



# 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

**Deputy Town**

**Administrator**

Mary Bohlen

## BERLIN, MARYLAND

### MAYOR AND COUNCIL MEETING

**MONDAY, JULY 8, 2013**

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

EXECUTIVE SESSION.....6:30 PM

REGULAR SESSION .....7:00 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.*

TTY users dial 7-1-1 in the State of Maryland.

TTY users outside Maryland dial 1-800-735-2258

**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Monday, July 8, 2013**

**6:30 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 June 24, 2013  
Executive Session of the Mayor and Council on June 24, 2013  
Statement of Closure for Mayor and Council on June 24, 2013
2. Request for Special Event – Berlin Peach Festival  
Saturday, August 3, 2013; 11:00 a.m. – 4:00 p.m. at Taylor House Museum
3. Request for Special Event – National Night Out  
Tuesday, August 6, 2013; 4:00 p.m. – 7:00 p.m. at Henry Park
4. Request for Special Event – Berlin Fiddler’s Convention  
Friday, September 20, 2013; 6:00 p.m. – 10:00 p.m.  
Saturday, September 21, 2013; 10 a.m. – 5:00 p.m.  
Sunday, September 22, 2013; 11 a.m. – 2:00 p.m.
5. Motion to Approve – Contract with Terra Firma for Asphalt Repair/Overlay for Jefferson Street
6. Request for Approval – Placement of Tables and Chairs on Sidewalks
  - a. The Globe Theatre
  - b. Siculi’s
7. Introduction and 1<sup>st</sup> Reading – Ordinance 2013-05  
An ordinance amending Chapter 108, Article X, Section 108-901 of the Town Code.  
Public hearing to be held on July 22, 2013.
8. Departmental Reports
  - a. Finance – Natalie Saleh
  - b. Deputy Town Administrator – Mary Bohlen
  - c. Public Works – Mike Gibbons
  - d. Electric – Tim Lawrence
  - e. Police – Arnold Downing
  - f. Human Resources – Jeff Fleetwood
  - g. Economic and Community Development – Michael Day
9. Deputy Town Administrator’s Report

10. Comments from the Mayor
11. Comments from the Council
12. Comments from the Public
13. Comments from the Press
14. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, June 24, 2013

The meeting of the Mayor and Council for Monday, June 24, 2013 was called to order by Mayor Williams at approximately 7:19 p.m. Councilmembers Burrell, Lynch, Brittingham and Purnell were present, as well as Town Administrator Tony Carson, 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, Water Resources Director Jane Kreiter, Electric Utility Director Tim Lawrence, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Councilmember Lisa Hall 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 10, 2013. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0 with Councilmember Hall absent. Mayor Williams asked for a motion to approve the Executive minutes of June 10, 2013. Councilmember Brittingham made a motion to approve the Executive minutes and council voted to approve 4-0 with Councilmember Hall absent. Mayor Williams stated that the Executive Session was closed for three reasons: (1) 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 protect the privacy or reputation of individuals with respect to a matter that is not related to public business; and (3) to consult with staff, consultants, or other individuals about pending or potential litigation

Economic and Community Development Director Michael Day came before the council requesting approval for the Special Event known as the "Heritage Festival" to be held on Saturday, July 6 from 11:30 a.m. to 4:00 p.m. Mr. Day introduced Mrs. Pat Diniar as the chairperson for the event. The event will consist of costumed actors, vintage cars and performances pertaining to the history of Berlin. Mr. Day stated that there would be no food vendors, but he was requesting a street closure from Jefferson Street to the West Street parking lot and the use of porta potties at the West Street Parking Lot and the alley on Pitts Street. Councilmember Purnell made a motion to approve the event and council voted to approve 4-0 with Councilmember Hall absent.

Teresa Fields, Executive Director and Melanie Windsor, Youth Program Coordinator with Worcester Youth and Family Counseling Services came before the Mayor and Council to give their annual presentation on the Summer Youth Program. Ms. Windsor gave a powerpoint presentation showing the demographics of the participating children and reviewed the various activities that have been held since February and explained the planned activities for the remainder of the summer. Ms. Windsor introduced Calvin Garrison, the first paid summer intern to work with Worcester Youth and Family Counseling Services. Ms. Windsor thanked the Town for their support with a grant to hire Mr. Garrison. Several of the children who attend the summer camp spoke on some of the favorite activities that they participate in.

