



Mayor & Council of Berlin



BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

MONDAY, SEPTEMBER 10, 2012

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

EXECUTIVE SESSION6:30 PM

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
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, September 10, 2012**

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 August 27, 2012
Executive Session of the Mayor and Council on August 27, 2012
Statement of Closure for Mayor and Council on August 27, 2012
2. Request for Special Event – Fall Cruisers
October 6, 2012 from 10 a.m. to 2 p.m.; Main Street
3. Request for Special Event – Worcester Youth and Family Counseling
Use of Farmer’s Market Parking Lot October 27th for Halloween
4. Public Hearing – Ordinance 2012-09
An ordinance amending Chapter 6, Buildings, Building Regulations and Sprinklers.
5. Motion to Approve – Proposal submitted by Davis, Bowen & Friedel on evaluation of
Lift Station at 346 West for sewer capacity for Route 818 Water and Sewer
Extension Project.
6. Motion to Approve – Proposal from Royal Plus Inc. for removal of asbestos at 210
Flower Street.
7. Departmental Reports
 - a. Finance – Lynn Musgrave
 - 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 and Zoning - Chuck Ward
 - h. Human Resources – Jeff Fleetwood
 - i. Economic and Community Development – Michael Day
8. 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, August 27, 2012

The meeting of the Mayor and Council for Monday, August 27, 2012 was called to order by Mayor Williams at approximately 7:00 pm. Councilmembers Lynch, Purnell, Hall, Brittingham and Burrell were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Electric Utility Director Tim Lawrence, Town Attorney David Gaskill, Finance Director Lynn Musgrave, Water Resources Director Jane Kreiter, Public Works Director Mike Gibbons, Police Chief Arnold Downing, Planning and Zoning Director Chuck Ward, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Deputy Town Administrator Mary Bohlen was absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Regular Session Minutes of August 13, 2012. Councilmember Brittingham made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams then asked for a motion to approve the Executive Session minutes of August 20, 2012 and Councilmember Brittingham stated that Councilmember Purnell's name had been omitted. Councilmember Brittingham made a motion to approve the minutes as corrected and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed to discuss a personnel matter.

Mr. John Oltman came before the council requesting the approval of the event known as the Charles A. Tindley Gospel Festival to be held on Saturday, September 15th from the hours of 10 a.m. to 6:00 p.m. at the Multipurpose Building on Flower Street. Councilmember Burrell made a motion to approve the event and council voted unanimously to approve 5-0.

Mayor Williams announced the Public Hearing for Ordinance 2012-08, an ordinance adopting and enacting a new code for the Town of Berlin. Mayor Williams opened the Public Hearing and asked for comments from anyone from the State or County. There being no comments, Mayor Williams asked for comments from the public. Hearing no comments, Mayor Williams closed the Public Hearing and asked council for a motion to approve Ordinance 2012-08. Councilmember Purnell made a motion to approve Ordinance 2012-08 and council voted unanimously to approve 5-0.

Mayor Williams introduced Ordinance 2012-09, an ordinance amending Chapter 6, Building and Building Regulations and Sprinklers. The public hearing will be held on September 10, 2012. Planning and Zoning Director Chuck Ward summarized that the new 2012 International Building Code would carry forth all past changes including the sprinkler exemption. Councilmember Lynch noted that on page 1, Section 6-20 (b), that 2000 had been crossed through, but 2012 had not been inserted as it had in other instances throughout the document. Mr. Ward stated that he would investigate and if needed, revise the document for review at the next meeting and also informed the council that if they wished to continue with the exemption regarding the sprinklers, an ordinance stating such would have to be adopted by October 1st.

Mayor Williams read a statement regarding the re-allocation of \$557,360.00 originally budgeted for the Berlin Fire Company back to the contingency fund for FY13. The Town is transferring these funds back to the contingency fund in the hopes that the current issues with the Berlin Fire Company can be resolved. Councilmember Lynch motion to approve the Budget Amendment for FY13 transferring the \$557,360.00 into the Town's contingency fund for FY13 and council voted unanimously to approve 5-0.

Public Works Director Mike Gibbons gave a powerpoint presentation regarding the request for the motion to approve the contract with Terra Firma for \$65,161.00 for asphalt work on to be completed on Germantown Road and Buckingham Lane. Mr. Gibbons's presentation showed the various areas slated for work and the associated costs. Mayor Williams asked Chief Downing to come up with a strategy regarding two parking spaces near the Farmer's Market area. Mr. Gibbons stated that the work should be completed by mid-October. Councilmember Brittingham asked Mr. Gibbons to make sure the contractor is aware of how busy Flower Street is during school opening and school closing and that flaggers may be necessary. Councilmember Burrell stated that he was very happy with the work that was taking place on Germantown Road and with that he made a motion to approve the contract with Terra Firma in the amount of \$65,161.00 for work on Germantown Road and Buckingham Road. Council voted unanimously to approve 5-0.

