



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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www.berlinmd.gov



BERLIN, MARYLAND

Mayor
Wm. Gee Williams, III

Vice President
Elroy Brittingham, Sr.

Council Members
Dean Burrell, Sr.
Lisa Hall
Troy Purnell
Thomas L. Gulyas

Town Attorney
David Gaskill

Town Administrator
Laura Allen

MAYOR AND COUNCIL MEETING

MONDAY, FEBRUARY 22, 2016

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

EXECUTIVE SESSION.....6:00 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
MEETING AGENDA
Monday, February 22, 2016**

6:00 PM EXECUTIVE SESSION – BERLIN TOWN HALL

- a. Pursuant to Section §3-305(b)(8) to consult with staff, consultants, or other individuals about pending or potential litigation.
- b. Pursuant to Section §3-305(b)(1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, or officials over whom 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. Executive Session of 2/8/16
 - b. Statement of Closure 2/8/16
 - c. Regular Session of 2/8/16
2. Worcester County Youth and Family Presentation – Director, Steven Taylor
3. Motion of Mayor and Council 2016-10: Time of Peach Pageant – Economic and Community Development Director, Ivy Wells
4. Rezoning Resolutions - Planning Director, Dave Engelhart
 - a. Resolution 2016-03 Rezoning for Berlin Police Department
 - b. Resolution 2016-04 Four parcels on Gay Street
5. Resolution – HURs (Highway User Revenue) – Town Administrator, Laura Allen
 - a. Resolution 2016-05 Supporting the efforts of Maryland Municipal League to reinstate lost state funding for Highway Use Revenue
6. Departmental Reports
 - a. Finance Director – Natalie Saleh
 - b. Water Resources/Public Works – Jane Kreiter
 - c. Administrative Services Director – Mary Bohlen
 - d. Electric – Tim Lawrence
 - e. Police – Arnold Downing
 - f. Planning – Dave Engelhart
 - g. Managing Director – Jeff Fleetwood
 - h. Economic and Community Development– Ivy Wells

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



**BERLIN MAYOR AND COUNCIL
MEETING MINUTES
Monday, February 8, 2016**

6:00 PM EXECUTIVE SESSION – BERLIN TOWN HALL

- a. Pursuant to Section §3-305(b)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.
- b. Pursuant to Section §3-305(b)(8) To consult with staff consultants, or other individuals about pending matters or potential litigation.

7:06 PM REGULAR SESSION – Berlin Town Hall Council Chambers

Present: Mayor Gee Williams, Council Vice President Elroy Brittingham, Councilmembers Thom Gulyas, Dean Burrell, Troy Purnell and Lisa Hall, Town Attorney Dave Gaskill

Staff Present: Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Planning Director Dave Engelhart, Chief of Police Arnold Downing, Electric Utility Director Tim Lawrence, Public Works and Water Resources Director Jane Kreiter, Administrative Services Director Mary Bohlen, Finance Director Natalie Saleh, Economic and Community Development Director Ivy Wells

- 1. Approval of the Minutes for:
 - a. Executive Session of 1/25/16

On the motion of Councilmember Gulyas, the Executive Session minutes of January 25, 2016 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			

- b. The Mayor read the Statement of Closure for 1/25/16
- c. Regular Session of 1/25/16

On the motion of Councilmember Gulyas, the Regular Session minutes of January 25, 2016 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. Fence Request – Cannery Village - Barry Jarmon

Flower Street property owners, Mr. DJ Lockwood and Mr. Barry Jarmon approached the Council to discuss the circulated petition for fencing to be built between Cannery Village properties and existing homeowners. Mayor Williams and Town Attorney David Gaskill noted that the approval in its entirety went through Planning and Zoning, according to procedure. Residents are concerned about pass through foot traffic and the fact that the previously agreed upon vegetative screening would not be adequate to prevent Cannery Village residents from taking shortcuts across already existing properties. Mr. Andrew Hansen of Osprey Property Company joined Mr. Lockwood and Mr. Jarmon in their discussion with The Council. Mr. Hansen commented that he hoped there would be no issues and it would be a matter of neighbors respecting neighbors. Discussion followed regarding fencing, vegetative barriers and where exactly the barrier and what type of barrier should be placed. Mayor Williams requests that Ms. Allen Town Administrator, Mr. Jarmon, Mr. Lockwood and Mr. Andrew Hansen discuss and finalize the barrier issue.

