



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, FEBRUARY 11, 2013

Town Administrator

Anthony J. Carson, Jr.

COUNCIL CHAMBERS – BERLIN TOWN HALL

10 WILLIAM STREET

BERLIN, MD 21811

EXECUTIVE SESSION.....NONE SCHEDULED

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. Written materials in alternate formats for persons with disabilities are made available upon request.

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**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, February 11, 2013**

NO EXECUTIVE SESSION

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

1. Approval of the Minutes for:
 Regular Session of the Mayor and Council on January 28, 2013
2. Powerpoint Presentation – Michael Franklin, Atlantic General Hospital
3. Presentation – Shore Transit
4. Request for Special Event – Berlin Chamber of Commerce
 Spring Celebration – March 30, 2013; 10:00 a.m. to 4:00 p.m.
5. Presentation – Farmer's Market
6. Departmental Reports
 - a. Deputy Town Administrator – Mary Bohlen
 - b. Public Works – Mike Gibbons
 - c. Water Resources – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Police – Arnold Downing
 - f. Planning and Zoning - Chuck Ward
 - g. Human Resources – Jeff Fleetwood
7. Town Administrator's Report
8. Comments from the Mayor
9. Comments from the Council
10. Comments from the Public
11. Comments from the Press
12. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, January 28, 2013

The meeting of the Mayor and Council for Monday, January 28, 2013 was called to order by Mayor Williams at approximately 7:04 p.m. Councilmembers Hall, Burrell, Purnell, Brittingham and Lynch were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Town Attorney David Gaskill, Finance Director Lynn Musgrave, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, Water Resources Director Jane Kreiter, Planning and Zoning Director Chuck Ward, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Police Chief Arnold Downing was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams stated that he was deviating from the agenda to read a statement regarding several rumors which had been circulating throughout town in an attempt to discredit him.

Mayor Williams asked for a motion for approval of the Regular minutes of January 14, 2013. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0 with Councilmember Purnell abstaining. Mayor Williams then asked for approval of the Executive Session minutes of January 14, 2013. Councilmember Brittingham made a motion to approve the minutes and council voted to approve 4-0 with Councilmember Purnell abstaining. Mayor Williams stated that the Executive Session was closed to discuss a matter regarding public security.

Mr. Peter Marx, a scout with Boy Scout Troop #261 came before the Mayor and Council to request permission to install 12 bat boxes in Stephen Decatur Park as a means to receive his Eagle Scout status. Mr. Marx also requested the assistance of the Town's bucket truck to assist with the installation of the boxes which would need to be placed 15-20 feet above the ground. The boxes would provide roosting areas for the bats and provide an eco-friendly way to control the insect population. This idea was originally presented to the Parks Commission and both parks were evaluated, but Henry Park was not suitable due to the lack of trees or height requirements. Discussion continued. Councilmember Hall made a motion to approve Mr. Marx's request to install the bat boxes in Stephen Decatur Park and for the town to assist with the installation. Council voted to approve 5-0.

Ms. Mary Henderson, Office Coordinator of Women Supporting Women came before the council requesting approval of the "High Heel Race" event to be held on Friday, June 14, 2013 at 7:00 p.m. on Main Street. Ms. Henderson described the details of the event. Councilmember Burrell made a motion to approve the event "High Heel Race" and council voted to approve 5-0.

Mayor Williams introduced the Public Hearing for Ordinance 2013-01, an ordinance establishing the Stormwater Utility department. Mayor Williams asked Town Attorney David Gaskill to present the facts regarding bonds. Mr. Gaskill stated that he had spoken with Lindsey Radar, the Town's Bond Counsel and that she stated that all of the Town's existing bonds were general obligation bonds and are utilized by all or most funding agencies such as DNR, USDA, and MDE and allows the Town to be eligible for future bonds at a substantially reduced rate.

Mr. Boyd Bounds of Pigg, Krahl and Stern stated if the town used the figures in the study, the town has the feasibility to fund the debt of 5.2 million. Finance Director Lynn Musgrave reviewed how the Town plans the revenues for the next 10 years and how the Town would arrive at the \$570,000 per year. She further explained how the Town had reduced the property tax rates over the last year and reduced the electric rates for the non-residential customers. She stated that she had been in contact with the funding partners discussing loans and grants that may be available and that historically the town has received rates of 3.9% or lower. Town Administrator Tony Carson spoke of the concerns regarding the cost of the ERU and how the Town was able to reduce the cost from \$45 per ERU to \$25 per ERU by taking an annual contribution of \$300,000 from the general fund. Mr. Carson presented a slide comparing the costs for several different non-residential properties. Mr. Carson stated that according to the study there are 290 non-residential properties which would be affected and that the average annual cost per business would be around \$600 if you take out the largest contributors.

