



Mayor & Council of Berlin

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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, JUNE 10, 2013

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

EXECUTIVE SESSION.....6:00 PM

REGULAR SESSION7:00 PM

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**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, June 10, 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 May 28, 2013
Executive Session of the Mayor and Council on May 28, 2013
Statement of Closure for Mayor and Council on May 28, 2013
2. Request for Special Event – Berlin Bathtub Races
Friday, July 12th; 6:00 p.m. – 9:00 p.m., Main Street
3. Request for Special Event – Berlin Sidewalk Sale
August 9th, 8:00 a.m. – 9:00 p.m. and August 10th, 8:00 a.m. – 6:00 p.m.
4. Motion to Approve – Contract with Goody Hill for sidewalk construction from Esham Avenue to Ann Drive
5. Public Hearing – Ordinance 2013-04
An ordinance amending Chapter 28, Article II, Division 3, entitled sidewalk obstructions, Section 28-73, entitled Obstructions prohibited; Exceptions.
6. 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
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
Tuesday, May 28, 2013

The meeting of the Mayor and Council for Tuesday, May 28, 2013 was called to order by Mayor Williams at approximately 7:10 p.m. Councilmembers Burrell, Hall, Lynch and Purnell were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Acting Finance Director Natalie Saleh, Town Attorney David Gaskill, Police Chief Arnold Downing, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, Water Resources Director Jane Kreiter, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Councilmember Brittingham 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 May 13, 2013. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0 with Councilmember Brittingham absent. Mayor Williams asked for a motion to approve the Executive minutes of May 13, 2013. Councilmember Lynch made a motion to approve the Executive minutes and council voted to approve 4-0 with Councilmember Brittingham absent. Mayor Williams stated that the Executive Session was closed for two reasons: to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction and to consult with counsel to obtain legal advice on a legal matter.

Economic and Community Development Director Michael Day came before the council requesting approval for the new event "International Day of Food and Music". The event will be held on Saturday, June 22, 2013 from 12:00 noon to 6:00 p.m. Mr. Day explained the revised road closures, the relocation of the stage to Pitts Street, the relocation of the Chamber booth to Commerce Street and that the food vendors would be located between Rayne's Reef and the Tex Mex restaurant. Mr. Day stated that the suspension of the open alcohol container law had been approved back in January. Councilmember Burrell made a motion to approve the event "International Food and Music Day" and council voted to approve 4-0 with Councilmember Brittingham absent.

Deputy Director Mary Bohlen came before the council requesting approval for the Stephen Decatur Mural Contest sponsored by the Berlin Parks Commission. The contest is open for student grades 9 through 12 to enter original artwork depicting scenes representative of Berlin. The artwork will be incorporated into a mural to be painted on the racquetball courts' outer wall in Stephen Decatur Park. Ms. Bohlen stated that the Arts Council had agreed to work with the Town and is hoping to incorporate the artwork into the 2nd Friday Art Stroll. Councilmember Hall made a motion to approve and proceed with the Stephen Decatur Mural Contest and council approved 4-0 with Councilmember Brittingham absent.

Mayor Williams announced the motion to approve a contract with John W. Salm for the design and construction drawings for the Maple Avenue and Tripoli Street Sidewalk project in the amount of \$11,375.00. The design work and plans are to be completed 6 weeks from signature of the contract. Discussion continued regarding the hedge row located at the corner of Main Street and Tripoli Street. Town Administrator Tony Carson stated that he did not anticipate many additional costs. Councilmember Purnell made a motion to approve the contract with John W. Salm in the amount of \$11,375.00 and council voted to approve 4-0 with Councilmember Brittingham absent.

Human Resources Director Jeff Fleetwood spoke to the council regarding the employee health care coverage for FY14. Mr. Fleetwood explained that if the Town had stayed with the same health plan, the result would have been an increase of 12.86% in premiums. Mr. Fleetwood stated that he had negotiated several alternate plans, however the plan that he presented and recommended would result in a net 0.76% in premiums, with no change to the employee. Also with this plan there will be an increase in the Town's portion to the HRA card. The current year contribution of \$1,500.00 will increase to \$2,000.00. Discussion followed. Councilmember Lynch stated that she had a problem with the Town absorbing all of the cost of the increase. Councilmember Burrell made a motion to approve the staff recommendation for the health care coverage for FY14 and council voted to approve 4-0 with Councilmember Brittingham absent.

Mr. Fleetwood continued his report asking for a motion to approve the policy renewal with IWIF (Worker's Compensation) for FY14. Mr. Fleetwood announced that the FY14 renewal premium increased from \$103,000.00 in FY13 to \$104,000.00 for FY14. Councilmember Burrell made a motion to approve the policy renewal with IWIF for FY14 and council voted to approve 4-0 with Councilmember Brittingham absent.