3. Cooperative Agreement with The Nature Conservancy – Mike Dryden

Mr. Dryden gave a very informative PowerPoint Presentation on the restoration of the areas on the Pocomoke River adjacent to the Town of Berlin. Construction will begin in Summer 2016, and be done by Fall 2016. The goal is to restore 182 acres, and then with private landowners another 250 acres. Mr. Dryden shared that MDE (Maryland Department of the Environment) had no issues with the restoration.

On the motion of Councilmember Brittingham, Motion of the Mayor and Council 2016-08; the Cooperative Agreement between The Nature Conservancy and the Town of Berlin 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			

4. Burley Oak – Presentation of ‘Explore Berlin Festivals -Bryan Brushmiller

Bryan Brushmiller of Burley Oak requested for approval of (3) three events on Burley Oak Property. Upon closer review it was determined that endorsement from the Town was the desired result and no approval was needed since Burley Oak already possess a (7) seven-day beer license. Under Motion of the Mayor and Council 2016-09 the (3) three original events were endorsed. A) fourth event was added, July 3, 2016 6 P.M. – 11 P.M. a more family style event including fireworks. Mayor Williams reminded Mr. Brushmiller that the July 3, 2016 event is a Town event. Upon review from Town Attorney David Gaskill it was determined that adding an event for endorsement after the fact of presentation of the agenda was not a problem.

Carol Rose from the Heritage Foundation noted that the June 11, 2016 date was going to be a yearly fund-raiser for the Heritage Foundation as well as an ‘Explore Berlin’ festival date. Mayor Williams saw no issues with the two events overlapping. It would help ‘spread the fun’ in Berlin. As in recent years, many festivals and events are combining.

On the motion of Councilmember Gulyas, Motion of the Mayor and Council 2016-09; endorsing (4) four events at Burley Oak, “Explore Berlin” 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. 2016 Special Events– Economic and Community Development Director – Ivy Wells

Ms. Wells presented all ‘Special Events’ for the Town of Berlin 2016 calendar year. State Highway and Town Services paperwork will still be submitted at least (6) six weeks prior to the event to participating departments. The purpose of this Motion of the Mayor and Council is to approve the provision of Town services to these events for the calendar year.

On the motion of Councilmember Burrell, Motion of the Mayor and Council 2016-10, the Special Events for the Town of Berlin with the exception of The Berlin Peach Festival and Pageant (times for this pageant will be adjusted and presented at the February 22, 2016 meeting). The remainder of the events 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			

6. Historic District Commission Appointment Recommendations – Mayor Williams

Mayor Williams recommended Laura Stearns to the Berlin Historic District Commission via memorandum to Councilmembers with copies available to the public. Ms. Stearns has been contacted and expressed her enthusiastic desire to serve the Town of Berlin on the Historic District Commission. Mrs. Stearns resides in Berlin’s Historic District. As required by Town Code, at least one HDC member must live within the district. Historic Commission members serve a (3) three year term and are as follows:

- Carol Rose – Chairperson
- Ellen Lang
- Betty Tustin
- Mary Moore
- Vacancy
- Joel Todd (alternate)

On the motion of Councilmember Purnell, the Historic District Commission appointment 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			

7. Departmental Reports

a. Finance Director – Natalie Saleh

There is a Tyler Technology representative on-site doing training. At this point the focus is on setting up the system, the representative has been mainly working with the Finance Department. The chart of accounts is still a work in progress. Currently the Tyler Professionals are creating a ‘working playground’ for staff. April 2016 is the official training kick-off. July, 2016 is the go live target date. So far, we are on schedule. Ms. Saleh says, the more she is in the software and has the opportunity to use it, the possibilities of growing with the software are endless.

b. Water Resources/Public Works – Jane Kreiter

Ms. Kreiter reports that the departments have been working on rereads and cleaning tanks at the Water Resources plant. Spring will be here before we know it, so staff are working on mowers, making sure engines are ready and blades are sharp. Due to recent inclement weather there were some trees down at the spray site. Staff that currently work in Logistics with purchase orders are learning the new Tyler System. Electric Utility Director Tim Lawrence has agreed to do ‘flagger training’ in the upcoming weeks for staff.

