



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
Laura Allen

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

TUESDAY, NOVEMBER 12, 2013

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

EXECUTIVE SESSION.....6:30 PM

REGULAR SESSION7:00 PM

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Laura Allen, 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
Tuesday, November 12, 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 October 28, 2013
2. Presentation – Sandpiper Utility
3. Motion to Approve - Pocomoke Floodplain Restoration
4. Introduction and 1st Reading – Ordinance 2013-06, Parks
Public Hearing to be held November 25, 2013
5. Motion to Approve – Stephen Decatur Park Mural Grant Application
 - a. Humphrey's Foundation
 - b. Worcester County Arts Council
6. Departmental Reports
 - a. Finance – Natalie Saleh
 - 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 – Dave Engelhart
 - h. Human Resources – Jeff Fleetwood
 - i. 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
Monday, October 28, 2013

The meeting of the Mayor and Council for Monday, October 28, 2013 was called to order by Mayor Williams at approximately 7:00 p.m. Councilmembers Hall, Burrell, Lynch and Brittingham were present, as well as Town Attorney David Gaskill, Town Administrator Laura Allen, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Planning Director Dave Engelhart, Corporal Michael O'Connor, Water Resources Director Jane Kreiter, Public Works Director Mike Gibbons, Human Resources Director Jeff Fleetwood, Electric Utility Director Tim Lawrence, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Councilmember Purnell and Police Chief Arnold Downing were 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 October 15, 2013. Councilmember Lynch stated that the words "of the" on Page 3, Paragraph 1, Sentence 2 needed to be removed. Councilmember Brittingham made a motion to approve the minutes as corrected and council voted to approve 4-0 with Councilmember Purnell absent. Mayor Williams then asked for a motion to approve the Executive Session minutes of October 15, 2013. Councilmember Lynch made a motion to approve the Executive session minutes of October 15th and council voted unanimously to approve 4-0 with Councilmember Purnell absent. Mayor Williams stated that the Executive Session was closed for two reasons: (1) 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 (2) to consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

Economic and Community Development Director Michael Day came before the council to request approval for the Berlin Tree Lighting and Holiday Arts Night event to be held on Friday, November 29 from 5:30 p.m. to 9:00 p.m. Councilmember Burrell made a motion to approve the Berlin Tree Lighting and Holiday Arts Nights for Friday, November 29th and council voted to approve 4-0 with Councilmember Purnell absent.

Mr. Day then requested approval for the event known as the New Year's Eve Ball Drop to be held on Tuesday, December 31st from 6:00 p.m. to 1:00 a.m. Discussion continued. Councilmember Hall made a motion to approve the New Year's Eve Ball Drop event for December 31st and council voted to approve 4-0 with Councilmember Purnell absent.

Ms. Amy Jacobs, Director of the Watershed Restoration for the Nature Conservancy, gave a powerpoint presentation on the efforts they are making in regards to restoring the flood plains along the Pocomoke river. Ms. Jacobs has obtained commitments from three property owners adjacent to the spray site, for easements to restore the original floodplains. She asked for support from the Town as well as access to our property along the river. The plan is to reduce the levees that were created many years ago when the riverbanks were straightened out. Breaching the levees will provide flood retention, help to cleanse the water, reduce velocity and reduce erosion. The Town will incur no costs as the project will be funded entirely by the Department of Natural Resources with the Nature Conservancy handling the administrative and permitting paperwork.

The Mayor and Council are invited to participate in a field site visit on November 8th at 1:00 p.m. The trip will include visits to areas which have had the floodplains re-established and new areas which are being considered for restoration. Ms. Jacobs will be appearing before the Mayor and Council again on November 12th for council's decision.

Mr. Pete Livolsi, Managing Partner of Siculi's came before the council to request the placement of two additional tables with two chairs each outside of their storefront bringing the total to four tables with two chairs each. The additional tables would not impact the ADA sidewalk requirements. Councilmember Lynch made a motion to approve the request for the placement of two additional tables with two chairs each in front of Siculi's storefront and council voted 3-1 in favor of the request with Councilmember Burrell opposed and Councilmember Purnell absent. Councilmember Lynch then inquired if alcohol would be served at these tables and Mr. Livolsi stated no. Councilmember Lynch then asked to amend her motion to include that no alcohol be allowed to be served at the outdoor tables unless it is an approved event and council voted 3-1 to amend the motion with Councilmember Burrell opposed and Councilmember Purnell absent.

