



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811
Phone 410-641-2770 Fax 410-641-2316
www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.
Lisa Hall
Paula Lynch
Troy Purnell

Town Attorney

David Gaskill

Town Administrator

Anthony J. Carson, Jr.

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, APRIL 9, 2012

**COUNCIL CHAMBERS – BERLIN TOWN HALL
10 WILLIAM STREET
BERLIN, MD 21811**

EXECUTIVE SESSION6:00 PM

REGULAR SESSION7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144
TTY users dial 7-1-1 in the State of Maryland
TTY users outside Maryland dial 1-800-735-2258*

**REVISED
BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, April 9, 2012**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers

1. Approval of the Minutes for:
Executive Session of the Mayor and Council on March 26, 2012
Statement of Closure for Mayor and Council on March 26, 2012
Regular Session of the Mayor and Council on March 26, 2012
2. Request for Special Event – Old Fashioned Memorial Day
Henry Park – Monday, May 28th, 8:00 a.m. – 6:00 p.m.
3. Request for Services for Special Event – Trail Mix 2012
April 28, 2012 – Berlin Intermediate School; 8:30 am – 12 noon
4. Request for EDU's at 104 North Main Street– Ernest Gerardi
 - a. Motion to Approve 7 EDU's
 - b. Motion to Approve Grease Trap
5. Request for EDU's – Atlantic General Hospital
6. Introduction – Ordinance 2012-03
Residential Structure Height Limits. Public hearing to be held on April 23, 2012
7. Award of Contract to Davis, Bowen & Friedel – Design Phase Services
8. Proclamation 2012-09
A proclamation declaring April 21 – 28 as Take Pride in Berlin Week (available on Monday)
9. Schedules of Yard Waste Pickup & Large Item Bulk Pickup
 - a. Yard Waste – April 25th & May 2nd
 - b. Bulk Pickup – May 9th & May 16th
10. Motion to Approve – Agreement with Maryland Department of Agriculture for Mosquito Control Work.
11. Motion to Approve – Award of Contract to Atlantic Group & Associates for design phase of Dr. William Henry Park Walking Path

12. Departmental Reports
 - a. Finance – Lynn Musgrave
 - b. Deputy Town Administrator – Mary Bohlen
 - c. Public Works – Mike Gibbons
 - d. Water Resources – Jane Kreiter
 - e. Electric – Tim Lawrence
 - f. Police – Arnold Downing
 - g. Planning and Zoning - Chuck Ward
 - h. Human Resources – Jeff Fleetwood
 - i. Economic and Community Development – Michael Day
13. Town Administrator's Report
14. Comments from the Mayor
15. Comments from the Council
16. Comments from the Public
17. Comments from the Press
18. Adjournment

REVISED
MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, March 26, 2012

The meeting of the Mayor and Council for Monday, March 26, 2012 was called to order by Mayor Williams at approximately 7:07 p.m. Councilmembers Lynch, Hall, Burrell and Brittingham were present, as well as Town Administrator Tony Carson, Town Attorney David Gaskill, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Economic and Community Development Director Michael Day, Electric Utility Director Tim Lawrence, Water Resources Director Jane Kreiter, Police Chief Arnold Downing, Planning & Zoning Director Chuck Ward, Public Works Director Mike Gibbons, and Administrative Assistant Sharon Timmons. Finance Director Lynn Musgrave and Councilmember Troy Purnell were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Executive Session Minutes of March 12, 2012. Councilmember Lynch made a motion to approve the minutes and the council voted to approve 4-0 with Councilmember Purnell absent. Mayor Williams stated that the Executive Session was closed to consider the investment of public funds and also to discuss a personnel matter that affects specific individuals and the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. Mayor Williams asked for a motion to approve the Regular Session Minutes of March 12, 2012. Councilmember Brittingham made a motion to approve the minutes and council voted to approve 4-0 with Councilmember Purnell absent.