Councilmember Hall inquired about move in dates for Cannery Village; Ms. Kreiter stated that there were still some sewer items that needed to be addressed before occupancy can take place.

c. Administrative Services Director – Mary Bohlen

The Parks Commission met on February 2nd and are gearing up for summer movie events. The plan is to have a list of movies via Facebook; residents can go in and choose top five or six favorites and move forward from there. Other summer events coming up are going to be Clean-Up day, Take Pride in Berlin Week, Just Walk and the Spring Celebration.

d. Electric – Tim Lawrence

Cannery Village is ahead of schedule in energizing poles. At 29 Broad and West the house has been renovated and they went from overhead lines to underground lines, which seems to be the trend of the future. The power plant oil heater pump had to be replaced, it was the original pump. The Electric Department has been assisting with tree removal at the spray sites. During the most recent inclement weather bout, Decatur Farms had a power

outage that lasted approximately (4) four hours. That area is being explored for spots where overhead wires can be put underground.

e. Police – Arnold Downing

Nothing to report.

f. Planning – Dave Engelhart

The Planning Commission has a meeting on Wednesday, February 10, 2016. There are two parcels recommended for rezoning. A public hearing will be held afterwards for the new Berlin Police Department. It is currently zoned as B2, the hearing is to convert parcel to R1. The other is Gay Street at 13, 15, 19 and 21. These are perfect for mixed usage. Again, a public hearing will be scheduled after. Councilmember Burrell asked if adjoining properties are being posted, Mr. Engelhart said yes, properties are noticed. A public hearing will be scheduled for Berlin Police Department and Gay Street.

g. Managing Director – Jeff Fleetwood

Nothing to report

h. Economic and Community Development– Ivy Wells

According to Ms. Wells, the Chalkboard grant has been received by the Town. The 'face in the hole' character board has been placed on casters for easy movement to various events. The mural project has been a great success and source of pride for Buckingham Elementary students. It is due to be unveiled on the 2nd Friday, March 16, 2016. The small plot next to the Visitors Center is going to become a small edible forest with plants like tomatoes and some more common vegetables along with literature about where the food comes from. The replacement floor for the Visitors Center is being put in the next few weeks. Councilmember Hall requested before and after photos of the floor.

Mayor Williams noted that 'Travels with Darley' would be shown on MPT, February 14 at 9 A.M. This was filmed in the summer on the Eastern Shore and Ms. Wells has a few spots in the segment, it includes a tour of Burley Oak Brewery.

i. Town Administrator's Report

There are no purchase orders to approve for this session. With upcoming colder weather it is expected that Code Red alerts will go out possibly on Thursday, Friday and Monday.

8. Comments from the Mayor

No comments

9. Comments from the Council

HALL – Councilmember Hall will be in Annapolis Thursday day 2/11/16 for a Rural Maryland Day, Ms. Hall noted there is a lot of money out there for Towns to apply for.

GULYAS – No comment

BRITTINGHAM – Councilmember Brittingham spent last Wednesday in Annapolis to try and get more monies for Shore Up where Councilmember Brittingham sits on the board, the bottom line is the agency needs more money.

BURRELL – Councilmember Burrell asked when a developer comes before the Planning Commission are the adjacent property owners specifically notified? Planning Director Dave Engelhart said no, specific customers were not notified; however, it is noticed in the local paper and several locations. If the Council would prefer that specific property owners be noticed if would require a change in the Ordinance, Mr. Engelhart will look into the options.

PURNELL – No comment

10. Comments from the Public

No comment

11. Comments from the Press

No comment

12. Adjournment

On the motion of Councilmember Burrell, the meeting was adjourned at 8:50 P.M.

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			

Minutes Respectfully Submitted,

Vicki Magin
Vicki Magin

BYC Presentation

Steve Taylor



MOTION OF THE MAYOR AND COUNCIL No. 2016-10

A motion of the Mayor and Council of the Town of Berlin approving twenty-seven (27) Special Events in Berlin, as attached, with the exception of The Little Mr. and Miss Peach Pageant. That event will be submitted for approval at the February 22, 2016 Council Meeting after changing. The pageant event has been changed to start at 5:00 P.M..