Mr. Gibbons continued his report requesting a motion to approve the contract with Worth Construction for \$64,835.00 regarding the concrete work for Flower and Main Streets, Franklin Avenue and an area in front of Town Hall. Mr. Gibbons stated that the work should be completed by mid-October. Councilmember Purnell made a motion to approve the contract with Terra Firma for the amount of \$64,835.00 and council voted unanimously to approve 5-0.

Water Resources Director Jane Kreiter explained that the Town Standards require a two compartment grease trap for all restaurants, but because of limited space at Burleigh Inn Tavern, it will not fit on the property. A recommendation had been made by engineers Davis, Bowen & Friedel for the installation of a 20GPM Grease Trap with the condition of a monthly maintenance and cleaning. Councilmember Lynch inquired as to whom pays DBF for their evaluation and Mr. Carson stated the owner. Councilmember Brittingham made a motion to approve the installation of the 20 GPM grease trap for the Burleigh Inn Tavern and council voted unanimously to approve 5-0.

Departmental reports began with Finance Director Lynn Musgrave reporting that the auditors would be here Wednesday and Thursday for their preliminary work. She also stated that she was still working on revenues numbers for FY12.

Public Works Director Mike Gibbons reported that his department had repaired potholes on Franklin, Washington and Flower Street and had worked with State Highway to install a new pipe and catch basin at 302 Broad Street. Mr. Gibbons stated that the Public Works department would be conducting a bulk pickup on Wednesday, September 5th due to the rain storm and flooding which occurred on Saturday, August 25th. This notice will be put on the website. He also reported that the masonry work on Town Hall would begin tomorrow and take about 4 days to complete.

Water Resources Director Jane Kreiter reported that the installation of the liner at the new spray site should be completed this week. She also stated that she had checked the NOAA website and that the storm which occurred on Saturday had dumped 13 and a half inches in a 10-12 hour time span and was considered a 1000 year storm.

Electric Utility Director Tim Lawrence reported that his department was assisting with the flagging duties for the Broad Street sidewalks and that they had also installed a new service for a residence on Pitts Street. He explained the Rice rule and stated that vendors were in the process of providing quotes for the oxidation catalyst for the Power Plant.

Police Chief Arnold Downing gave a special thanks to employees David Wheaton and Jamey Latchum for their assistance with water rescues during the storm. He also thanked the Berlin Fire Company, Police department and the Department of Natural Resources for their assistance with rescues.

Councilmember Lynch inquired about the construction of a garage on Pitts Street and inquired about the construction of the house. Mr. Ward stated that the garage was being constructed first in order to store materials for the construction of the home.

Economic and Community Development Director Michael Day reported on the various meetings he would be attending this week.

Town Administrator Tony Carson recognized the Mayor and Council on their integrity and commitment and support of the town employees. He then presented and requested approval of 6 purchase orders (201300477, 201300478, 201300318, 2013000073, 201300542 and 201300544). Councilmember Brittingham made a motion to approve all 6 purchase orders and council voted unanimously to approve 5-0.

Mayor Williams acknowledged the efforts of all of the town departments, State Highway and the Berlin Fire Company during the storm. He also asked that property owners look at their own properties to see if there are things that they could do to help eliminate flooding.

Councilmember Burrell inquired about the electric outage. Electric Utility Director Tim Lawrence showed the different circuits throughout town and explained how the outage affected the town. He also stated that crews from the different departments were working from 9:00 p.m. Saturday until 11:00 a.m. Sunday.

Mayor Williams asked for comments from the public. Mr. Ron Facello, HOA President of the Townes of Berlin thanked Mr. Lawrence and the electric department since their development never lost power during the storm, but asked the council for assistance regarding the flooding problem. Mayor Williams stated that once the Town receives the study conducted by the University of Maryland, the Town will have a better idea of where to start and explained that the town would need the support from the residents if a stormwater utility were to be established. Andrea Gilbertson of Jamestown Place on William Street stated her frustration at the severe flooding in her development. She explained that it seemed that all of the water and debris came from other areas onto William Street. Zander Baker of Showell Street spoke of water in his kitchen. Councilmember Brittingham told Mr. Baker that the area where he resides was considered a priority area in the study because of the ditch and the pipe. Randy Walter of 209 West Street stated he was grateful for the plans of the Town to remedy the flooding situation. Mr. Walter asked if it would be possible to try and contact the Governor to see if Berlin could be declared a disaster area so that residents who suffered from the storm would be able to receive some assistance. Mr. Joe Shelton of 8 Franklin Square suggested that the Mayor and Council get together with the Berlin Fire Company and work things out behind closed doors. Mr.