Mayor Williams asked for a motion to approve the contract with Worcester Youth and Family Counseling Services for the Youth Program Coordinator for the term of July 1, 2013 to June 30, 2014 at a cost of \$2,000.00 per month. Councilmember Burrell made a motion to approve the contract and council voted to approve 4-0 with Councilmember Hall absent.

Mayor Williams spoke on the request from the Decatur Farms Homeowners Association for the town to contribute 50% of the cost or \$30,000.00 to the stormwater remediation project for their development. Mayor Williams stated that a worksession would be scheduled at a future date to discuss the legal obligations and limitations of both the town and the homeowners' associations. Town Attorney David Gaskill and Stormwater Engineer Darl Kolar will also attend the worksession and assist in how to proceed and address the stormwater issues concerning all of the HOA's in the Town. Councilmember Lynch asked Mr. Gaskill to investigate how many HOA's were in the town and the documents associated with each HOA.

Discussion began regarding the sandwich board signs. Ordinance 2013-04, Section 28-73 allows for sandwich board signs to be legal within the town as long as the sign meets the minimum sidewalk accessibility requirements by the State of Maryland and State Highway. This ordinance also allows for tables and chairs to be permitted on the sidewalks if approved by the Mayor and Council. Councilmember Purnell inquired if any existing tables or chairs will need to come back before the council for approval and Town Attorney Gaskill replied yes. Ordinance 2013-04 had been tabled at the last meeting, but since a first reading and public hearing had been held, council could proceed with the vote if desired. Councilmember Lynch stated that the wording "Section 108-91" needed to be corrected to read "108-901". Mayor Williams stated that those businesses currently having tables and chairs on the sidewalks needed to come before council at the July 8<sup>th</sup> meeting to request approval. Councilmember Purnell made a motion to approve Ordinance 2013-04 and council voted to approve 4-0 with Councilmember Hall absent.

Mayor Williams continued the discussion on the remaining requirements that would be applied to commercial districts. Town Attorney Gaskill explained that the contents of draft Ordinance 2013-05 addresses Sub-Section D of Section 108-901 dealing with signs in the commercial district. The amendment states that the Director of Planning and Zoning shall issue a sidewalk sign permit under the following conditions: (1) the maximum allowable size does not exceed two feet in width and three feet in height; (2) only one sign shall be permitted per business; (3) the sign shall not expand more than two feet at the base; and (4) the sign is constructed of a wood base. The amendment also allows for the sign to remain outside after regular business hours. The ordinance will be put on the agenda for the meeting of July 8<sup>th</sup> for a first reading with a public hearing to be held on July 22<sup>nd</sup>.

Ms. Laura Stearman came before the council to present her idea and seek approval for a sandwich board sign at her business, Harmony Wellness Spa located on Broad Street. The sign would be constructed as a wood sign with an enclosed chalkboard area. Discussion followed. Mr. Carson recommended approval on Ms. Stearman's sign based on draft Ordinance 2013-05. Councilmember Brittingham made a motion to approve the request by Ms. Stearman on the proposed sandwich board sign and council voted to approve 4-0 with Councilmember Hall absent.

Deputy Town Administrator Mary Bohlen spoke to the council on the motion to approve the 2014 renewal with Card's Computers regarding the warranty and licensing agreements in the amount of \$7,248.60. Councilmember Lynch made a motion to approve the 2014 warranty and licensing agreement in the amount of \$7,248.60 and council voted to approve 4-0 with Councilmember Hall absent.

Ms. Bohlen spoke to the council on the motion to approve the annual service contract with Card's Computer in the amount of \$23,400.00. Discussion continued. Councilmember Burrell made a motion to approve the annual service contract with Card's Computer in the amount of \$23,400.00 and council voted to approve 4-0 with Councilmember Hall absent.

Department Head reports began with Acting Finance Director Natalie Saleh reporting that they were finalizing the implementation of the stormwater utility fee into the billing system and would be printing trial bills. She also reported that her department was in the process of finalizing the fiscal year 13 and rolling the new numbers over for fiscal year 14.

Deputy Town Administrator Mary Bohlen reported that the summer newsletter had been published and distributed.

Public Works Director Mike Gibbons reported that the tennis courts in Stephen Decatur Park had been patched and touched up with paint. He also reported that the paving on Washington Street, Esham Avenue and Franklin Avenue had been completed and that the sidewalks on Flower Street would be completed this week.