Mayor Williams announced Proclamation 2013-20, which proclaims November to be Municipal Government Works Month. Mayor Williams read the Proclamation in its entirety. No further action by council was needed.

Mayor Williams announced the Public Hearing for Ordinance 2013-07, an ordinance amending Chapter 12, Elections. The ordinance changes the wording in Section 12-130 (7) from "no longer" to "not". Mayor Williams opened the Public Hearing and asked for comments from anyone from the State, County or public. There being no comments, Mayor Williams closed the Public Hearing. Councilmember Burrell made a motion to approve Ordinance 2013-07 and council voted to approve 4-0 with Councilmember Purnell absent.

Deputy Town Administrator Mary Bohlen stated that she had spoken with the Board of Supervisors of Elections regarding the changes proposed in Resolutions 2013-09, 10, 11, 12, and 13 and that the board had no objections. Town Attorney Gaskill stated that each Resolution would need to be approved separately.

Resolution 2013-09 would amend the Town Charter by adjusting the Town Election Day from the second Tuesday in October to the first Tuesday in October to alleviate any issues resulting from the Columbus Day holiday. Section C6-9 B of the Resolution would change the wording to reflect which seats fall for election in 2014 and which seats fall for election in 2016. Wording in Section C6-9 C of the Resolution would change to reflect that if only one person has filed for candidacy as Mayor, Councilmember at Large or Councilmember of a specific district, that person shall be considered the successful candidate and the scheduled Election for that office shall be cancelled. Councilmember Brittingham made a motion to approve Resolution 2013-09 and council voted to approve 4-0 with Councilmember Purnell absent.

Resolution 2013-10 adjusts the scheduled expiration date of council member's terms per the date change in Resolution 2013-09. Mayor Williams asked for approval of Resolution 2013-10 and council voted to approve 4-0 with Councilmember Purnell absent.

Resolution 2013-11 changes the meeting date of the council after an election to the next regular scheduled date as opposed to specifying the second Monday. Mayor Williams asked for approval of Resolution 2013-11 and council voted to approve 4-0 with Councilmember Purnell absent.

Resolution 2013-12 changes the swearing in date of the Mayor after an election to the next Monday on which a regularly scheduled meeting is held. Mayor Williams asked for approval of Resolution 2013-12 and council voted to approve 4-0 with Councilmember Purnell absent.

Resolution 2013-13 adjusts the deadline for candidacy filing to 28 days prior to election as opposed to the second Monday in September and establishes a filing deadline for write in candidates. It also addresses the withdrawal of a candidate and inclusion on the ballot. Mayor Williams asked for approval of Resolution 2013-13 and council voted to approve 4-0 with Councilmember Purnell absent.

Deputy Town Administrator Mary Bohlen began the discussion on Ordinance 2013-06, Parks. Ms. Bohlen stated that the wording of Item 10 was changed to clarify the same intent as previously submitted, that neither the park nor its facilities could be used for any activity in which money is exchanged for goods or services without the express permission from the Mayor and Council. Ms. Bohlen also explained the difference between a vendor permit and a business license. Councilmember Lynch noted that the wording for Item #8 referencing the hours for use of the tennis courts, was incorrect. Ms. Bohlen indicated that it would be corrected for the first reading. If acceptable, the first reading will be held on November 12th with the public hearing to be held on November 25th.

Water Resources Director Jane Kreiter explained the request to amend the contract with URS Engineering for the cost increase of \$24,113.00 to the engineering services and the cost increase of \$3,838.00 for the construction phase of the Five Mile Branch Spray Irrigation System with an extension of time through December 31, 2013. Councilmember Hall made a motion to approve the amendment of the contract with URS Engineering for the cost increase of \$24,113.00 for the engineering services and \$3,838.00 for the construction phase and a time extension through December 31, 2013 associated with the Five Mile Branch Spray Irrigation System. Council voted to approve 4-0 with Councilmember Purnell absent.