Mayor Williams opened the Public Hearing and asked for comments from those persons who wished to speak against the Ordinance. Mayor Williams stated that the first two persons to speak would be allotted 4 minutes and those persons thereafter two minutes. Jay Bergey of 616 William Street expressed his concern regarding the assessment of fees to be paid by the non-residential properties. Mr. Bergey stated that he agreed with the establishment of the utility, but suggested that the assessment should be a flat fee of \$50 for both residential and non-residential. Mr. Bagnall, Ryan Bergey, Betsy Bergey and Ross Bergey stated they were all in agreement with Mr. Bergey's comments. Ray Thompson, President and CEO of Taylor Bank agreed with Mr. Bergey's comments, but asked to have the record show that the report had stated that Taylor Bank had been active in the workgroups, but that fact was untrue.

Cam Bunting of 201 Ann Drive asked to have the record show that she too was cited in the report, but does not support the ordinance the way it is written. She continued that she felt the town needed to determine the solutions prior to looking into funding sources. She suggested that the Town utilize the casino monies as a funding source and take the businesses out of the equation. She also suggested that the Town should not borrow money, but pay as we go.

Stacy Schaffer of Berlin stated that she had received an email back in August asking her to serve on the Stormwater Committee. Her relationship as an employee of Taylor Bank and a member of the advisory board for the Chamber of Commerce were both mentioned in this report as representing, but she did not represent either entity and had been named as a guiding force in this study. She noted that 5 of the businesses named in the report as a part of this committee were not present at the 3rd meeting.

Marie Velong of 400 West Street stated that she felt that charging a fee to businesses based on the square footage was not equitable.

Carol Jacobs of Bay Street inquired how many new personnel would be needed for the new utility. Mayor Williams stated that 2 new employees would be hired and would work under the Water Resources department. She then inquired on the time frame of the 10 year revenue stream. Mayor Williams responded that the fee would stay in place for the length of the indebtedness and that any bond that we pay on would be at a set fee. She asked if the Mayor and Council would consider a cap on the non-residential properties. Mr. Carson stated that there would be no exemptions.

Mr. Hugh Cropper, representing Atlantic General Hospital expressed his opposition on the ordinance and stated that the hospital had no impact on the stormwater system since they have a functioning system on site. He stated that the user fee assessed for the hospital would be a heavy burden and it would be the highest rate in the county.

Mayor Williams then asked for comments from those persons in favor of the ordinance. Mr. Wayne Whittington of Nelson Street stated that his neighborhood had been dealing with the flooding for 26 years and thanked the Mayor and Council for moving forward with the project.

Mr. Dave Wilson, Executive Director of Maryland Coastal Bays stated that Newport Bay and Trappe Creek were two of the most highly polluted areas and that we needed to invest a little now to get dividends later.

Ms. Bridget Foster of 330 William Street spoke in favor of the stormwater utility and stated that she was willing to pay the fee.

Ms. Andrea Gilbertson, Vice-President of the Jamestown Homeowners Association spoke in favor of the ordinance. Her development had sustained \$48,000 in damages during the last flood and thanked the Mayor and Council for being proactive.

Ms. Marina Chase of 12 West Street spoke of minimizing pollution to the bays and reminded everyone that, with climate changes in the future, more flooding is inevitable.

Tom Simon, Steve Taylor and Geren Mortenson agreed with the comments made in favor of the ordinance.

Sharon Timmons read a letter of support from Lori and Bruce Fried of Jamestown Place.

Mayor Williams thanked everyone for their participation and respect for one another during the public hearing.

Mr. Jerome Wharton questioned the council about the ditch tax. Mayor Williams stated that Mr. Wharton had not signed up to speak during the public hearing and requested him to sit down.

Mayor Williams closed the Public hearing. Councilmember Burrell made a motion to approve Ordinance 2013-01 and council voted to approve 5-0.

Mayor Williams announced Resolution 2013-01, a resolution which would establish the ERU rates for the stormwater utility. Town Attorney David Gaskill read the Resolution in its entirety. Mayor Williams stated that if the Resolution was approved, the first thing council needed to do was to approve the use of the first \$300,000 to begin the engineering studies for the first year projects. Discussion continued. Councilmember Hall made a motion to approve Resolution 2013-01 and council voted to approve 5-0.

Economic and Community Development Director Michael Day along with Aaren Collins and Tom Sholtis representing the Berlin Chamber of Commerce presented a video of the 2012 New Year's Eve event. They continued with a Powerpoint presentation which showed the 2013 events which were requesting the approval of the special event exemption for the consumption of alcohol in the designated areas in non-glass containers.

The events requested for approval are: Berlin Jazz and Blues, May Day Play Day, International Day of Food and Music, Fiddlers Convention, Octoberfest and New Year's Eve Ball Drop. The Chamber of Commerce, which is a non-profit, sponsors the Jazz and Blues Bash and the Fiddlers Convention. Berlin Main Street sponsors the other four events. Discussion continued regarding the set-up of a beer garden and sale of alcohol by the Chamber on Jefferson Street for 5 of the events, which would raise funds to offset the associated expenses. The Chamber would not participate in the New Year's Eve Ball Drop. Discussion continued regarding the use of non-profit organizations for the sale of food at events. Councilmember Purnell made a motion to approve the Special Event Exception for the Consumption of Alcohol for the requested 6 events and council voted to approve 5-0. Councilmember Purnell then made a motion to approve the sale of beer and wine in non-glass containers by the Chamber of Commerce at the Berlin Jazz and Blues, May Day Play Day, International Day of Food and Music, Fiddlers Convention and Octoberfest events. Council voted to approve the motion 5-0.