Water Resources Director Jane Kreiter reported that her department had been cleaning up the Rayne Property for the installation of the wind turbine, painting hydrants throughout town, reading meters and that the meter had been installed at the new Branch Street Wellhouse.

Electric Utility Director Tim Lawrence reported his department had repaired a service pole due to a lightning strike, had participated in flagging duties for the Broad Street sidewalk project and replaced 30 AMI meters in the downtown area. He stated that the parts for the installation of the wind turbine would begin being delivered this week. Mr. Lawrence reported on the Victorian pole painting project being completed by the summer hire employees.

Police Chief Arnold Downing reported that the Town's K-9 officer would be attending specialized training next month and that two (2) Lieutenants would be attending simulations training.

Human Resources Director Jeff Fleetwood reported that the representative from IWIF had visited the Town and that he would be attending a refresher seminar on State Retirement.

Economic and Community Development Director Michael Day spoke and presented pictures of the International Festival which was held Saturday, June 22<sup>nd</sup>. He also reported on the "After Dew Party" held at the Tyson property and stated that he would be attending the Maryland Municipal League Convention in Ocean City.

Town Administrator Tony Carson requested approval for 7 purchase orders (201303189, 201302934, 201303462, 201303500, 201303499, 201303233 and 201303531). Councilmember Purnell inquired about the costs associated with purchase order 201303531 and Mr. Carson stated that the change order was to cover materials for additional stormwater work. Councilmember Brittingham made a motion to approve the 7 purchase orders as submitted and council voted to approve 4-0 with Councilmember Hall absent. Mr. Carson then presented purchase order 201303496 for approval. Councilmember Purnell abstained from the discussion and vote. Councilmember Brittingham made a motion to approve purchase order 201303496 and council voted to approve 3-0 with Councilmember Purnell abstaining and Councilmember Hall absent.

Mr. Carson thanked the Mayor and Council for the opportunity to serve them over the last four and a half years and thanked the department heads and staff for the great job that they do.

Mayor Williams announced that there would be an Open House luncheon on Friday to say farewell and thank you to Mr. Carson.

Councilmember Burrell asked Ms. Kreiter to investigate Maple Avenue as the roadway seems to be collapsing. He also thanked Mr. Carson for his leadership and vision for the Town.

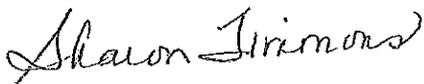
Councilmember Brittingham asked Mike Gibbons to check into the weeds on the sidewalks on Flower Street. Mr. Gibbons stated that the herbicide had been applied and the weeds should be dying off in the next day or two. Mr. Brittingham stated that Mr. Carson had brought the town a long way and he wished him well.

Councilmember Lynch expressed her respect for Mr. Carson and wished him good luck.

Councilmember Purnell expressed their appreciation to Mr. Carson.

Mayor Williams asked for comments from the public. There being no comments from the public or the press, Councilmember Burrell made a motion to adjourn the meeting and the meeting ended at 8:55 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 8, 2013

### Purchase Orders

PO# 201303571 in the amount of \$1,225.00 to Capital Tristate Electrical for Hadco Light fixture replacement. Light fixture damaged on Prospect Drive. (10-4230-4041)

PO# 201400003 in the amount of \$6,000.00 to Pitney Bowes Purchase Power for FY14 postage. (01-4110-4023)

PO# 201400010 in the amount of \$4,774.35 to Maryland Municipal League for FY13-FY14 membership due and publications. (01-4110-4026)

PO# 201303073 in the amount of \$6,300.00 to Worth Construction for 860 sq. ft of sidewalk replacement for Graham Avenue. (01-4110-4080)

PO# 201400008 in the amount of \$46,949.00 to Terra Firma for Jefferson Street overlay and interlayer system. (01-4320-4092)

PO# 201400016 in the amount of \$2,559.00 to Great America Leasing. Blanket purchase order for annual cost for leasing of new copier downstairs. Monthly cost is \$213.25. (01-4110-4042)

PO# 201400052 in the amount of \$1,500.00 to D3 Corp for blanket purchase order for FY13-FY14 annual monthly contract. (01-4110-4064)

PO# 201400055 in the amount of \$1,020.00 to Comcast Cable. Blanket purchase for FY13-FY14 WIFI Service. (01-4110-4024).

