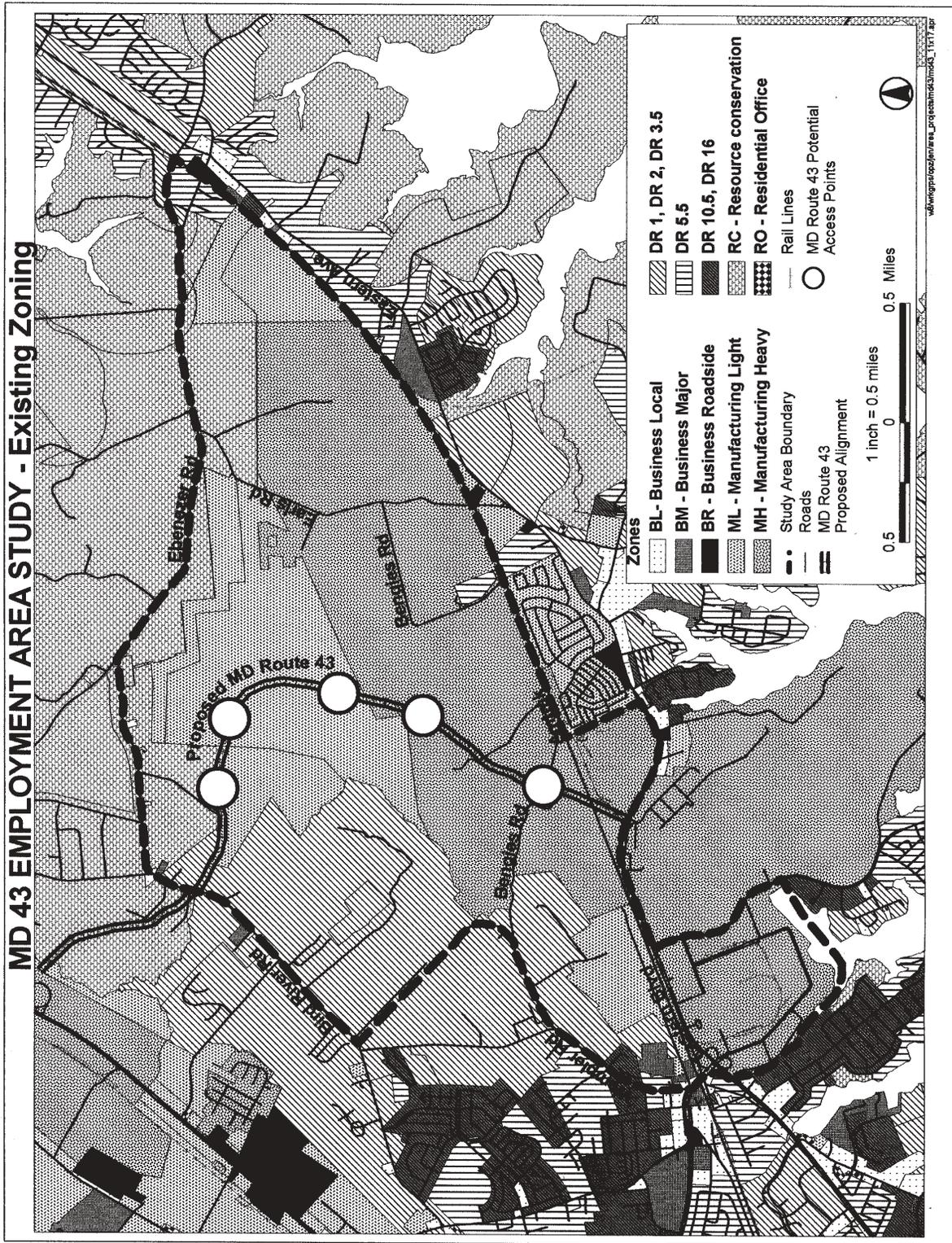
study of the industrially zoned land. The study at hand is the result of that recommendation.

Much has happened since the initial plans identified the problems and opportunities existing on the eastside. Baltimore County has spent an extraordinary amount of resources and energy to revitalize the Greater Essex-Middle River area. Two rundown apartment complexes were purchased and razed by Baltimore County. One is being redeveloped as an attractive mixed-use community for middle income families; the other will be developed into a public park. The County is presently in the process of purchasing a third apartment complex with the intent of transforming it into another public park. A major streetscape project is underway, which will greatly enhance the appearance of Eastern Boulevard between Selig Avenue and Martin Boulevard. Additionally, the County took preliminary steps to create a waterfront destination point at the mouth of the Middle River. Generating jobs that provide family-supporting wages is one of the remaining links in the County's effort to revitalize the eastside. The extension of MD 43, which will provide access to the MREC, is expected to facilitate this objective.

At the time of the drafting of this report, the engineering of MD 43 Extended was 90% completed. MD 43 will have five intersections, four of which will provide access to the developable pods of the A.V. Williams property. A fifth intersection will connect future Campbell Boulevard with MD 43. The extension of MD 43 is scheduled for construction bid in August 2002. It is anticipated that a contract will be awarded in September 2002, and that the road will be open to traffic in the spring of 2005.

# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

Figure 2  
**MD 43 EMPLOYMENT AREA STUDY - Existing Zoning**



# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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## DISCUSSION AND RECOMMENDATION

The focus of *The Middle River Employment Center Area Plan, Part One*, will be on the area located between Bird River Road, Ebenezer Road, the Chessie/Amtrak railroad tracks and Wampler Road. Within that area, approximately 627 acres are zoned Manufacturing Light with an Industrial Major district designation (ML-IM), 1,124± acres are zoned Manufacturing Heavy with an Industrial Major district designation (MH-IM), 113± acres have Manufacturing Light Restricted with an Industrial Major district designation (MLR-IM) and 332± acres are zoned for Deferral of Planning and Development (RC 3) (see Figure 2).

