



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

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, JULY 22, 2013

Deputy Town

Administrator

Mary Bohlen

COUNCIL CHAMBERS – BERLIN TOWN HALL

10 WILLIAM STREET

BERLIN, MD 21811

EXECUTIVE SESSION.....6:00 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Mary Bohlen, Deputy Town Administrator at (410) 641-4314. 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, July 22, 2013**

6:00 PM EXECUTIVE SESSION - Berlin Conference Room

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

1. Approval of the Minutes for:
Regular Session of the Mayor and Council on July 8, 2013
Executive Session of the Mayor and Council on July 8, 2013
Statement of Closure for Mayor and Council on July 8, 2013
2. Main Street Arts and Entertainment Committee Update – Robin Tomaselli
3. Motion to Approve Tax Abatement Request
 - a. Berlin Community Housing 03-034534
 - b. Berlin Community Improvement Assoc. 03-034542
4. Motion to Approve – Purchase of Engineered Wood Fiber from West Recreation for Henry and Stephen Decatur Parks.
5. Public Hearing – Ordinance 2013-5
An ordinance amending Chapter 108, Article X, Section 108-901 of Town Code
6. Discussion – Proposed County Redistricting
7. Departmental Reports
 - a. Finance – Natalie Saleh
 - b. Public Works – Mike Gibbons
 - c. Water Resources – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Police – Arnold Downing
 - f. Human Resources – Jeff Fleetwood
 - g. Economic and Community Development – Michael Day
8. Deputy Town Administrator's Report
9. Comments from the Mayor
10. Comments from the Council
11. Comments from the Public
12. Comments from the Press
13. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, July 8, 2013

The meeting of the Mayor and Council for Monday, July 8, 2013 was called to order by Mayor Williams at approximately 7:15 p.m. Councilmembers Burrell, Lynch, Hall, Brittingham and Purnell were present, as well as Town Attorney David Gaskill, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Acting Finance Director Natalie Saleh, Police Chief Arnold Downing, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Water Resources Director Jane Kreiter was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion for approval of the Regular Session minutes of June 24, 2013. Councilmember Brittingham made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams asked for a motion to approve the Executive minutes of June 24, 2013. Councilmember Lynch made a motion to approve the Executive minutes and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed for three reasons: (1) discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; (2) to consider the acquisition of real property for a public purpose and matters directly related thereto; and (3) to consult with legal council regarding a contract or negotiations.

Ms. Jan Quick, President of the Heritage Foundation and Ms. Susan Taylor of the Taylor House Museum came before the council requesting approval for the event known as "Berlin Peach Festival" to be held on Saturday, August 3, 2013 from 11:00 a.m. to 4:00 p.m. Ms. Quick presented the council with a framed Peach Festival Poster. Ms. Quick asked for the assistance of the Town to provide tables, electric service, trash cans, barricades and portable toilets for the event. Councilmember Burrell made a motion to approve the Berlin Peach Festival event and the requested services and council voted unanimously to approve 5-0.

Police Chief Arnold Downing of the Berlin Police Department came before the council requesting approval for the event known as "National Night Out" to be held on Tuesday, August 6, 2013 from 4:00 p.m. to 7:00 p.m. at Henry Park. Chief Downing spoke on the various partnering organizations which help make the event a success. Chief Downing also requested that barricades be provided on Flower Street and asked for use of the parking area across the street. Councilmember Burrell made a motion to approve the event and council voted unanimously to approve 5-0.

Economic and Community Development Director Michael Day, representing the Chamber of Commerce came before the council requesting approval for the event known as "Berlin Fiddlers Convention" to be held Friday, September 20th through Sunday, September 22, 2013. Discussion continued. Councilmember Burrell made a motion to approve the event and council voted unanimously to approve 5-0.

Public Works Director Mike Gibbons described the work to be completed on Jefferson Street and requested approval of the contract with Terra Firma of Delmarva for Asphalt Repair/Overlay for Jefferson Street in the amount of \$46,949.00. The requested repair work would extend the life of the roadway by 8 years and should be completed by the first week of August. Councilmember Brittingham made a motion to approve the contract with Terra Firma of Delmarva for the Jefferson Street repair work and council voted unanimously to approve 5-0.