Kate Patton, representing Lower Shore Land Trust and Grow Berlin Green came before the Mayor and Council to give an update on the progress of the Trail Initiative. Ms. Patton stated that she hoped to present the draft concept plan to the Mayor and Council sometime late May and that once the master plan had been completed and accepted, priorities for the next steps would be identified. Ms. Patton described events such as the Trail Mix 2012 which would take place in accordance with the Take Pride in Berlin week and the ribbon cutting for the Safe Routes to School.

Jennifer Dawicki, owner of The Globe came before the council to request a letter of support for the extension of her license permit to public property for the sale of beer, wine and liquor for the Jazz & Blues Bash event and the May Day Play Day event. Those events will be held on May 5th from 12 noon to 8 pm and May 11th from 5 pm to 9 pm. Ms. Dawicki stated that she had received an approval via email from the county with a letter forthcoming. Discussion continued regarding the vinyl fencing which would be installed by the Town instead of the previous orange fencing. Councilmember Lynch stated her concerns that there were two events being held within 6 days that promoted the sale of alcohol and requested that the sponsoring entities look into the scheduling of these events in the future. Councilmember Lynch made a motion to approve the letter of support and council approved 4-0 with Councilmember Purnell absent.

Town Attorney Gaskill deferred the introduction and discussion of Ordinance 2012-02, an ordinance amending § 107-34, District regulations R-1 Residence District to Planning and Zoning Director Chuck Ward. Mr. Ward explained that the amendment would allow the BZA authority to modify the criteria to allow additional uses on the property of a Bed and Breakfast on a case by case basis if the lot were larger than one acre. Councilmember Lynch requested that the wording included an additional verb "is" for #4 and a reference to existing bed and breakfasts. Attorney Mark Cropper, representing Waystead Inn asked for the public hearing to be delayed until April 23rd as he would not be available on April 9th. Council agreed to move the public hearing to April 23rd.

Discussion began on proposed ordinance regarding residential structure height limits. Mayor Williams asked Mr. Ward to summarize the Planning Commission's discussion. Mr. Ward advised council that the commission was unable to reach consensus on a recommendation for increasing the height restrictions. The Mayor expressed concern regarding the length of time before revisions to the existing zoning code may be completed and suggested that this proposed language could act as a "bridge" until a new zoning code is adopted. Mayor Williams requested that Mr. Ward and Mr. Gaskill discuss and revise the

Councilmember Hall made a motion to have Mr. Gaskill and Mr. Ward revise the language in Ordinance 2012-03 and present at the next meeting. Council approved 4-0 in favor with Councilmember Purnell absent.

Mayor Williams announced Resolution 2012-03, incorporating current and future water and sewer rates into one resolution for years 2012 through 2014. Mayor Williams stated that this Resolution does not change or increase the rates, it only combines the previous resolution from 2011 and the increase in sewer rates requested by MDE in order for the town to qualify for funding for the spray site addition. Councilmember Lynch made a motion to accept Resolution 2012-03 and council voted to approve 4-0 with Councilmember Purnell absent

Deputy Town Administrator Mary Bohlen explained that the five plans before the council were required for eligibility for CDBG funding. Those plans are: Citizen Participation, Fair Housing and Equal Opportunity, Residential Anti Displacement and Relocation Assistance, Minority and Women Business and Section 3. Ms. Bohlen explained that all of these plans have a 3 year term and that she was bringing them before the council so that approvals could be consolidated into one. The Fair Housing and Equal Opportunity Plan and Minority and Women Business Plan are new plans which incorporated several old plans. Ms. Bohlen stated that she was also incorporating Proclamation 2012-08 which proclaims April to be Fair Housing Month for approval. Councilmember Burrell made a motion to approve all required plans and Proclamation 2012-08 and council voted to approve 4-0 with Councilmember Purnell absent.