The two principal manufacturing zones, ML and MH, allow for a wide range of industrial, quasi industrial, transportation and storage type uses. They also permit auxiliary retail and service uses on sites located in an industrial park of at least 25 acres or in an IM district. The reason for allowing retail and service uses in an industrial zone is to make goods and services readily available to employees and users of an industrial park and thereby reduce travel time and automotive dependency. Goods and services permitted in industrial zones are of a type that employees would use during a lunch break, such as restaurants, banks, dry cleaners, etc. They are intended to primarily serve the work force and not the public at large. Section 259.2, which explains the conditions under which the IM district is to be mapped, states:

IM Districts may be applied only to certain areas individually containing 100 acres or more of land zoned for industrial or semi-industrial use (MH, ML, MLR, MR, BR and/or BM), undivided by expressways or freeways. In IM Districts, greater

industrial use of prime industrial land is promoted by discouraging (emphasis added) non-auxiliary commercial usage.

In spite of the fact that Section 259.2.E of the Baltimore County Zoning Regulations (BCZR) clearly intends to discourage non-auxiliary commercial usage, it has failed to do so. For one, the BCZR do not define the term “auxiliary.” This leaves it open to interpretation whether a retail use is indeed auxiliary, i.e., support of an industrial use or not. For the other, the BCZR do not specify conditions under which retail and service uses can be built in an industrial zone. This frequently leads to the construction of freestanding retail and service uses that serve a market area larger than the immediate industrial complex.

The practice of constructing freestanding retail and strip-commercial centers on industrial land has generated unhealthy competition, especially for ML zoned land. Industrially zoned land tends to be significantly cheaper than commercially zoned land and generally develops at a slower rate than commercially zoned land. In Baltimore County, developers routinely submit, and are granted, requests to develop land with ML-IM zoned land with freestanding retail and service uses.

Commercial retail use of this valuable employment based resource has repercussions to the economic health of the County. First, competition with commercial developers drives up the price of industrially zoned land, rendering it less marketable for industrial development. Second, commercial development of industrially zoned land leaves behind relatively small parcels that are no longer viable to large industrial uses. Third, the change in an area’s character from industrial to commercial often leads to requests for commercial zoning, thus

# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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causing further reduction of industrial resources. Finally, industrial jobs tend to pay family supporting wages whereas retail jobs generally pay lower wages.

## THE MIDDLE RIVER EMPLOYMENT CENTER OVERLAY DISTRICT

As mentioned previously, the study area is unique because it entails the largest remaining area of undeveloped or underdeveloped land with industrial zoning in Baltimore County. Because the Baltimore County Zoning Regulations are inadequate to prevent extensive commercial development on the ML-IM and MH-IM zoned land, the creation of an overlay district in the Middle River Employment Center area is recommended. The overlay district would limit the total amount of commercial development within the MREC to 8% of the net buildable area. Furthermore, commercial development would have to be staged in a manner that it would coincide with the creation of the employment intensive uses.

In regard to design, the guidelines for office and industrial development entailed in Division III of the Comprehensive Manual of Development Policies (CMDP) are excellent. However, because they are advisory, they are not required. Properties within the MD 43 Overlay District would be required to abide by these standards. Alternate land design scenarios would be permitted subject to the filing of a pattern book.

## RECOMMENDATIONS

259.2F. MD 43 (Maryland Route 43) Overlay District. The MD 43 Overlay District may be applied only to certain parcels of land zoned ML, ML-IM, MH or MH-IM, which are within the Middle River Employment Center, as identified in the Baltimore County Master Plan 2010.

259.10 Statement of legislative intent for the Middle River Employment Area and the MD 43 Overlay District.

The MD 43 Overlay District is established to implement the MD 43 Middle River Employment Center Area Plan, which was adopted as an amendment to the Baltimore County Master Plan 2010. The MREC includes the largest amount of contiguous undeveloped or underdeveloped land with industrial zoning in Baltimore County. Much of the land in the MREC is not accessible without the extension of MD 43. Funding for MD 43 Extended is intended to support the creation or enhancement of businesses such as manufacturing, technology, office and research and development. Furthermore, it is the purpose of the MD 43 Overlay District to encourage the industrially zoned land be developed or redeveloped with export type businesses that generate family supporting wages. Certain commercial, retail, service and semi-industrial uses, as provided in Sections 229.5.A, 253.1.C and 253.2.B, which will support or assist in the creation or enhancement of such export type businesses, are permitted with specific restrictions within the MD 43 Overlay.

# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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259.11 Development standards for the MD 43 Overlay District.

These standards are intended to be additions to, modifications of, and exceptions from, the standards required by the underlying zoning classification. All conflicts are to be resolved in accordance with Section 259.12.

A. Uses permitted by right.

1. Any use permitted by right in the underlying ML or MH zone on which the MD 43 Overlay District designation is applied is permitted by right as an “employment intensive use,” except where specified otherwise below.
2. Commercial, retail, service or semi-industrial uses listed in Sections 229.5.A, 253.1.C or 253.2.B, unless specifically restricted by the section 259.11.B.2, are permitted by right as “auxiliary commercial uses,” subject to the following restrictions:
  - a. No more than 8% of the net buildable area of a tract that is under common ownership or control, or part of a common scheme of development, may be used for auxiliary commercial uses. The term “net buildable area” means that area of land on which improvements may be constructed.
  - b. If an auxiliary commercial use is located within a multi-story building that serves an employment intensive use, or occupies less than 30% of a single story building serving such use, the calculation of the square footage for auxiliary

commercial uses against the allowable 8% net buildable area does not include the square footage of parking or stormwater management areas.

- c. The proposed development shall be phased in the following manner: one-third of the auxiliary commercial uses allowed are permitted immediately. When 20% of the net buildable area designated for employment intensive uses has been developed or is under construction, another one-third of the auxiliary commercial uses are permitted. When 50% of the net buildable area designated for employment intensive uses has been developed or is under construction, the remaining one-third are permitted. For purposes of this subsection only, churches and commercial recreational facilities shall not be counted as “employment intensive uses.”