Mayor Williams read a letter he had written to County Commissioner President Bud Church regarding the interest in the mixed use development of 120 acres of land at the intersection of Seahawk Road and Route 50 by 9828 Seahawk Road LLC. The area in question would need to be annexed into the Town and changes made to the current zoning classifications. Discussion continued. Councilmember Lynch inquired if the Town could incorporate certain conditions into the annexation agreement and Town Attorney Gaskill replied yes. Councilmember Brittingham made a motion to support Mayor Williams to send the letter to the County Commissioners and council voted to approve 4-0 with Councilmember Purnell absent.

Department Head reports began with Finance Director Natalie Saleh stating that she and Laura Allen had met with Pigg, Krahl and Stern regarding the review of the draft audit report. She announced that PKS would be presenting the final audit report to the Mayor and Council at the December 9th meeting. Councilmember Lynch requested that the Mayor and Council be provided with a copy of the report and management letter at least one week prior to the meeting.

Deputy Town Administrator Mary Bohlen reported that she had placed correspondence in the packet relating to revisions to the FEMA maps. She announced that copies of the map with the proposed changes were on display at both Town Hall and the Planning & Zoning building. Mayor Williams asked if a notice could be placed in the utility billing regarding the scheduling of a public meeting. Ms. Bohlen stated that she had also included a copy of the expenses incurred by WYFCS in the same section. Ms. Bohlen announced the Just Walk event on November 9th at Stephen Decatur Park and that the first November Mayor and Council meeting would be held on Tuesday, November 12th due to the Veteran's Day holiday.

Public Works Director Mike Gibbons reported that the paving on Maple Avenue would begin at the end of the week and should take about 3 days to complete. Mr. Gibbons also spoke on the Bulk Pickups to be held on November 6th and 20th and the status of the submerged wetland project. Mr. Gibbons announced that Sandpiper Utility was currently installing gas lines at the location of the high school and middle school and would like to make a formal presentation to the Mayor, Council and residents at the November 12th meeting.

Water Resources Director Jane Kreiter reported that she, Mayor Williams and Darl Kolar had made a presentation to the Salisbury council regarding the creation of a stormwater utility. She also announced that the Town had received grant funding from FEMA for the purchase of a new emergency generator at the wellhouse located on Branch Street.

Electric Utility Director Tim Lawrence reported on the relocation and replacement of utility poles on Burley Street, Tingle Road and the corner of Elizabeth Street and Maple Avenue. He announced that the Town should receive shipment of the wind turbine next week and that his department was preparing for the installation of Christmas lights throughout town. Mr. Lawrence stated that discussions were being held regarding the expansion of the AMI meter project. Mr. Lawrence inquired if the Town would be providing electric service to the proposed area for annexation and development off of Seahawk Road. Mayor Williams stated no and discussion continued about tariff boundaries.

Planning Director Dave Engelhart reported on the demolition of two homes on Pitts Street and the cleanup of the property located at 313 North Main Street.

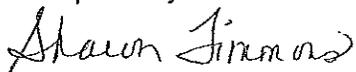
Human Resources Director Jeff Fleetwood reported that he would be attending a liability seminar in Annapolis October 30th & 31st. He continued that the AED/CPR class had been rescheduled to November 6th and that he was waiting on a confirmation date for the Home Emergency Preparedness Class.

Economic and Community Development Director Michael Day reported on the success of Octoberfest and thanked the Electric and Public Works departments for their assistance. He also announced that WBOC had been in town to film for Victorian Christmas and that the business's concerns have been alleviated regarding the installation of sidewalks.

Town Administrator Laura Allen presented 9 purchase orders (201400914, 201401225, 201401315, 201401115, 201401322, 201401320, 201401087, 201401356 and 201401371) for approval. Councilmember Lynch inquired about the funding for the Tahoe. Ms. Saleh and Mr. Fleetwood both noted that monies received on July 19th from LGIT against the total loss of two police vehicles would be applied to the cost for the Tahoe. Councilmember Brittingham made a motion to approve the 9 purchase orders as presented and council voted unanimously to approve 4-0 with Councilmember Purnell absent.

Mayor Williams asked for comments from the council. Councilmember Burrell inquired about the status of a job position and Mr. Fleetwood stated that it had been posted in the local newspapers and on the town website. Brief discussion continued about updating the webpage. 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 8:40 p.m.

Respectfully submitted

A handwritten signature in cursive script that reads "Sharon Timmons".

