



**BERLIN MAYOR AND COUNCIL
MEETING AGENDA
Tuesday, October 13, 2015**

- 6:00 PM EXECUTIVE SESSION – BERLIN TOWN HALL**
- a. Pursuant to Section §3-305(b)(8) of the Annotated Code of the State of Maryland, to consult with staff, consultants, or other individuals about pending or potential litigation.
 - b. Pursuant to Section §3-305(b)(3) of the Annotated Code of the State of Maryland, to consider the acquisition of real property for a public purpose and matters directly related thereto.
 - c. Pursuant to Section §3-305(b)(7) of the Annotated Code of the State of Maryland, to consult with counsel to obtain legal advice on a legal matter.
 - d. Pursuant to Section §3-305(b)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal resignation, or performance evaluation of appointees, employees, or officials over who this public body has jurisdiction, or any other personnel matter that affects one or more specific individuals.
- 7:00 PM REGULAR SESSION – Berlin Town Hall Council Chambers**
- 1. Approval of the Minutes for:
 - a. Regular Session of 9/28/15
 - 2. Review and approval of Visitors Center Mural
 - a. Berlin Arts and Entertainment Committee, Robin Tomaselli
 - b. Resolution 2015-14 – Public Mural – Ivy Wells
 - 3. Resolution 2015-15 – Berlin brochure and business map – Ivy Wells
 - 4. Public Hearing – Ordinance 2015-07, Amending Chapter 102, Section 8.3 of the Floodplain Management Code.
 - 5. Departmental Reports
 - a. Finance – Natalie Saleh
 - b. Water Resources/Public Works – Jane Kreiter
 - c. Electric – Tim Lawrence
 - d. Police – Arnold Downing
 - e. Planning – Dave Engelhart
 - f. Managing Director – Jeff Fleetwood
 - g. Economic and Community Development– Ivy Wells
 - 6. Town Administrator’s Report

7. Comments from the Mayor
8. Comments from the Council
9. Comments from the Public
10. Comments from the Press
11. Adjournment



**BERLIN MAYOR AND COUNCIL
MEETING MINUTES
Monday, September 28, 2015**

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

Present: Mayor Gee Williams, and Councilmembers Thom Gulyas, Lisa Hall, Elroy Brittingham, Dean Burrell, and Troy Purnell.

Staff present: Managing Director Jeff Fleetwood , Finance Director Natalie Saleh, Public Works and Water Resources Director Jane Kreiter, Planning Director Dave Engelhart, Utilities Director Tim Lawrence, Chief of Police Arnold Downing.

Absent: Town Administrator Laura Allen, Administrative Services Director Mary Bohlen, Economic and Community Development Director Ivy Wells.

1. Approval of the Minutes for:
 - a. Executive Session of September 14, 2015

1a. Approval of Minutes for Executive Session Minutes of the Mayor and Council on September 14, 2015

On the motion of Councilmember Gulyas, the minutes for the Executive Session of September 14, 2015 were approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	5	0			

1b. Mayor read statement of closure

1c. Approval of Minutes for Regular Session Minutes of the Mayor and Council on September 14, 2015

On the motion of Councilmember Gulyas, the minutes for September 14, 2015 of the Regular Session were approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	5	0			

2. Public Hearing – Ordinance 2015-06 Text Amendment to the Town Zoning Ordinance Section 108-715(2)a. Attorney Mark Cropper withdrew the Ordinance from the Agenda after discussion from the public, Council and Planning Director Dave Engelhart. Discussion was as follows:

At 7:03 pm, Mayor Williams opened the Public Hearing. Mr. Mitchell David a Berlin resident asked to speak before to the Council. Mr. Mitchell made the statement that the text amendment change is actually a change to the zoning code, stating that there is no end to the number of units that could be added under this text amendment. His question was is the Ocean’s East project viable under the current law. Counsel for Rinnier Properties Mr. Mark Cropper stated that Mr. Rinnier could not be here. Mr. Cropper stated that the goal is to have fewer buildings while enhancing the open space. It was noted that the text amendment was voted on at the Planning Commission meeting and passed four to two.