B. Uses permitted by special exception.

1. Any use permitted by special exception by the property’s ML, ML-IM, MH, or MH-IM zoning classification on which the MD 43 Overlay District designation is applied is permitted by special exception as an “employment intensive use,” unless specifically prohibited by section 259.11.C.
2. Notwithstanding any provision in the zoning regulations to the contrary, when located on an individual pad site, defined as a site containing a single freestanding building, along with required parking, landscaping and stormwater management areas, all

# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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within the confines of a larger development project, the following auxiliary commercial uses require a special exception:

1. Fuel service stations (subject to Section 405)
  2. Convenience stores
  3. Fast food restaurants
  3. Any auxiliary commercial use permitted by special exception shall be subject to the restrictions contained in sections 259.11.A.2.A through 259.11.A.2.C.
- C. Uses prohibited. Notwithstanding any provision of the zoning regulations to the contrary, the following uses are prohibited:
1. After hours clubs
  2. Junkyards
  3. Outdoor advertising
  4. Striptease businesses
- D. All development shall be in conformance with division of the Comprehensive Manual of Development Policies (CMDP). Alternate land design scenarios may be permitted subject to the submission and approval of a pattern book by the Hearing Officer or by the Director of the Office of Planning in cases where no hearing before the Hearing Officer is required. Pattern book is defined as a book providing architectural guidelines and schematic renderings for buildings, street layouts, signage, lighting, landscaping and other elements pertaining to the design of a particular development project. The Director of the Office of Planning shall provide written recommenda-

tions to the Hearing Officer at the time of Development Plan review regarding conformance with Division III of the CMDP or the alternate land design scenario outlined in the pattern book. After plan approval, any changes to a pattern book would require review and approval by the Director of the Office of Planning

## 259.12 Application

- A. The provisions of this section shall govern in any situation where there is a conflict between this section and any other provisions of these zoning regulations.
- B. If the provisions of this section are silent, the regulations governing the underlying zone shall apply.

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# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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## APPENDIX A: COUNTY COUNTY RESOLUTION

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2001, Legislative Day No. 11

Resolution No. 62-01

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Mr. Vincent J. Gardina, Councilman

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By the County Council, June 4, 2001

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A RESOLUTION of Baltimore County Council requesting the Baltimore County Planning Board to prepare a study of the industrial and RC3 zoned properties that are located within the vicinity of the extension of White Marsh Bouelvard (MD 43) between Bird River Road and Eastern Bouelvard.

WHEREAS, the Baltimore County Master Plan recognizes that the ability to attract new export businesses to Baltimore County will depend to a large extent on the availability of land with the appropriate zoning served by infrastructure; and

WHEREAS, the County and the State have given the extension of White Marsh Boulevard (MD 43) high priority in order to enhance the area designated as the Middle River Employment Center; and

WHEREAS, the County Council finds that the land along the final stretch of MD 43 is unique because it contains the largest area of unimproved MLR, ML, and MH zoned properties in Baltimore County; and

WHEREAS, the Baltimore County Master Plan recognizes that ML zoned land, in particular, is threatened by pressure from landowners to develop retail uses, because zoning regulations permit extensive amounts of retail and service development in ML zones; and

# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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WHEREAS, the County Council believes that this area should be developed with industrial uses that create jobs with family-supporting wages; and

WHEREAS, the County Council is aware that the industrially zoned land is surrounded by residentially used and zoned properties; and

WHEREAS, the County Council believes that the industrially zoned land should be improved in a manner that is compatible with the adjacent residential uses; and

WHEREAS, the County Council believes that further evaluation, review and public input are necessary to prepare, consider, and adopt a plan for the reasonable development of the unimproved industrially and RC3 zoned properties within the vicinity of the Middle River Employment Center.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND that the Baltimore County Planning Board be and it is hereby authorized, pursuant to Sections 26-123 and 26-124 of the Baltimore County Code, to prepare a MD 43 Employment Area Plan as a revision and update to the Master Plan, which will serve as a guide for the development of unimproved industrially and RC3 zoned properties in that portion of the Middle River/Bird River area as depicted on the attached map, and to recommend implementing legislation and programs, including the review and revision of the official Comprehensive Zoning Map for the Fifth Councilmanic District, including land use controls such as overlay districts and design guidelines, and to report its findings and recommendations to the County Council.

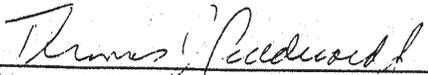
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# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

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READ AND PASSED this *4<sup>th</sup>* day of *June*, 2001.