Jerome Wharton of Hudson Street asked where the flood zone begins. Mr. Carson stated that he would be in Annapolis on Wednesday and would make inquiries regarding any assistance that may be available. Roxie Dennis, President of the Worcester branch of the NAACP commended the town for the work it is doing.

Planning and Zoning Director Chuck Ward showed a map of the town on the screen indicating the floodplain areas.

Mayor Williams asked for comments from the press. There being no comments, Councilmember Lynch made a motion to adjourn the meeting and the meeting ended at 8:30 p.m.

Respectfully submitted

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

Sharon Timmons
Administrative Assistant

ORDINANCE 2012-09

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A
MARYLAND MUNICIPAL CORPORATION, AMENDING
CHAPTER 6, Buildings and Building Regulations.**

WHEREAS, The Mayor and Council of Berlin have determined that, in order to provide for the safety of the Town's residents and visitors, adherence to the most current building codes and standards is of great importance, AND

WHEREAS, pursuant to State Law the Maryland Codes Administration has established the 2012 International Building Code and the 2012 International Residential Code, et al, as the Maryland Building Performance Standards by COMAR Regulation 05.02.07, AND

WHEREAS, each local jurisdiction within the State must enforce these standards, AND

WHEREAS, local jurisdictions may make local amendments to modify the provisions of the Standards to address conditions peculiar to the local jurisdiction's community, AND

WHEREAS, the Mayor and Council of Berlin have deemed it necessary and appropriate to amend said Standards to carry forward certain local amendments to prior building codes and to ensure consistency with other state and local regulations,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that the following local amendments to the Maryland Performance Building Standards are hereby adopted by amending Chapter 6 of the Town Code as follows:

Sec. 6-20. Adoption of International Building Code.

- (b) The Department of planning and zoning adopted the ~~2000~~ **2012** International Building Code as the Maryland Building Performance Standards by regulation (COMAR Title 5, Subtitle 2, Chapter 7), with the following modifications:

The provisions of Chapter 30 of the ~~2000~~ IBC relate to elevators and conveying systems and are in addition to and not instead of the requirements set forth in Md. Public Safety Code Ann. § 12-801 et seq. In the event of a conflict between IBC and the Annotated Code of Maryland, the requirements of the Annotated Code of Maryland shall prevail.

Add footnote to Chapter 34 of the ~~2000~~ IBC:

Existing structures provisions of the IBC are replaced by the Maryland Building Rehabilitation Code Department of Housing and Community development under Md. Public Safety Code Ann. § 12-1001 et seq.

Sec. 6-21. Standard codes adopted.

The Town of Berlin adopts the following standard codes:

- (a) The International Building Code ~~2000~~ **2012** Edition, as amended from time to time.
- (b) The International Residential Code ~~2000~~ **2012** Edition, as amended from time to time.
- (c) The State of Maryland Mechanical Code, as amended by the State of Maryland.
- (d) The State of Maryland Plumbing Code, as amended by the State of Maryland.

- (e) The International Energy Conservation Code ~~2000~~ **2012** Edition, as amended from time to time.
- (f) The Town of Berlin, Maryland adopts Chapter One, Administration, of the ~~2000~~ **2012** International Building Code. Chapter One, Administration, of the ~~2000~~ **2012** IBC shall be the administrative chapter for the enforcement of regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings, duplexes and townhouses not more than three stories in height with a separate means of egress and their accessory structures.

Sec. 6-22. International Building Code amendments.

The following additions and deletions are made to the International Building Code (~~2000~~ **2012**):

Chapter One of the International Building Code (~~2000~~ **2012**) is adopted with the following modifications:

Section 101.1, Title: These regulations shall be known as the Building Code of the ~~town~~ **Town of Berlin**, Maryland, herein referred to as "this code."

Delete Section 101.4.1, Electrical, in its entirety and adopt the National Electric Code.

Delete Section 101.4.2, Gas, in its entirety and adopt the State of Maryland Plumbing Code.

Delete Section 101.4.4, Plumbing, in its entirety and adopt the State of Maryland Plumbing Code.

~~Delete Section 101.4.5, Property maintenance, in its entirety.~~

Delete Section 101.4.6, Fire prevention, in its entirety and adopt the State of Maryland Fire ~~Law~~ **Prevention Code**.

Add 105.3.3 to read:

Any property upon which is proposed a building addition, accessory structure, interior renovation, roofing, siding, window replacement, deck, driveway installation or other such site modification project is subject to the review and approval of the applicable Town of Berlin departments. Permits and/or approvals must be received in writing prior to the commencement of any work.