Another Berlin resident Darlene Jameson asked to speak before Council. Ms. Jameson stated that there should be more input from the Public, and advertisement of the project was poorly executed. Mayor Williams did note that it was advertised in four newspapers and on the Town website. Councilmember Burrell said that his concern was large buildings and did not want Berlin to look like downtown Salisbury.

Mayor Williams expressed his concern that there be a cap on the number of units per building and that this text amendment should go back to the Planning Commission to consider the cap on the number of units per building. Mr. Cropper withdrew request for Text Amendment.

Mayor Williams stating that we are setting a precedent, and sometimes the first project to come through under a new change has to go through the ‘growing pains’ of a new project.

Councilmember Lisa Hall did express to the public that they could signup via email on the Town website for Council packet distribution; this will help keep residents in the loop of information.

Councilmember Brittingham stated there are three owners near the development property giving an estimate of when construction will start. Mr. Cropper made note of that information.

3. First reading Ordinance 2015-07. Amending Chapter 102, Section 8.3 of the Floodplain Management Code.

Dave Engelhart, Planning Director read the Ordinance in full detail. This is a first reading of the Ordinance and requires no action. There will be a Public Hearing at the October 13, 2015.

4. Motion to Approve 2015-06, HVAC system at Visitors Center (bid review) - Jeff Fleetwood
All bids were submitted by Jeff Fleetwood, Managing Director and reviewed by Council. The new HVAC system will be more than enough to meet the needs of the building. On the motion of Councilmember Brittingham, the motion was approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	5	0			

5. Departmental Reports

a. Finance – Natalie Saleh

Tyler Technologies has assigned to the Town two project managers: one for financial portion and one for utility billing. The entire process requires us to submit multiple page reports of how our processes are set up. The Information Technology portion of the conversion is working directly with Logics. They are mapping raw data and information into usable information by Tyler Technologies.

b. Water Resources/Public Works – Jane Kreiter

Staff has been reading meters; there is an upcoming class in Princess Anne on pump maintenance and operations. There are five easements for Branch Street still open. Three of them are from the Church and two left from the general public. After a call from a concerned citizen via a Councilmember the department was informed of debris in the ditch on West Street by the Railroad. The debris was cleared by staff. Councilmember Hall asked about the rail car that has shown up in recent times. Chief Downing stated that it is his understanding that it has just been moved further down the line for storage.

c. Electric – Tim Lawrence

The Department has been working on tree trimming. There were energy audits at two residences. A transformer at Calvin B. Taylor Bank had graffiti on it, the entire exterior was painted and it looks brand new. Electric has been working closely with other departments on festivities. There is a new service to 19 Jefferson, that will be connected weather depending.

d. Police – Arnold Downing

Chief Downing thanked everyone for the cards and recognition for Law Enforcement Appreciation Day. Chief attended the Maryland Chiefs conference and the MML police executive board meeting. Subjects covered included; medical cannabis, body cameras, retention recruitment. The Fiddlers convention was a great event, there is a planned meeting of the Chamber Director and Ms. Wells to review the event and see what could be done better for upcoming years. Bike Week was also a success for Berlin.

e. Planning – Dave Engelhart

There are two new single family dwellings going up. September 30, the Housing Board of Review will meet over 203 Washington Street regarding a building in disrepair.

f. Managing Director – Jeff Fleetwood

The location for Welcome to Berlin signs has been agreed upon. The Town has received official notice that all points needed for Sustainable Maryland have been achieved.

6. Town Administrator’s Report as read by Managing Director

One purchase order was presented before the Mayor and Council. On the motion of Councilmember Burrell, the purchase order was approved by the following vote:

Name	Counted toward Quorum			Present but recused	Absent
	Aye	No	Abstain		
Elroy Brittingham, VP	X				
Dean Burrell	X				
Lisa Hall	X				
Troy Purnell	X				
Thom Gulyas	X				
<i>Voting Tally</i>	5	0			

Ms. Saleh, Finance Director reminded Councilmembers and staff that the new purchasing policy would be taking effect on September 29, 2015. Therefore, it is likely that purchase orders Council approval report will be getting smaller.