BY ORDER

  
\_\_\_\_\_  
Thomas J. Peddicord, Jr.  
Secretary

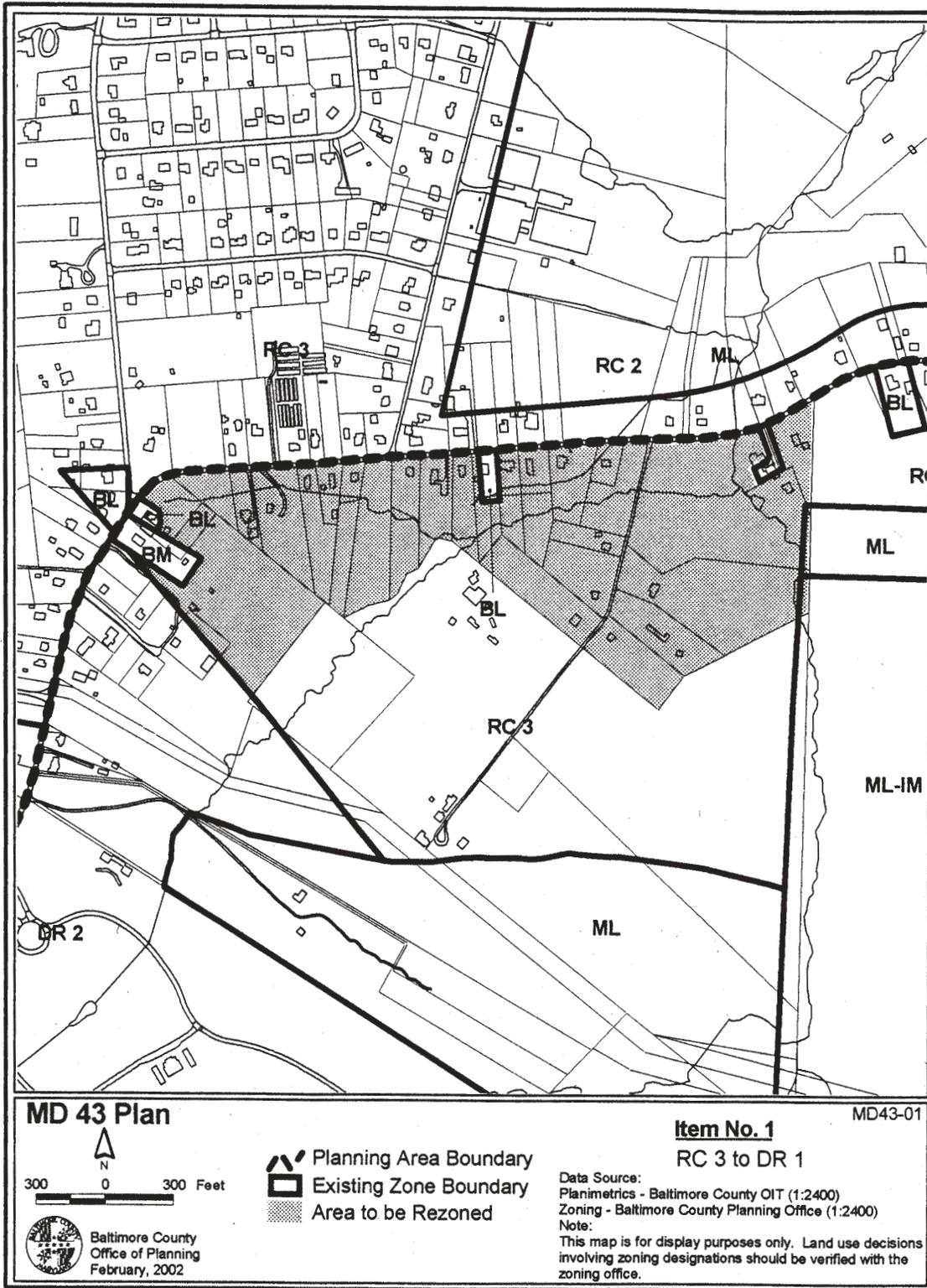
ITEM: Resolution 62-01

# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

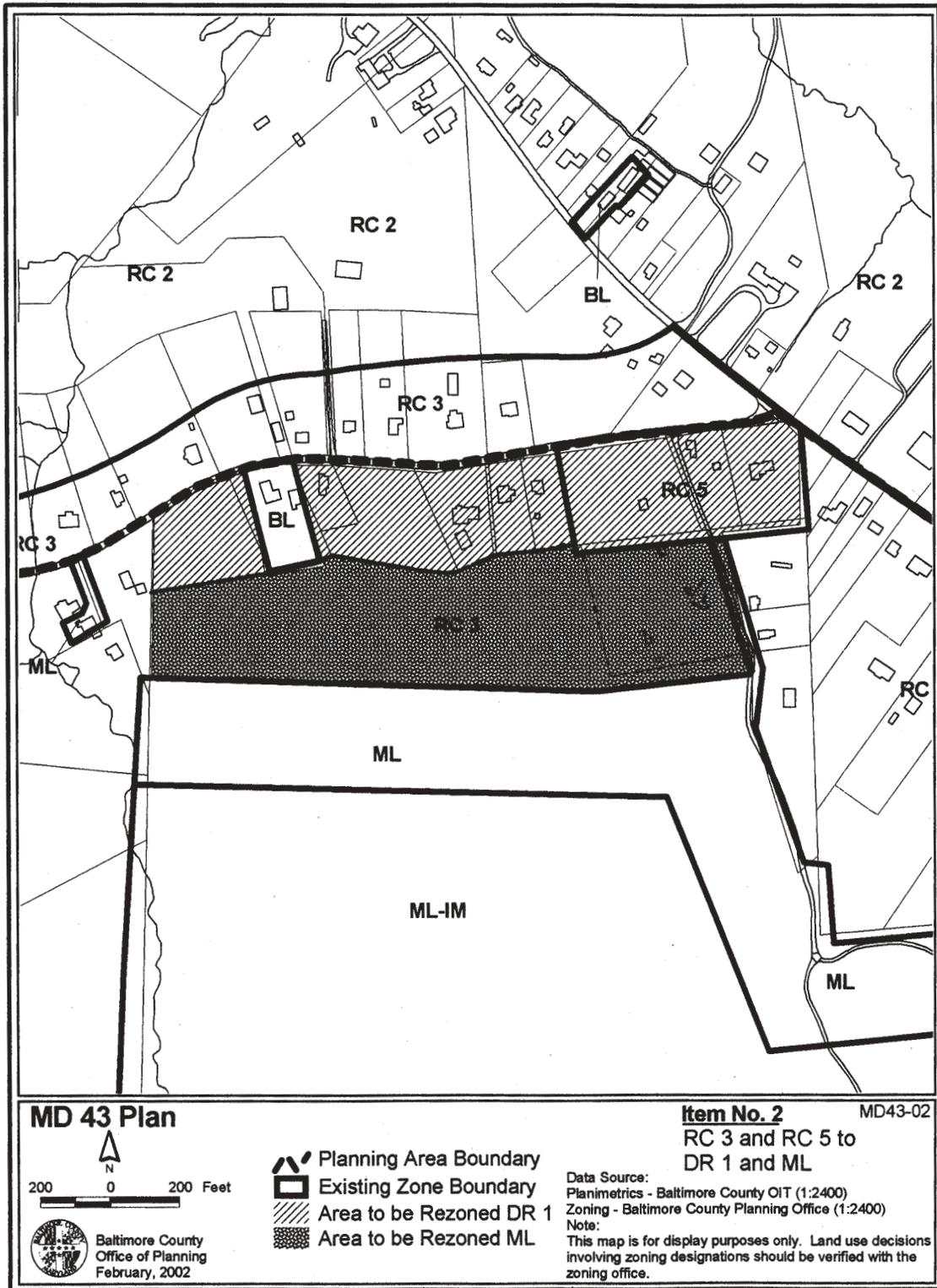
## APPENDIX B: RECOMMENDED ZONING MAP AMENDMENTS