Mayor Williams announced the public hearing for Ordinance 2013-13, the Budget for FY14. Mayor Williams stated that the total budget was \$13,514,462.00 which was a 2% decrease from the FY13 budget. The budget includes a 2% increase for employees and that the property tax rate of .68 per \$100 would remain the same. There being no questions or comments from council, Mayor Williams opened the public hearing and asked for comments from anyone from the State. There being no comments, Mayor Williams asked for comments from anyone from the County. There being no comments, Mayor Williams asked for comments from anyone from the public. Mr. Joe Moore and Mr. Jay Bergey came forward and requested the council to consider funding for the Berlin Fire Company. Mr. Moore stated that he had spoken with Town Attorney David Gaskill in regards to meeting with the Mayor and Council and Mr. Gaskill had stated that no meetings would be held until the Mayor and Council had received the requested financials from the Berlin Fire Company. Mr. Moore stated that the Fire Company was requesting funding of 20% of the EMS expenses. Mayor Williams stated that he and the council had only received the financials on Tuesday and Councilmember Lynch inquired about additional information that was requested. There being no further comments, Mayor Williams closed the public hearing and asked for comments from the council. Town Administrator Tony Carson stated that the Mayor and Council had requested this information 6 months ago and that to ask staff to make a decision at this time was unfair and that the Town could always amend the budget at a later date. Councilmember Purnell stated that he wanted to resolve the situation, but the information was not received in a timely manner and was still incomplete. Councilmember Hall made a motion to approve the FY 14 Budget as submitted and council voted to approve 4-0 with Councilmember Brittingham absent. No decision was made by council to fund the Berlin Fire Company at this time.

Mayor Williams announced the introduction of Ordinance 2013-04, an ordinance amending Chapter 28, Article II, Division 3; entitled Sidewalk Obstructions, Section 28-73, entitled Obstructions prohibited; exceptions. The public hearing will be held on June 10, 2013. Town Attorney David Gaskill read the Ordinance in its entirety. Mr. Gaskill summarized the ordinance stating that the placement of tables and chairs on the sidewalks would have to obtain permission from the Mayor and Council, but sidewalks signs that are already permitted under the zoning code do not need to come before the Mayor and Council, only go through the normal application process. Mayor Williams stated that this was not a public hearing, but asked for any comments. Ms. Tracey Albrecht and her husband of 207 William Street came before the council stating their concern regarding the parking space located in front of Venable's Cleaners and stated that it has become a serious safety issue due to the fact that pedestrians are required to walk out in the street when a car is occupying the space. Mayor Williams stated that he had spoken with the head of the State Highway Administration regarding ADA compliance and that the plans had been reviewed prior to the construction and that access to the parking space could only be taken away if Venable's makes the request. Police Chief Arnold Downing stated that a review could be done after the construction is completed and speak with Venable's.

Robin Tomaselli of Baked Desserts Café stated that she was speaking on behalf of herself and several other business owners who were located on the side streets and that the use of the sandwich boards signs had increased their business exposure. She stated that 90% of her new customers had found her because of the sandwich board signs and requested that the council consider having the zoning to be re-written to allow for more than 1 sign for side businesses and that they be allowed to leave the sign out overnight. Councilmember Hall stated that her concerns about the signs were the ADA compliance and the legal liability issues. Mayor Williams asked the council to consider allowing the sandwich board signs to remain out overnight if the placement of the signs conform with ADA compliance, have the correct clearance and are not causing a problem. Discussion continued regarding the issue of businesses being allowed to have multiple sandwich board signs and areas for advertising.

Department Head reports began with Acting Finance Director Natalie Saleh reporting that she was polishing up the budget and that the stormwater fee letters had been mailed.

Deputy Town Administrator Mary Bohlen reported that the painting of the basketball courts had been completed in time for the Memorial Day weekend and parade. She also reported that the Parks Commission had held a tree dedication in Henry Park for the late Mary Burton whom had been a Parks Commission member at the time of her passing.

Public Works Director Mike Gibbons gave a photo presentation on the siding project at the Multipurpose building on Flower Street and the painting and striping of the basketball courts at Henry Park.

Water Resources Director Jane Kreiter reported that the punch list items for the Branch Street Wellhouse project and the Route 818 project were being completed and that the construction of the new spray site was moving a little slower than she had hoped. She stated that the West Street Stormwater Project was complete and that she would be presenting pictures at the next meeting. She reported that her department had been moving meters and valves for installation of the new sidewalks at Jefferson, Washington & Flower Streets and Maple Avenue.

Electric Utility Director Tim Lawrence reported that 2 poles had been replaced on Tingle Road and one pole relocated at Bay Street for a new service. Mr. Lawrence also reported on the power outage on Ann Drive and that they were prepping at the Power Plant for the peak shaving season.