7. Comments from the Mayor

Economic and Community Development Director Ivy Wells was absent at this meeting, however after meeting with the Mayor over several items. Mayor Williams will give her update and respond to any questions. The Fiddlers Convention was different this year from past years, as in Friday night was strong and Saturday was noticeably less crowded. Mayor noted that this is also the first time in recent memory that Ocean City had Bike Week going on at the same time, a week earlier than normal. Events are growing in Berlin as evident by the Worcester County Arts Council Plein Air. This was the largest number of participants on record. Events are the economic driver in the Town. However, there are numerous ways to increase traffic and layout of these events ensuring traffic flow to all businesses.

Ruth Kontz owner of Main Street Deli asked to speak before Council. She cited several items that have happened during Chamber sponsored events and ways to improve traffic for the side street vendors. Discussion followed. The Mayor responded by stating that these were Chamber events and the Town has no say in how they are set up. Simply, that approval is given for events and they are run by the Chamber. For concerns over event set-up or after event feedback, the best approach is the meet with Chamber Director Larnet St. Amant or Economic and Community Development Director Ivy Wells. Mayor Williams did add that all events are published in January of upcoming year and then event are approved, paperwork distributed and traffic maps established six to eight weeks prior to event at Council meeting.

8. Comments from the Council

Gulyas – Councilmember Gulyas wanted to that Ms. Kreiter Water Resources and Public Works Director for the quick response to a phone call from a resident with concerns about debris in a ditch on West Street. One phone call was all it took to put the Town’s employees into action mode. Mr. Gulyas read an email that the resident on West Street sent to him. Ms. Kreiter said she would be sure to pass on thanks to the crew involved in clean-up.

Hall- Councilmember Hall stated that she had just returned from the Rural Executive Board and there is lots of activity there. She and the Mayor also attended the BLOC party for the Berlin Library and noted there was still a large need for public funding.

Brittingham- Councilmember Brittingham noted that sending the resident, Barry Jones a Thank You note for his assistance with an unscheduled outage near Cannery Village recently was very much appreciated.

Burrell – No comment

Purnell – No comment

9. Comments from the Public

Todd Dehart – Mr. Deltant asked if there had ever been a traffic study of downtown Berlin, especially in the confusing area of Main, West and Baker Streets. This was a result of some posts on social media; everyone wants to make sure the downtown area is safe for all pedestrians, bikes, skateboarders and vehicles. Chief Downing reminded everyone that skateboards downtown are prohibited. The intersection in question has a line and a stop sign. The intent is to stop at the line not at the sign itself.

According to Chief Downing if you see someone running stop signs, by all means call the Berlin Police non-emergency phone number. It is the Berlin Police Departments goal to educate, engineer and enforce.

Mr. Dehart clarified that social media intent was to draw attention to situation not criticize.

It is the community’s eyes that help the Police Department do their job. Councilmember Hall reminded residents to talk to each other and help remind and reinforce the correct traffic patterns and laws. Mayor Williams agreed with the process and reminded again of educate, engineer and enforce is what makes law enforcement successful.

Rick Stack- Mr. Stack echoed the Mr. Deharts concern about traffic on Washington Street, and have called Police numerous times. Both Mayor and Chief have been on the street talking to residents. There is still a problem with tractor trailers speeding going down Jefferson Street. Chief Downing reiterated that when you see speeding trucks, stop signs being ignored, please call the Police Department.

The question is posed, is there any consideration to finishing sidewalks on West St, between road and Washington. There are slots of sidewalk missing and sinkholes starting. Ms. Kreiter added that this is the area that the Stormwater collection system is failing. The goal is to fix the failing info structure then work on the sidewalks. Mayor Williams noted that it was just two weeks ago that it was brought to their attention by a resident on West Street, as an emergency solution, \$350,000 has been allocated for the engineering and repair. Repairs should be done by the Christmas Holiday. The Town wants to be responsive to emergencies.