Sec. 6-23. International Residential Code amendments.

The following additions and deletions are made to the International Residential Code (~~2000~~ **2012**):

~~Delete Chapter 1, Administration, adopted through IBC, IPMC and Berlin Town Code.~~

Section 3. One and Two Family Dwelling Code - Amendments.

The provisions of the International Residential Code for 1 and 2 family dwellings 2012 Edition as incorporated in COMAR 05.02.07 are modified, deleted, substituted, or added to as follows:

Chapter 1. Administrative.

Chapter 1 of the International Residential Code for 1 or 2 family dwellings is hereby deleted in its entirety and replaced with Chapter 1 of the International Building Code 2012 Edition as amended herein.

Section R - 301.2.

Climatic and Geographic criteria shall be amended so that Table R301.2(f) shall read as follows:

**TABLE R301.2(1). CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA
SUBJECT TO DAMAGE FROM:**

ROOF SNOW LOAD	Grd WIND Snow	SPEED(c) Load (MPH)	SEISMIC DESIGN CATEGORY (d)	WEATHERING (a)	FROST LINE DEPTH (b)	TERMITE	DECAY	WINTER DESIGN TEMP (d)	FLOOD HAZARDS (e)	ICE BARRIER UNDERLAYMENT	AIR FREEZING INDEX	MEAN ANNUAL TEMP
20psf	20psf	100/NO	A	Severe	24"	Moderate/ Heavy	Slight to Moderate	75f	Per FIRM Maps	NO	250	56F

Delete Chapters 12 and 20 and replace with the State of Maryland Mechanical Code.
Delete Chapters 19, 21, and 23 through 32 and replace with the State of Maryland Plumbing Code.

Delete Chapters 33 through 40 and 42 and replace with the National Electric Code.

Adopt Appendix G in its entirety.

Add an exception to Section 303.4.1, Light activation, and amend to read:

The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any steps. The illumination of the exterior stairway shall be controlled from inside the dwelling unit.

Exceptions:

1. Lights that are continuously illuminated or automatically controlled.
2. Interior stairways consisting of fewer than six steps.

Delete the Exception 1 of Section 312.1.2 and amend to read:

312.1.2 Landings and doors: There shall be a floor or landing on each side of exterior door.

Exceptions:

1. If a stairway of three or fewer risers is located on the exterior side of a door, other than the required main exit door, a landing is not required for the exterior side of the door.

Delete the first sentence in Section 314.2, Treads and risers, and amend to read:

The maximum riser height shall be eight inches, and the minimum tread depth shall be 10 inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (two percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch.

Delete Section 315.1, Handrails, and amend to read:

Handrails shall be provided on at least one side of stairways consisting of three or more risers. Handrails shall have a minimum height of 34 inches and a maximum height of 38 inches measured vertically from the nosing of the treads. All required handrails shall be continuous the full length of the stairs from a point directly above the top riser to a point directly above the lowest riser of the stairway. The ends of the handrail shall be returned into a wall or shall terminate in newel posts. A minimum clear space of 1 1/2 inches shall be provided between the wall and the handrail.

Exception:

1. Handrails may be permitted to be interrupted by a newel post at a turn.

Delete section 313.2, which requires automatic residential fire sprinkler systems to be installed in one family dwellings, in its entirety due to the fact that the town fire company is centrally located within the town so as to provide more than adequate fire protection, and town citizens are not afforded a tax differential from Worcester County, thereby subjecting town citizens to enhanced taxation and greater economic hardship than other county residents.

Delete Sections R313.2 and R313.2.1 and substitute the following:

Section R313.2. Single family dwellings automatic fire systems. Automatic residential fire sprinkler systems shall not be required to be installed in one and two family dwellings. Notwithstanding, the foregoing, such systems may be installed at the option of the property owner of a single family dwelling. For all other residential dwellings, including multi-family dwellings, automatic residential fire sprinkler systems shall be required.

Section R313.2.1. Design and installation. Where applicable, automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2012, 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 _____, 2012.

Adopted and effective this _____ day of _____, 2012 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 _____, 2012 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: Anthony J. Carson, Jr., Town Administrator

TOWN ADMINISTRATOR'S REPORT
September 10, 2012

Purchase Orders

PO# 201300656 in the amount of \$2,970.00 to Royal Plus Inc. for removal of asbestos at 210 Flower Street.

PO# 201300659 in the amount of \$6,735.28 to Verizon for transfer aerial telephone cables on Flower Street.

PO# 201300633 in the amount of \$2,675.25 to Federal Resources for Ballistic shields with lights

Updates