| <b>Middle River-Bird River Planning Area</b>                 |  |             |  |   |   |
|--|--|-------------|--|---|---|
| Item No.*  | Location   | Total Acres | Existing Zoning                        | Proposed Zoning                                       | Comments  |
| 1  | North of MD 43 extended<br>South of Bird River Rd.                         | 46.3        | RC 3                                   | DR 1  | Area is inside the Urban Rural Demarcation Line (URDL).<br>No commercial or industrial zoned properties are included in this issue.   |
| 2  | South of Bird River Rd.  | 24.2        | RC 3<br>RC 5                           | DR 1<br>ML *  | Area inside URDL. Proposed residential density consistent with existing development pattern.<br>Additional ML would be adjacent to existing ML  |
| 3  | South of Ebenezer Rd., west of Earls Rd.                                   | 74.8        | RC 3                                   | RC 3<br>DR 1  | Proposed residential density consistent with existing development pattern   |
| 4  | South of Ebenezer Rd., east of Earls Rd.                                   | 99.8        | RC 3                                   | RC 3<br>ML *  | Proposed ML would expand employment opportunity area.   |
| 5  | South of Ebenezer Rd., west of Amtrak rail line.                           | 41.2        | MLR-IM                                 | ML *  | Proposed ML would expand employment opportunity area.   |
| 6  | West of Windlass Run, north and east of Holly Hill Memorial Gardens.       | 154.9       | RC 3<br>ML<br>ML-IM                    | DR 2  | Potential site for rural village. Access would be provided via future Campbell Blvd.  |
| 7  | Southeast of Rohe Farm Ln.   | 17.7        | DR 1                                   | DR 1  | Retain existing zoning.   |
| 8  | North of Amtrak rail line,<br>South of Ebenezer Rd., east of Windlass Run. | 1840.7      | RC 3<br>MLR-IM<br>ML-IM<br>ML<br>MH-IM | ML-IM<br>MH-IM<br>ML *<br>with MD 43 Overlay District | MD 43 Overlay District would implement the Middle River Employment Center Area Plan. It is recommended some of RC 3 zoned areas be rezoned ML before application of the MD 43 Overlay District (see Issues 2, 4 & 5). |
| * Area is proposed to be included in MD 43 Overlay District. |  |             |  |   |   |