Mayor Williams announced the request for approval by the Globe for the placement of tables and chairs on the sidewalk in front of their establishment. Ms. Jennifer Dawicki came before the council and explained that she would like to have three single tables with two chairs each in front of the restaurant. Town Attorney David Gaskill stated that if council approved the request, it did not allow for Ms. Dawicki to extend her license premise to that area, meaning no alcohol could be served at those tables. Ms. Dawicki acknowledged the statement. Councilmember Brittingham made a motion to approve the placement of the three single tables with two chairs each on the sidewalk in front of the Globe Theater restaurant with the stipulation that no alcohol be served at those tables. Council voted unanimously to approve 5-0.

Mr. Ernest Gerardi came before the council requesting approval for the placement of a single table and two chairs in front of Siculi's restaurant on the sidewalk. Mr. Gerardi stated that they do not serve alcohol to this table. Councilmember Lynch made a motion to approve the request by Siculi's to have a single table and two chairs in front of the restaurant and council voted unanimously to approve 5-0.

Ms. Stephanie Fowler of Saltwater Media came before the council requesting approval of a sandwich board sign for her establishment. Discussion continued. Ms. Fowler stated that she would speak with the other business owners for permission for placement of the sign. Councilmember Brittingham made a motion to approve the sandwich board sign for Saltwater Media and council voted unanimously to approve 5-0.

Mayor Williams introduced Ordinance 2013-5, an ordinance amending Chapter 108, Article X, Section 108-901 of the Town Code. Town Attorney Gaskill explained that the ordinance provides the Director of Planning and Zoning the authority to issue a permit for a sidewalk sign if all conditions in Ordinance 2013-5 were met. The council will vote on the approval of the signs until a new Director of Planning and Zoning is hired. Councilmember Lynch inquired about the title change from Director of Planning and Zoning to Planning and Building Director. Discussion followed. Mr. Gaskill stated that the title change could be made to the ordinance once the employee is hired. Discussion continued regarding the difference between a sandwich sign and a free standing sign. Mayor Williams stated that the public hearing for Ordinance 2013-5 will be held on Monday, July 22, 2013.

Department Head reports began with Acting Finance Director Natalie Saleh reporting that the Finance Department was in the process of closing out the FY13 books and beginning on the FY14 year. She continued her report by announcing that the initial audit would be held July 31-August 1st with the main audit to be held in September.

Public Works Director Mike Gibbons reported that the sidewalk work on Flower Street had been completed, the asphalt work would begin early next week and that they were obtaining pricing on the striping work. He stated that because of the weather, they had not been able to complete the herbicide treatment, but was hoping to finish the job this week.

Electric Utility Director Tim Lawrence reported that the Town had generated twice this summer for peak shavings. He reported that the department had installed twelve additional smart meters in the downtown area, had participated in flagging duties for the Broad Street sidewalk project and installed the primary and transformer for the wind turbine. He also noted that the summer hire employees had completed the painting of 45 of the 61 victorian poles. Mr. Lawrence announced that the Public Service Commission had completed their annual inspection visit and that the Town had passed all requirements with no problems.

Police Chief Arnold Downing reported that he had attending the swearing in of the new Ocean City Police Chief and that his department would be assisting with the funerals for the two Ocean City police officers.

Human Resources Director Jeff Fleetwood reported that the three new hires for the Water Resources department would begin their employment this week and that the four candidates for the Planning and Building Director position would be meeting with him and Ms. Bohlen tomorrow and was hoping to have final interviews on the 17th and 18th to include the council and the new Town Administrator. Mr. Fleetwood announced that Maryland State Retirement would be conducting an audit next Tuesday.

Economic and Community Development Director Michael Day reported that Main Street would be hosting the Tourism Arts and Downtown Development Committee quarterly meeting on Wednesday. The Bathtub Races would be held on Friday with the parade starting at 6:00 p.m. Mr. Day announced that he would be meeting with the Department of Housing and Community Development next Tuesday regarding Community Legacy funding.

Deputy Town Administrator Mary Bohlen presented 19 purchase orders (201303571, 2013400003, 201400010, 201303073, 201400008, 201400016, 201400052, 201400055, 201400058, 201400049, 201400045, 201400040, 201301467, 201400089, 201400095, 201400083, 201400099, 201400108 and 201302751) for approval. Councilmember Brittingham made a motion to approve the 19 purchase orders and council voted unanimously to approve 5-0. Ms. Bohlen announced that the Parks Commission was continuing to work on the mural contest.

Mayor Williams thanked Ms. Bohlen and the department heads for the smooth transition during the interim prior to the arrival of the new Town Administrator.