Department Head reports began with Finance Director Lynn Musgrave reporting that council should have received their financial reports.

Public Works Director Mike Gibbons reported that Public Works had utilized their salt spreader during the last two snow events and had seen a big improvement regarding the removal of ice and snow. Councilmember Burrell asked to see the route schedule regarding snow removal. Mr. Gibbons also reported that Public Works had completed their portion of the demolition of the public bathrooms.

Water Resources Director Jane Kreiter reported that her department would be reading meters this week and that they would be installing a new sewer lateral to the public bathrooms tomorrow. Mayor Williams asked Ms. Kreiter to provide information on the water pressure issues on Baker Street. Ms. Kreiter stated that the pressure tested fine at the hydrants, but the flow to the residents was deficient. She attributed the flow problem to corroded piping on the service laterals, but there could also be problems on the resident's end. The Town will begin the installation of new piping from the main line to the meters servicing each resident on Baker Street next week. Councilmember Brittingham asked Ms. Kreiter to investigate the stability of the meter located at 509 Flower Street.

Electric Utility Director Tim Lawrence reported that the pit for Generator #1 had been sealed and that repairs to the generator were almost complete. The work on the oxidation catalyst project will begin next week. Mr. Lawrence thanked Mr. Holden of Schoolfield Street for his assistance on the issue of the wind turbine. Mr. Lawrence stated that he was considering moving the wind turbine to the Rayne's property on Old Ocean City Boulevard. Mayor Williams asked Mr. Lawrence to bring his recommendation regarding a new location for the wind turbine to the next meeting. Linda Bowen of Schoolfield Street stated that she had a petition from the residents stating that they did not want the wind turbine in their neighborhood. Councilmember Brittingham asked Mr. Lawrence to stabilize a utility pole located in the area of 517 Flower Street.

Planning and Zoning Director Chuck Ward reported that the Historic District meeting scheduled for February had been cancelled.

Economic and Community Development Director Michael Day reported that he had met with the staff from Castaways Campground last week. The campground is planning to run a shuttle from the campground to Berlin each Wednesday. Mr. Day also announced that the Town had received a Community Legacy grant in the amount of \$50,000 for façade renovations.

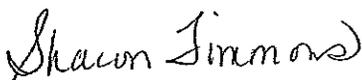
Town Administrator Tony Carson requested approval of 10 purchase orders (201301983, 201301989, 201301968, 201302002, 201301722, 201302031, 201302027, 201301838, 201302092 and 201302101). Discussion continued on the Derrickson property and the account coding of several purchase orders. Councilmember Brittingham made a motion to approve all 10 purchase orders and council voted to approve 5-0.

Mayor Williams asked for comments from the council. Councilmember Lynch stated her concerns regarding safety in the area along Tripoli Street from Main Street to Kenwood Court and asked Mr. Gibbons to investigate the possibility of sidewalks. Ms. Bohlen stated that the Parks Commission had voiced similar concerns. Councilmember Burrell asked to have Maple Avenue and Schoolfield Street added to the sidewalk list. Councilmember Purnell inquired about the status of the sidewalk project from Esham Avenue to Ann Drive. Councilmember Lynch asked Mr. Darl Kolar of EA Engineering and Science if it was true that Atlantic General Hospital treats their own stormwater. Mr. Kolar stated that it would tough to stipulate if all of their stormwater is managed on site based on the age of the system and the build out over the years. Councilmember Hall asked if new developments would be required to build under the new stormwater regulations. Mr. Kolar replied yes. Discussion continued.

Mayor Williams asked for comments from the public or the press. Mr. Jim Hoppa thanked the council on the determination on the stormwater ordinance and spoke on the health issue regarding mosquitos from standing water in residential areas due to flooding. He then inquired if the council could consider the idea of a reasonable cap for non-profits regarding the fees associated with Resolution 2013-01. Mr. Steve Green of 101 Washington Street thanked Mr. Gibbons for the actions taken on his property to help provide relief from flooding.

There being no further comments or questions, Councilmember Burrell made a motion to adjourn the meeting and the meeting ended at 9:55 pm.

Respectfully submitted



Sharon Timmons
Administrative Assistant

TOWN ADMINISTRATOR'S REPORT
February 11, 2013

Purchase Orders

PO# 201302122 in the amount of \$1,288.20 to Wainwright's Tire Center for four tires for Public Works vehicle #33, Sanitation Truck.

PO# 201302121 in the amount of \$1,176.48 to Hardin-Kight Associates for asphalt testing for Germantown Road.

PO# 201301248 in the amount of \$3,301.67 to Dover Plumbing for sidewalk work located on Flower Street.

PO# 201302190 in the amount of \$104,528.00 to Joshi Construction for contract for Public Restroom renovation. CDBG MD-12-CD-5 to reimburse \$57,629.43.

PO# 201300803 in the amount of \$5,119.17 to Maryland Department of Agriculture for mosquito spraying for 2012 season.

PO#201302088 in the amount of \$1,803.20 to Worcester County for sludge disposal.

Updates