Jerome Wharton – Mr. Wharton asked who bore the cost for sidewalk easements, Mayor Williams stated they are public domain, therefore – the Town takes care of all costs. It was noted that any repairs that would need to be done have to be done in weather above 40 degrees for materials to cure.

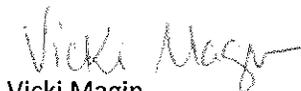
Mitchell David – Wanted Council to be aware that they would be seeing more of him on a regular basis. Builders will always want to build fewer buildings it costs them less money. The current code does have a case by case basis, if council and planning commission identify this as a place of growth. There may be other mechanism that needs to be fine-tuning. Mayor Williams stated that this issue has been sent back to the Planning Commission and that's where these decisions will be made.

10. Comments from the Press- none

11. Adjournment:

A motion to adjourn the meeting was made by Councilmember Burrell at 9pm.

Respectfully submitted,



Vicki Magin
Administrative Assistant

Berlin Arts and Entertainment

Robin Tomaselli

Resolution 2015-14

Ivy Wells

Resolution 2015-15

Ivy Wells



RESOLUTION NO. 2015-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, Approving the addition a Public Art Mural on the building located at 14 S. Main Street, Berlin, Maryland 21811

WHEREAS, the Mayor and Council of the Town of Berlin proposes to undertake the project described above to approve the addition of a Public Art Mural on the building located at 14 S. Main Street, Berlin, Maryland 21811, and

WHEREAS, the Mayor and Council of the Town of Berlin has applied to the Department of Housing and Community Development (the 'Department;') of the State of Maryland for funding in the amount of \$2,500, for the Project under the Department's Main Street Improvement Program, and

WHEREAS, the Mayor and Council of the Town of Berlin approves the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin hereby expresses approval of the Project and application for funding from the Department of Housing and Community Development as described above.

Approved this _____ day of _____, 2015 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Sr, Vice President

ATTEST:

Wm. Gee Williams, III, Mayor

Laura Allen, Town Administrator



RESOLUTION NO. 2015-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, Approving the redesign of The Town of Berlin brochure and business map.

WHEREAS, the Mayor and Council of the Town of Berlin proposes to undertake the project described above to approve the redesign of the Town of Berlin brochure and business map, and,

WHEREAS, the Mayor and Council of the Town of Berlin, has applied to the Department of Housing and Community Development (the 'Department;') of the State of Maryland for funding in the amount of \$7,500, for the Project under the Department's Technical Assistance Grant, and

WHEREAS, the Mayor and Council of the Town of Berlin approves the project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin hereby expresses approval of the Project and application for funding from the Department of Housing and Community Development as described above.

Approved this _____ day of _____, 2015 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, SR, Vice President

ATTEST:

Wm. Gee Williams, III, Mayor

Laura Allen, Town Administrator

**Public Hearing on Ordinance
2015-07**



ORDINANCE NO. 2015-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 102, "FLOODPLAIN MANAGEMENT", SECTION 8.3, "VIOLATIONS AND PENALTIES".

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT CHAPTER 102, SECTION 8.3 BE AMENDED TO READ AS FOLLOWS:

8.3 Violations and Penalties

Violations of these regulations or failure to comply with the requirements of these regulations or any conditions attached to a permit or variance shall constitute a misdemeanor. Any person responsible for a violation shall comply with the notice of violation or stop work order. Failure to comply shall be punishable as a misdemeanor, the penalty for which shall not exceed a fine of \$ 1,000.00 and/or imprisonment for a term not to exceed six months. Each day a violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Berlin from taking such other lawful action as is necessary to prevent or remedy any violation.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the ____ day of _____, 2015, and thereafter a statement of the substance of the Ordinance was published as required by law.

A PUBLIC HEARING was held and this Ordinance was adopted this ____ day of _____, 2015, by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of ____ in favor to ____ opposed, with ____ abstaining.

Elroy Brittingham SR, Vice President

This Ordinance was approved this ____ day of _____, 2015 by the Mayor of the Town of Berlin and was therefore effective twenty (20) calendar days later on the ____ day of _____, 2015.

Wm. G. Williams, III, Mayor

ATTEST:

Laura Allen, Town Administrator