Police Chief Arnold Downing reported on a busy Memorial Day weekend and stated that his department would be focusing on the schools for the remainder of the school year. Chief Downing then spoke on the Buckle Up for a Buck, Penny for Luck program.

Human Resources Director Jeff Fleetwood reported that the employee's benefits fair had been held last week. He also reported that interviews would be held for the seasonal employees to be placed in the Water Resources and Electric departments. Also interviews are forth coming for the full time employees for the Water Resources departments.

Economic and Community Development Director Michael Day reported that Castaways would begin their shuttle runs to the Town starting tomorrow. He announced that Berlin Main Street had received the National Main Street accreditation and spoke of the various meetings he would be attending.


Town Administrator Tony Carson announced that the Town had received the signed State Highway approval for the Broad Street sidewalk project from Esham Avenue to Ann Drive. He then requested approval for 4 purchase orders (201302817, 201303173, 201303239 and 201303216). Councilmember Hall made a motion to approve the 4 purchase orders as submitted and council voted to approve 4-0 with Councilmember Brittingham absent.

Mayor Williams asked for comments from the council. Councilmember Hall thanked the Electric department for their assistance regarding the power outage at her home. Councilmember Burrell stated that he would like to have the Town evaluate what items are currently on our sidewalks downtown. He suggested that Mayor, Council and staff analyze if the concern regarding the parking space at Venables is valid and if so, work together to solve the problem.

Mayor Williams asked for comments from the public or the press.

Councilmember Lynch made a motion to adjourn the meeting and the meeting ended at 9:29 p.m.

Respectfully submitted


Sharon Timmons
Administrative Assistant

ORDINANCE NO. 2013-4

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 28, ARTICLE II, DIVISION 3, ENTITLED SIDEWALK OBSTRUCTIONS, SECTION 28-73, ENTITLED OBSTRUCTIONS PROHIBITED; EXCEPTIONS

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT CHAPTER 28, ARTICLE II, DIVISION 3, SECTION 28-73 BE AMENDED AS FOLLOWS:

Section 28-73. Obstructions prohibited; exceptions.

- A. It shall be unlawful except with the permission of the Mayor and Council for the owner or occupant of any premises within the corporate limits of the town to place, erect or store, or to cause or permit to be placed, erected or stored on the sidewalk abutting his premises any articles, chattels, TABLES AND CHAIRS or merchandise of any type, except that this article shall not apply to placing or maintaining on said portion of the sidewalk any scales or weighing devices, stands for the use in selling newspapers or stone flower boxes. THE MAYOR AND COUNCIL SHALL NOT PERMIT ANY ARTICLES, CHATTELS, TABLES AND CHAIRS OR MERCHANDISE OF ANY TYPE TO BE PLACED ON A SIDEWALK UNLESS SAID OBSTRUCTING ITEMS COMPLY WITH AND MEET THE MINIMUM SIDEWALK ACCESSIBILITY STANDARDS CONTAINED IN THE MARYLAND STATE HIGHWAY ADMINISTRATION'S ACCESSIBILITY POLICY AND GUIDELINES FOR PEDESTRIAN FACILITIES ALONG STATE HIGHWAYS, JUNE 2010 EDITION.
- B. ANY SIDEWALK SIGN PERMITTED TO BE PLACED IN A COMMERCIAL DISTRICT PURSUANT TO CHAPTER 108, ARTICLE X, SECTION 108-91 OF THE TOWN CODE SHALL BE EXEMPT FROM THE REQUIREMENT OF SEEKING PERMISSION OF THE MAYOR AND COUNCIL FOR THE PLACEMENT OF SAID SIDEWALK SIGN; BUT SHALL COMPLY WITH AND MEET THE MINIMUM SIDEWALK ACCESSIBILITY STANDARDS CONTAINED IN THE MARYLAND STATE HIGHWAY ADMINISTRATION'S ACCESSIBILITY POLICY AND GUIDELINES FOR PEDESTRIAN FACILITIES ALONG STATE HIGHWAYS, JUNE 2010 EDITION.

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: Anthony Carson, Town Administrator

TOWN ADMINISTRATOR'S REPORT
June 10, 2013

Purchase Orders

PO# 201303272 in the amount of \$1,188.00 to Public Engines Inc. for annual subscription to Crimereports.com. (01-4200-4060)

PO# 201303317 in the amount of \$5,696.00 to Capital Tristate Electrical for replacement globes for downtown Hanover street lights. PO does not include shipping costs. (10-4230-4092)

PO# 201302400 in the amount of \$2,313.86 to Harris Corporation for service, maintenance and labor for hand radios for Police department. (01-4200-4060)

PO# 201302836 in the amount of \$2,496.63 to Hill's Electric Motor Service for repair of decant motor for the digester. (24-4370-4041)

Updates