Deputy Town Administrator Mary Bohlen announced the Citizen Participation and Public Hearing for the Community Development Block Grant and Resolution 2012-05. Mayor Williams opened the Public Hearing. Ms. Bohlen explained the purpose of the Public Hearing was to make citizens aware of what the Town was proposing to do with Block Grant monies. Ms. Bohlen gave a summary of past awards and expenses and explained that the Town would be submitting an application for \$70,100.00 to be used towards the renovation and ADA compliance of the William Street public restrooms in the downtown area and the addition of another restroom at the Chamber of Commerce Building. Councilmember Brittingham inquired if blueprints would be needed. Economic and Community Development Director Michael Day explained that an application for the same project was submitted last year through Community Legacy, but was told to submit the project and application through CDBG. The project will have to be bid out and have Davis Bacon wages applied. Mayor Williams asked for any questions or comments from the public or council. There being no questions or comments, Mayor Williams closed the Public Hearing. Councilmember Burrell made a motion to adopt Resolution 2012-05 and council voted to approve 4-0 with Councilmember Purnell absent.

Mayor Williams announced the Officer Certification used in compliance with PJM's Minimum Participation Requirements. Electric Utility Director Tim Lawrence explained that this form was required and authorizes the Town to have interaction with PJM and was a document was to be filed annually. Mr. Lawrence explained that this document was for peak shaving. Town Administrator Carson stated that Mr. Davis from Booth and Associates had reviewed that document and recommended that the Town approve, sign and file. Councilmember Hall made a motion to approve the document and council voted to approve 4-0 with Councilmember Purnell absent.

Departmental reports began with Public Works Director Mike Gibbons reporting that his department was into the second week of working with the electric department on the drainage ditch located at St. Paul's Church and would begin grading soon. He continued his report stating that the Water Resources department would install rip rap structures and two check dams and should be completed in two weeks.

Water Resources Director Jane Kreiter reported that the Drinking Water Protection signs being displayed were provided from MDE and that they were asking the Town to post to delineate the Wellhead Protection area and bring awareness of the importance of protecting our drinking water. Ms. Kreiter stated that she had provided a list of the sign sites to council for their approval. Councilmember Hall made a motion to approve the locations for the posting of the signs and council voted to approve 4-0 with Councilmember Purnell absent.

Electric Utility Director Tim Lawrence reported that the energizing of the Cottages was complete and that street lights on Prospect Drive would be installed soon. He continued his report by stating that the

proposed restaurant at 119 North Main Street had been energized, services at the Barrett apartments were being installed and that induction lighting had been installed from South Main to Buckingham and would continue from Buckingham to Tripoli Street.

Police Chief Arnold Downing reported that his department was planning for the upcoming events and that two officers were in training for the Family Tree model which is associated with child abuse. Mayor Williams requested that the officers make a presentation to the Mayor, Council and public once their training was complete.

Planning & Zoning Director Chuck Ward stated his delight with the addition of the Planning and Zoning forms on the website.


Economic and Community Development Director Michael Day reported that he and Terri Sexton would be attending the National Main Street Conference in Baltimore next week. He continued his report announcing that the council had a draft letter of support on the dias for a new business in town and also for the expansion of the product line of Baked Desserts. Ms. Deborah Everett of Maryland Wines shared her vision for a tasting room on 103 North Main Street. Robin Tomaselli of Baked Desserts spoke of her vision to obtain her liquor license in order to expand her product line to include the sale of sustainable and organic wines especially during the Art Stroll evenings. Councilmember Brittingham made a motion to allow the Mayor to write a letter of support and council voted to approve 4-0 with Councilmember Purnell absent.

Town Administrator Tony Carson presented and requested approval of 3 purchase orders (201202468, 201202490 and 201202512). Councilmember Brittingham made a motion to approve all 3 purchase orders and council voted unanimously to approve 4-0 with Councilmember Purnell absent.

Mayor Williams asked for comments and/or questions from the council, public and press.

There being no further comments, Councilmember Lynch made a motion to adjourn and the meeting ended at 8:40p.m.

Respectfully submitted,



Sharon Timmons
Administrative Assistant

ORDINANCE 2012-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN
OF BERLIN, A MARYLAND MUNICIPAL CORPORATION,
AMENDING CHAPTER 107, Zoning,

WHEREAS The Mayor and Council of Berlin have determined that in certain circumstances, reasonable deviations from residential structure height restrictions may be appropriate, AND

WHEREAS, the Mayor and Council agree that the allowance of reasonable deviation from height restrictions in the R-1 and R-2 Residential Zoning Districts may provide for harmonious construction and redevelopment,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 107 be amended as follows:

§ 107-34. R-1 Residence District.