Councilmembers Hall and Brittingham both commented on their attendance at the Maryland Municipal League Convention.

Mayor Williams asked for comments from the public or the press. There being no comments from either, Councilmember Lynch made a motion to adjourn the meeting and the meeting ended at 8:21 p.m.

Respectfully submitted


Sharon Timmons
Administrative Assistant

ORDINANCE NO, 2013-5

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND,
AMENDING CHAPTER 108, ARTICLE X, SECTION 108-901 OF THE TOWN CODE

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT
CHAPTER 108, ARTICLE X, SECTION 108-901 BE AMENDED AS FOLLOWS:

Section 108-901. Commercial districts.

The following regulations apply to commercial districts:

- (1) All development complexes shall require a master signage plan pursuant to the requirements of this section, and any other requirements within its district, prior to the installation of any signage.
- (2) Each, enterprise, institution or business shall be permitted wall signs, under-canopy signs, one sidewalk sign and one freestanding sign each, subject to follow maximum size requirements. (Multiple businesses in the same building shall apportion facade, building wall and street frontage such that any maximum is not exceeded for a particular property.)
 - a. Maximum signage in aggregate shall not exceed 1 1/2 square feet for each horizontal linear foot of building. No one sign shall exceed the total square feet for each linear front foot for each business. However, no one sign shall exceed 200 square feet.
 - b. Maximum freestanding sign area shall not exceed one square foot for each five feet of street frontage, not to exceed 80 square feet in area.
 - c. Under-canopy sign area shall not exceed the following:
 1. The maximum allowable sign area shall be one square foot for each linear foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
 2. The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
 3. The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be seven feet.

d. Sidewalk sign. THE DIRECTOR OF PLANNING AND ZONING SHALL ISSUE A SIDEWALK SIGN PERMIT IF THE FOLLOWING CONDITIONS ARE MET:

1. The maximum allowable size shall not exceed two feet in width and three feet in height.
2. There shall be no more than one sign permitted per business.
- ~~3. The sign shall be removed after regular business hours.~~
3. ~~4.~~ The sign shall not expand more than two feet at the base.
4. THE SIGN IS CONSTRUCTED OF A WOOD BASE.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2013, 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 _____, 2013.

Adopted and effective this _____ day of _____, 2013 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved and effective this _____ day of _____, 2013 by the Mayor of the Town of Berlin.

Wm, Gee Williams, Mayor

ATTEST: Mary T. Bohlen
Deputy Town Administrator

DEPUTY TOWN ADMINISTRATOR'S REPORT

July 22, 2013

Purchase Orders

PO# 201300212 in the amount of \$1,983.10 to Worcester County for sludge disposal for June. Allocated to FY13. (24-4370-4121)

PO# 201303597 in the amount of \$3,426.04 to Hill's Electric Motor Service for emergency repair of Well #1. (20-4320-4041)

PO# 201303539 in the amount of \$2,450.00 to A.C. Schultes of Delaware for pull, disassemble and inspection of Wastewater Pump #2. (24-4360-4060)

PO# 201400218 in the amount of \$1,570.70 to Fairfield Inn Broadway for hotel reservations for Jane Kreiter and Jocelyn Aydelotte to attend the Stormcon Conference August 18th through August 23rd in Myrtle Beach. (24-4360-4021)

PO# 201400215 in the amount of \$1,800.00 to Cues for yearly software enhancement for camera truck. (24-4365-4053)

PO# 201400231 in the amount of \$2,003.93 to APPA for 2013-2014 annual membership dues. (10-4210-4026)

PO# 201400275 in the amount of \$24,118.38 to Pep-Up Inc. for #2 low sulfur diesel fuel for Power Plant. (10-4220-4066)

PO# 201400204 in the amount of \$2,095.00 to West Recreation for engineered wood fiber for fall protection in Henry and Stephen Decatur Parks. (01-4500-4053)

PO# 201400299 in the amount of \$1,500.00 to State Highway Administration for striping on Flower Street. (01-4320-4092)

PO# 201400304 in the amount of \$14,819.00 to Terra Firma for patching on Flower Street. (01-4320-4092)

PO# 201400305 in the amount of \$1,200.00 to Terra Firma for patching in Stephen Decatur Park parking lot where tree was removed. (01-4500-4060)

PO# 201400209 in the amount of \$10,967.00 to A.C. Schultes of Delaware for emergency repair of effluent pump. (24-4360-4080) Approved by poll vote 7/10/13

Updates