State Highway and Town Services paperwork will still be submitted at least six (6) weeks prior to the event to participating departments. The purpose of this Motion of the Mayor and Council is to approve the provision of Town services to these events for the calendar year.

Approved this ____ day of _____, 20__ by the Mayor and Council of the Town of Berlin, Maryland by affirmative vote of ____ to ____ opposed, with ____ abstaining.

Elroy Brittingham, Sr. Vice President

Wm. Gee Williams, III, Mayor

ATTEST: _____
Laura Allen, Town Administrator



RESOLUTION NO. 2016-03

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND,

To change the zoning classification of the property known as Worcester County Tax Map 301, Parcel 1720 from B-2 shopping district to R-1 Residential District.

WHEREAS; On February 10, 2016 the Berlin Planning and Zoning Commission reviewed and recommended these changes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

A Resolution of the Mayor and Council of Berlin, Maryland, A Maryland Municipal Corporation to approve the recommendation of the Berlin Planning Commission

Approved this _____ day of _____, 2016 by the Mayor and the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham Sr, Vice President

Approved this _____ day of _____, 2016 by the Mayor and Town of Berlin

ATTEST:

Wm. Gee Williams, III, Mayor

Laura Allen, Town Administrator



RESOLUTION NO. 2016-04

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND,

To change the zoning classification of the property known as Worcester County Tax Map 303, Parcels 1124,1123,1122,1121 also known as 13,15,19,21 Gay Street, Berlin Maryland. This Resolution recognizes rezoning these from R2 Residential District to B-1 Town Center District.

WHEREAS; On February 10, 2016 the Berlin Planning and Zoning Commission reviewed and recommended these changes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

A Resolution of the Mayor and Council of Berlin, Maryland, A Maryland Municipal Corporation to approve the recommendation of the Berlin Planning Commission

Approved this _____ day of _____, 2016 by the Mayor and the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham Sr, Vice President

Approved this _____ day of _____, 2016 by the Mayor and Town of Berlin

ATTEST:

Wm. Gee Williams, III, Mayor

Laura Allen, Town Administrator



RESOLUTION NO. 2016-05

A Resolution of the Mayor and Council of the Town of Berlin, a Municipal Corporation of the State of Maryland, for the purpose of petitioning the administration and the Maryland General Assembly to reinstate State shared revenues diverted from the Municipal Government to fund operations of the state.

WHEREAS, the state has slashed vital Highway Users Revenues (HUR) historically provided to municipal governments for many municipalities; and

WHEREAS, the Town of Berlin experienced a 91% decrease in HUR funding from 2008 to 2013; and

WHEREAS, Highway User Tax funding has been partially restored to the Town, the current level of funding is 50% less than provided in 2008; and

WHEREAS, House Bill 723 and Senate Bill 585 restore Highway Users Revenue over five fiscal years to a minimum of \$50 million in FY 2021; and

WHEREAS, municipal governments more than any other government form in Maryland rely on these state-shared revenues; and

WHEREAS, cutbacks in local service provision, elimination of local road projects, increases in property tax rates and reductions in workforce are the sole options left to municipalities to offset this devastating loss of general fund revenues, and incorporated municipalities extremely narrow taxing authority prevents them from raising alternative funds to lost highway user revenues.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

The Town of Berlin supports the efforts of the Maryland Municipal League to reinstate lost state funding for municipal governments and supports HB 723 and SB 585.

Approved this _____ day of _____, 2016 by the Mayor and the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham Sr, Vice President

Approved this _____ day of _____, 2016 by the Mayor and Town of Berlin

ATTEST:

Wm. Gee Williams, III, Mayor

Laura Allen, Town Administrator

Ocean City Senior Center,
104 41st St.,
Ocean City, Md. 21842



Town of Berlin
10 Williams St.
Berlin Md. 21811

USA
FOREVER
2016

February 1, 2016

Thank you for your
generous donation in memory
of Louise Bulgas.

Ann Toney,
Supervisor
Ocean City Senior Center