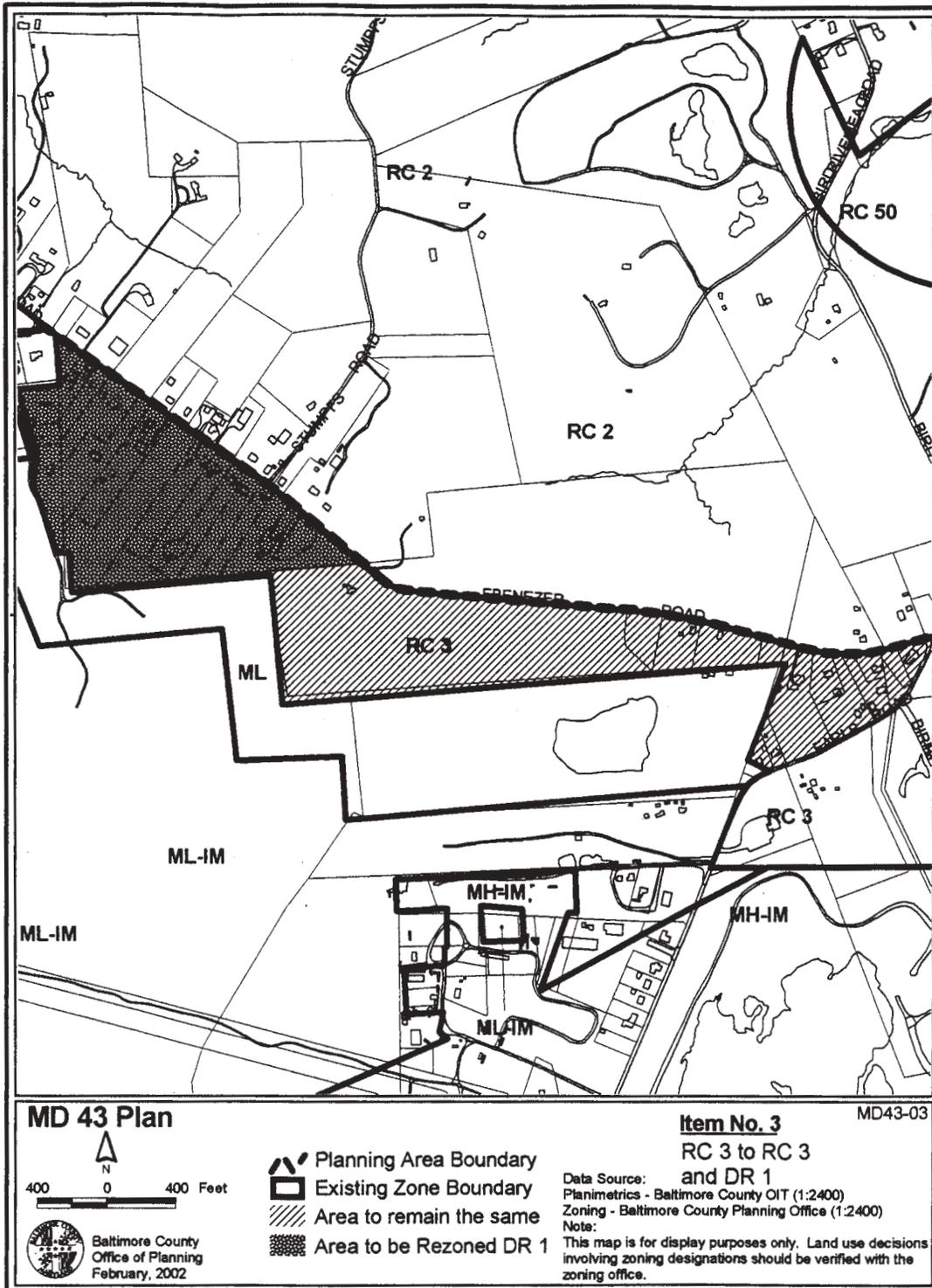
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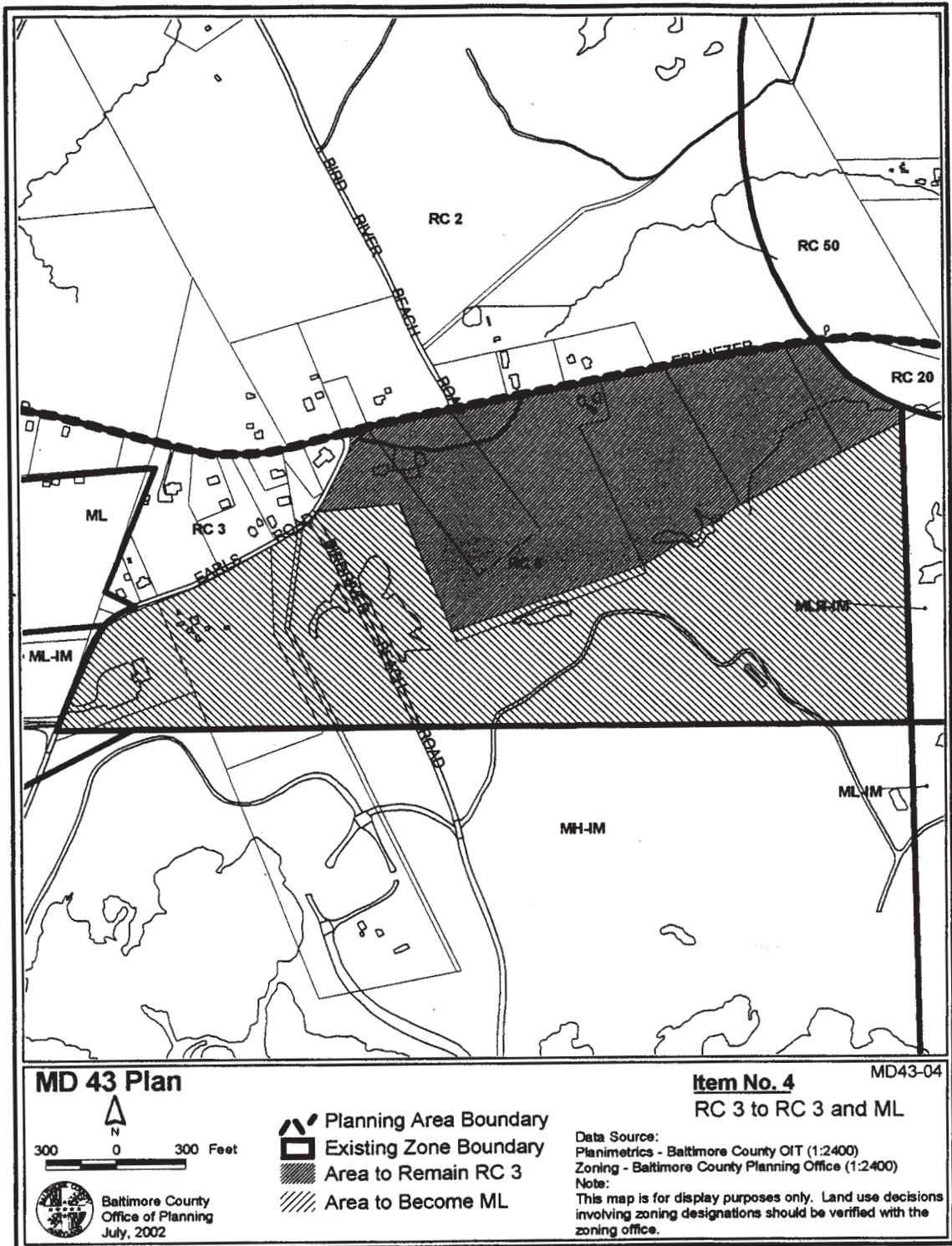
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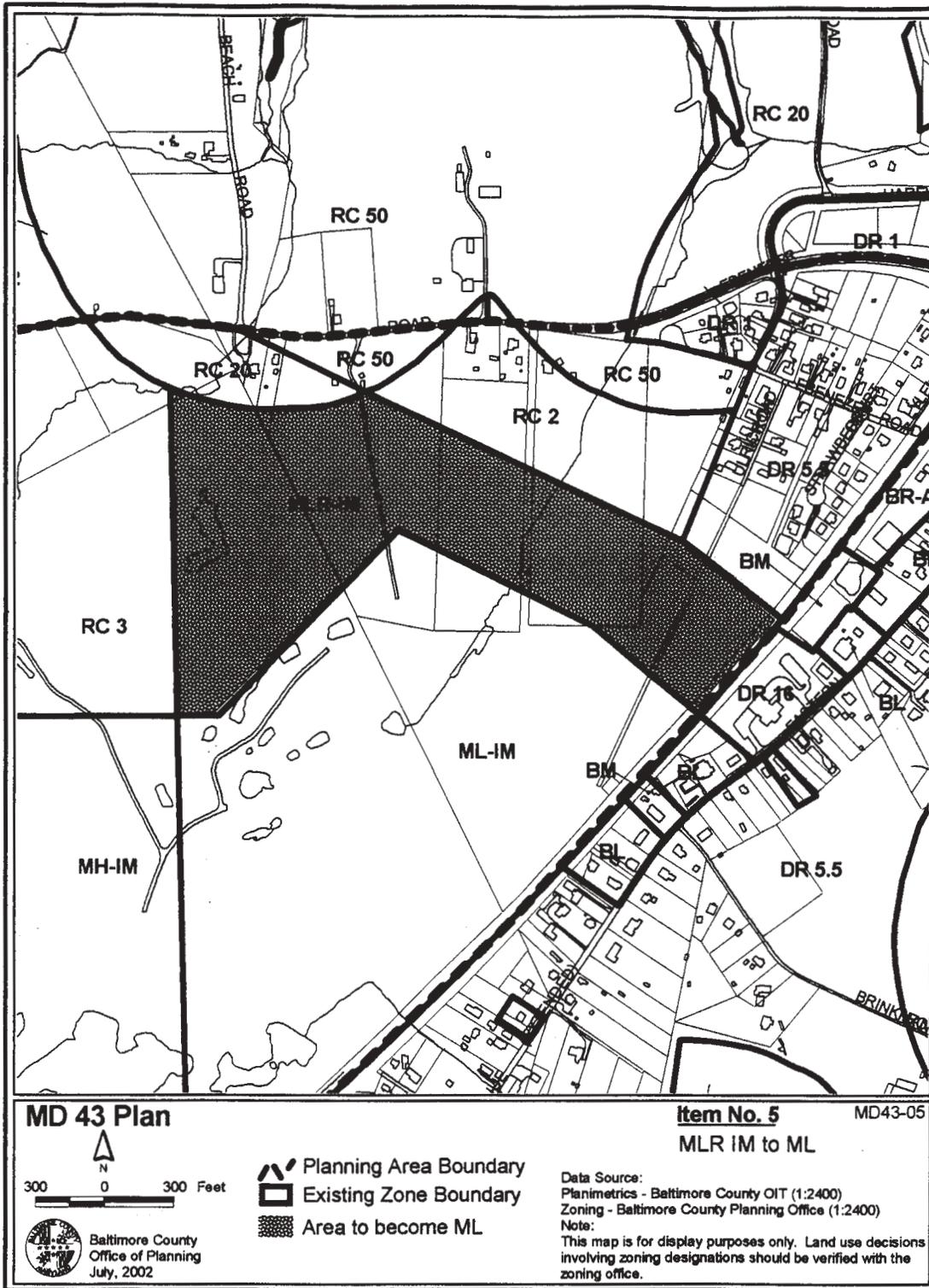