PO# 201400058 in the amount of \$2,000.00 to Worcester Youth and Family Counseling for 1<sup>st</sup> quarter (July 1 – Sept 30<sup>th</sup>) expenses. (01-4500-4113).

PO# 201400049 in the amount of \$23,400.00 to Card's Computers for FY13-FY14 annual service contract. Approved by Mayor and Council on June 24, 2013. (01-4110-4122)

PO# 201400045 in the amount of \$7,053.60 to Card's Computers for FY13-FY14 licensing and renewals. Approved by Mayor and Council on June 24, 2013. (01-4110-4122)

PO# 201400040 in the amount of \$24,000.00 to Worcester Youth and Family Counseling for blanket purchase order for FY13-FY14 annual contract for Berlin Youth Program. (01-4500-4060)

PO# 201301467 in the amount of \$1,350.96 to CF Lambertson for work on the Decatur Farms Lift Station. (24-4365-4060)

PO# 201400089 in the amount of \$16,800.00 to Whaley Sign Company for 12 month billboard rental. (01-4115-4105)

PO# 201400095 in the amount of \$6,441.00 to Air Monitoring Specialists for emissions testing on #1 engine. (10-4220-4060)

PO# 201400083 in the amount of \$4,040.00 to Reliable Meter Service for meter testing required by the Public Service Commission. (10-4230-4060)

PO# 201400099 in the amount of \$6,250.00 to Schweitzer Engineering Laboratories for real time automation controller for Savage substation. (10-4230-4092)

PO# 201400108 in the amount of \$1,656.00 to Laura Allen for travel expenses for on site visit to Berlin.

### Updates

MINUTES – PARKS COMMISSION  
June 4, 2013

A meeting of the Berlin Parks Commission was held on Tuesday, June 4, 2013 at 5:30 PM. Board members Loretta Brown-Briddell, Bruce Hyder and Mike Wiley were present as well as Deputy Town Administrator Mary Bohlen and Youth Coordinator Melanie Windsor.

The Board reviewed the Minutes of May 7, 2013. Mr. Wiley moved to approve the Minutes as written and approval was unanimous.

Ms. Bohlen brought the Commission attention to a letter included in their packet from the Department of Natural Resources indicating that the application for funding under the Community Parks and Playgrounds program had been approved pending approval by the Board of Public Works.

Ms. Bohlen provided an update on the flower-bed sponsorship signs and explained that Stephen Decatur High School National Honor Society had committed to maintaining flower beds in Stephen Decatur Park. First Baptist Church Youth Group had also committed, but communication with that group had been spotty. Ms. Bohlen also indicated that she had ordered signs to be placed throughout the parks and downtown asking for sponsors.

Ms. Bohlen informed the Commission that Backyard Berlin, which had been scheduled for June 15<sup>th</sup> had been cancelled, but that the craft she had ordered could be used at National Night Out.

She also indicated that she had sent the press release for the mural contest and planned to re-send it at least monthly. She had also sent a copy of the press release and the entry form to the Worcester County Arts Council and to the Board of Education.

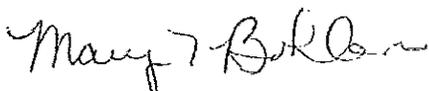
Ms. Briddell informed Ms. Bohlen that there had been a misunderstanding about the date of the tree dedication and that people had thought that it was scheduled for Memorial Day Monday. She went on to thank the rest of the Commission for all of their efforts and dedication. Ms. Bohlen apologized for not making the date and time stand-out more in the invitation.

Ms. Bohlen informed the Commission that she had received a complaint regarding the status of the tennis courts and that she had discussed this with Mr. Gibbons. Based on the suggestion of the complainant, she had also ordered signs to be placed on the gates of the tennis courts prohibiting any other activity. Brief discussion followed.

Ms. Windsor indicated that the Berlin Youth Program was gearing up for summer activities and had a barbeque planned for Monday, June 10 in Stephen Decatur Park. They would also be offering a water safety class, and possibly an ice cream social in William Henry Park at the end of the summer, among other activities.

Mr. Wiley moved to adjourn and the meeting adjourned at approximately 6:00 PM.

Respectfully Submitted,



Mary T. Bohlen  
Deputy Town Administrator  
Liaison to the Parks Commission