D. Height regulations. No principal structure or part thereof, except as provided in § 107-55 or (1) below, shall exceed 2 ½ stories or 30 feet in height, and no accessory structure shall exceed 1 ½ stories or 25 feet in height.

(1) In the R-1 and R-2 Districts, a Conditional Use may be granted from the Board of Appeals to allow a principal structure to exceed the height restriction in (D) above by a maximum of five feet. The Board shall consider the height of structures, as measured from the average grade, on adjoining properties as well as those within two hundred fifty (250) feet of the proposed building. The Board shall not permit a Conditional Use for such a proposed building unless the applicant can provide certifiable documentation that adjacent structures or existing structures in the immediate vicinity currently exceed the height regulations in 107-34-D. The Board must find that the granting of such Conditional Use will not significantly impact the general architectural composition of the neighborhood.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2012, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the _____ day of _____, 2012.

Adopted and effective this _____ day of _____, 2012 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Sr., Vice-President

Approved and effective this _____ day of _____, 2012 by the
Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: Anthony J. Carson, Jr., Town Administrator

**TOWN OF BERLIN RESIDENTS
YARD WASTE PICKUP
Curbside Collection**

Normal Trash Day	Yard Waste Pickup Day
Tuesdays or Wednesdays	Wednesday, April 25
Thursdays	Wednesday, May 2

Regular household garbage is not part of this collection.

Commercial and Industrial properties are not included in the collection program.

Residents must have items for collection set out by 7:00 a.m. Materials placed for pick up at any other time will not be collected.

DO:

Place leaves, grass clippings, pine needles and cones, and garden waste in a paper bag, plastic bag, or (maximum) 30 gallon container.

Cut brush into 4 ft. lengths and bundles no larger than 18 inches in diameter.

DON'T:

Mix in stones, rocks, metal, other inorganic matter, dirt, sod or other encumbrances

The curbside pick up of yard waste is intended for occupied residentially improved properties only.

FOR FURTHER INFORMATION REGARDING ACCEPTABLE TYPES OF YARD WASTE, PLEASE CALL THE DEPARTMENT OF PUBLIC WORKS AT 410-641-4001.

**TOWN OF BERLIN RESIDENTS
BULK PICKUP
Large Item
Curbside Collection**

The Fall Bulk Clean Up begins with Large item Garbage Collection on Wednesday, May 9 and Wednesday, May 16, 2012.

Those receiving trash pickup on Tuesday or Wednesday will receive bulk collection on Wednesday, May 9, 2012.

Those receiving trash pickup on Thursday will receive bulk collection on Wednesday, May 16, 2012.

Residents must have items for collection set out by 7:00 a.m. Materials placed for pick up at any other time will not be collected.

Items to be collected

Bulky items such as:

Furniture	Toilets and Sinks	Carpet
Tables and Chairs	Mattresses	Washers
Refrigerators & dryers	Televisions	Computer Components

Regulations

- ✓ Small items must be placed in a container at the curb and weigh no more than 100 lbs
- ✓ Collection is for improved, occupied residential properties only
- ✓ Collection is on Wednesday, May 9th & May 16th, 2012 and material must be out by 7:00 a.m.

Regular household garbage is not part of the fall clean up collection.

Commercial and Industrial properties are not included in the collection program.

Items not collected

Hazardous Waste	Construction materials	Tires
Yard waste/brush	Paint	Propane Tanks

FOR FURTHER INFORMATION REGARDING ACCEPTABLE TYPES OF DEBRIS, PLEASE CALL THE DEPARTMENT OF PUBLIC WORKS AT 410-641-4001.

TOWN ADMINISTRATOR'S REPORT
04-09-12

Purchase Orders

PO# 201202262 in the amount of \$3,305.52 to L/B Water Service for 6 water meters.

PO# 201202598 in the amount of \$1,000.00 to Terra Firma for repair of Bottle Branch Road.

PO# 201202647 in the amount of \$1,710.00 to Maysteel LLC for caps for the capacitors.

Updates