Sharon Timmons
Administrative Assistant

ORDINANCE 2013-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 20, PARKS

Be it resolved by the Mayor and Council of the Town of Berlin that Chapter 22, Article III, Sections 22-49 and 22-50 be amended as follows:

Sec. 22-49. - Rules and regulations.

The rules and regulations for the use of the parks are as set forth herein:

- (1) The washing, waxing, cleaning or repairing of any type of motor vehicle shall be prohibited in the parks; except repairs of an emergency nature.
- (2) The driving or parking of unauthorized motor vehicles in any area of the parks not designated as a parking area or otherwise authorized by the police department of the town shall be prohibited.
- (3) No motor vehicle shall be parked in the parks, whether in the parking areas or otherwise, overnight.
- (4) No mobile home or any other type of structure shall be used for sleeping in the parks, including the parking areas thereof, without permission being obtained from the Mayor and Council.
- (5) No bicycles or other pedal-operated vehicles shall be allowed in the parks except in the parking lots or in areas designated for the riding of said vehicles.
- ~~(3)(6)~~ No animal of any type shall be allowed to occupy the parks of the town except if said animal is on a leash and under the control of the owner or owner's agent.
- ~~(4)~~ No bicycles or other pedal-operated vehicles shall be allowed in the parks except in the parking lots or in areas designated for the riding of said vehicles.
- ~~(5)~~ No motor vehicle shall be parked in the parks, whether in the parking areas or otherwise, overnight.
- ~~(6)~~ No mobile home or any other type of structure shall be used for sleeping in the parks, including the parking areas thereof, without permission being obtained from the Mayor and Council.
- (7) No open container of alcoholic beverages shall be possessed in any of the parks.
- ~~(8)~~ The lighted tennis courts and handball courts located in the Stephen Decatur Park shall be permitted to be used after sunset up to and including the hour of 11:00 p.m. upon the prior reservation request's being granted by the police department. Any play on said courts after the hour of 11:00 p.m. and prior to sunrise shall be prohibited.
- ~~(8)~~ Any vehicle violating any rules or regulations as herein set forth shall be removed and towed at the expense of the owner and operator.

- ~~(9) — The lighted tennis courts and handball courts located in the Stephen Decatur Park shall be permitted to be used after sunset up to and including the hour of 11:00 p.m. upon the prior reservation request's being granted by the police department. Any play on said courts after the hour of 11:00 p.m. and prior to sunrise.~~
- (9) All facilities and equipment shall be used in the manner intended; no other use shall be permitted without the express written permission of the Mayor and Council.
- (10) No use of the facilities, equipment, or any area of the parks for any activity in which money is exchanged for goods or services shall be permitted without the express written permission of the Mayor and Council. Such authorized activities shall also be subject to the provisions of chapter 8 of this Code, as applicable.

Sec. 22-50. – Violations and penalties.

Any violations of the provisions of this chapter shall be punishable, upon conviction, as a municipal infraction as set forth in article IV of chapter 2 of this Code.

Any vehicle violating any rules or regulations as herein set forth shall be removed and towed at the expense of the owner or operator.

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, Sr., Vice-President

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

Wm. Gee Williams, III, Mayor

TOWN ADMINISTRATOR'S REPORT
November 12, 2013

Purchase Orders

PO# 201401368 in the amount of \$1,118.00 to National Business Furniture for new desk and shipping charges for Town Administrator. (01-4110-4050)

PO# 201401408 in the amount of \$3,303.00 to Food Lion for gift cards. Cost to be shared amongst all departments.

PO# 201401456 in the amount of \$3,100.00 to DBA Ice Machines Plus for ice machine. Cost to be shared amongst five departments (01-4320-4092, 10-4220-4092, 10-4230-4092, 20-4330-4092 and 24-4380-4092)

PO# 201401469 in the amount of \$1,425.00 to Business Card of America for Tervis tumblers with Town seal. (01-4110-4076)

PO# 201401316 in the amount of \$1,951.60 to Rayne's Sand & Gravel for crushed stone for Flower Street project. (01-4320-4092)

PO# 201401518 in the amount of \$1,156.99 to Card's Computers for new desktop PC and monitor for Planning office. (01-4400-4053)

Updates