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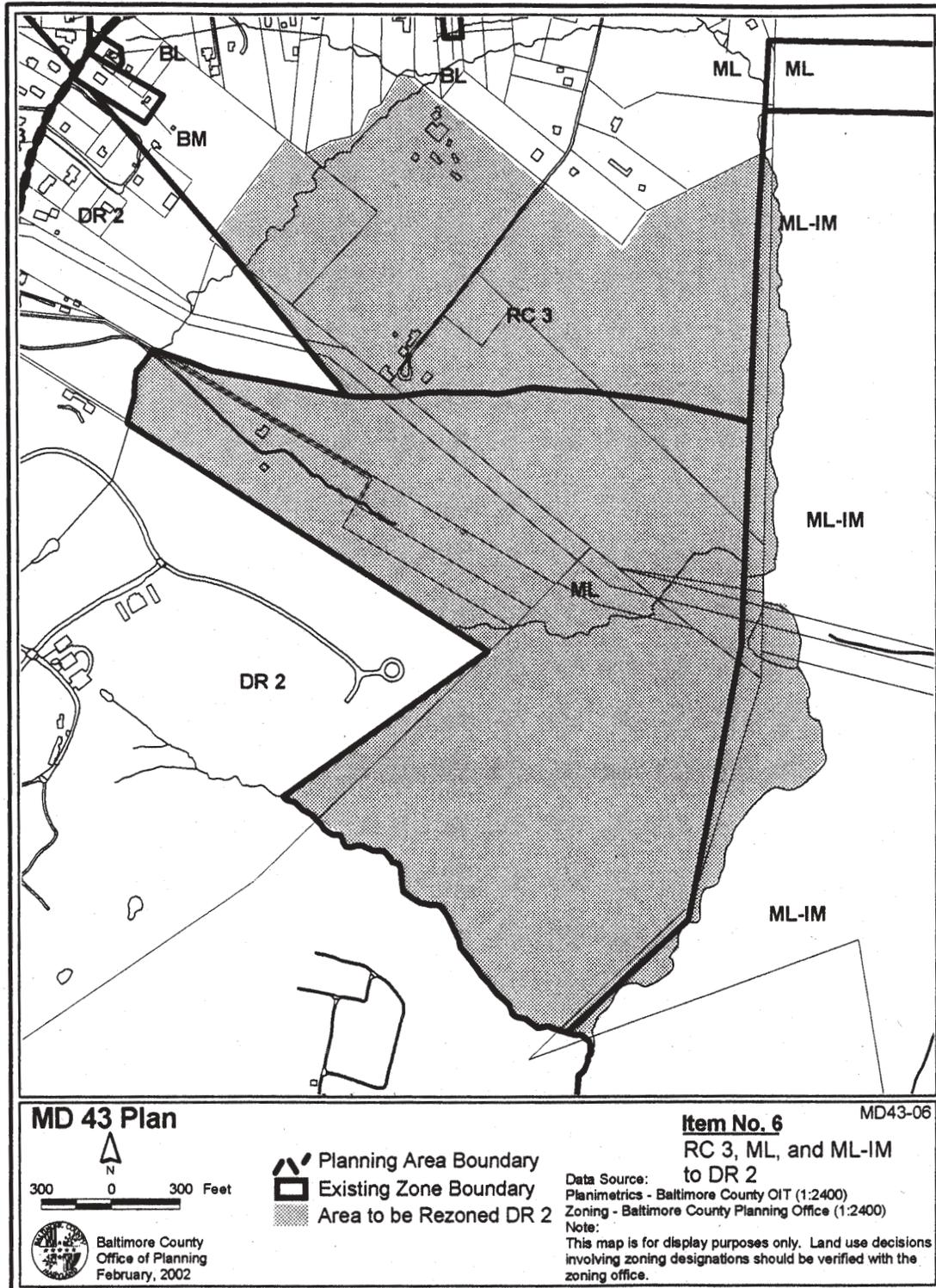
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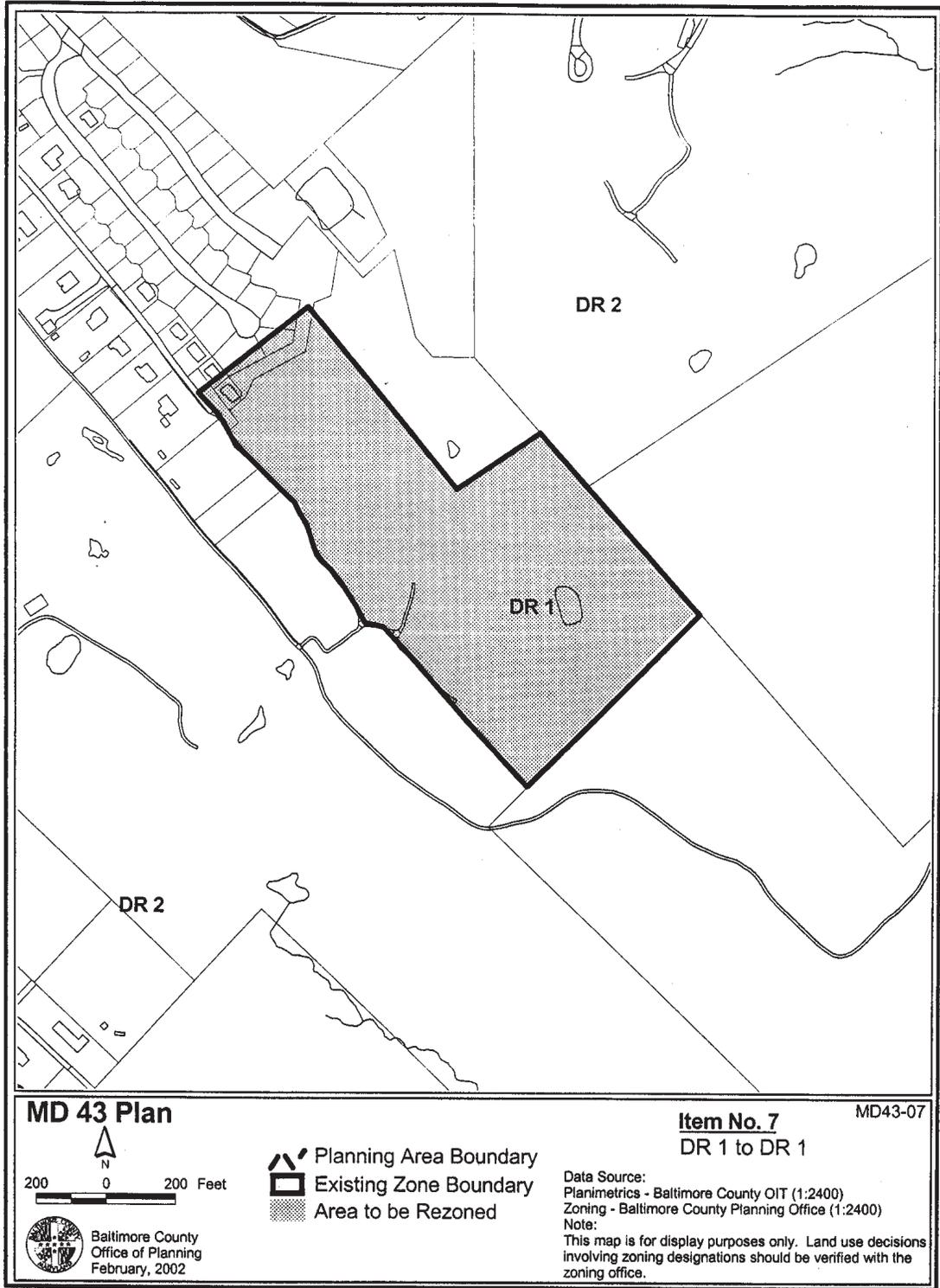
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# THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE

## APPENDIX C: COMPREHENSIVE ZONING MAP PROCESS

### MD 43 Comprehensive Zoning Map Process

| Issue Number | Location  | Existing Zoning and Acres |         | Proposed Zoning and Acres |         |
|--------------|---|---------------------------|---------|---------------------------|---------|
| MD43-01      | S/S of Bird River Rd, Near Vincent Rd                         | RC 3                      | 46.3    | DR 1                      | 46.3    |
|              |   | Total                     | 46.3    | Total                     | 46.3    |
| MD43-02      | S/S of Bird River Rd, W of Ebenezer Rd                        | RC 5                      | 4.5     | ML                        | 13.2    |
|              |   | RC 3                      | 19.7    | DR 1                      | 11.0    |
|              |   | Total                     | 24.2    | Total                     | 24.2    |
| MD43-03      | S of Ebenezer Rd, W of Earls Rd                               | RC 3                      | 74.8    | RC 3                      | 41.9    |
|              |   | Total                     | 74.8    | DR 1                      | 32.9    |
|              |   |                           |         | Total                     | 74.8    |
| MD43-04      | S of Ebenezer Rd, E of Earls Rd                               | RC 3                      | 99.8    | RC 3                      | 37.0    |
|              |   | Total                     | 99.8    | ML                        | 62.8    |
|              |   |                           |         | Total                     | 99.8    |
| MD43-05      | S of Ebenezer Rd, E of Amtrak                                 | MLR IM                    | 41.2    | ML                        | 41.2    |
|              |   | Total                     | 41.2    | Total                     | 41.2    |
| MD43-06      | S of Bird River Rd, E of Holly Hill Memorial Gardens Cemetery | RC 3                      | 48.1    | DR 2                      | 154.9   |
|              |   | ML IM                     | 13.1    | Total                     | 154.9   |
|              |   | ML                        | 93.7    |                           |         |
|              |   | Total                     | 154.9   |                           |         |
| MD43-07      | SE of Rohe Farm Ln  | DR 1                      | 17.7    | DR 1                      | 17.7    |
|              |   | Total                     | 17.7    | Total                     | 17.7    |
| MD43-08      | S of Bird River Rd, N of Amtrak, E of Windless Run            | RC 3                      | 139.8   | MD43 District             | 1,840.7 |
|              |   | MLR IM                    | 62.5    | Total                     | 1,840.7 |
|              |   | ML IM                     | 452.1   |                           |         |
|              |   | ML                        | 69.9    |                           |         |
|              |   | MH IM                     | 1,116.4 |                           |         |
|              |   | Total                     | 1,840.7 |                           |         |

**Middle River Employment Center  
Area Plan Advisory Committee**

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Rick Chadsey  
Randy Cogar  
Joseph Correlli  
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John Gontrum  
Charles Hewlett  
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