



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL MEETING

Town Attorney

David Gaskill

MONDAY, AUGUST 13, 2012

Town Administrator

Anthony J. Carson, Jr.

COUNCIL CHAMBERS – BERLIN TOWN HALL

10 WILLIAM STREET

BERLIN, MD 21811

EXECUTIVE SESSION.....NONE SCHEDULED

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. 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
Monday, August 13, 2012**

NO EXECUTIVE SESSION

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

1. Approval of the Minutes for:
 Regular Session of the Mayor and Council on July 30, 2012
2. Request for Special Event – Church Service at Henry Park
 God's Leading Church Transformation Ministry – Sept 23rd, 9 am – 3 pm
3. Request for Special Event – Romeo & Juliet, Pitts and Main Street;
 September 14th, 6:30 pm - 8 pm
4. Request for Special Event – Berlin Bridal Show – Main Street;
 September 29th, 9 am – 5 pm
5. Request for Special Sunday Permit – Boggs Disharoon American Legion Post 123
 September 16, 2012, District Meeting
6. Motions to Approve for Berlin Fiddlers Convention on Friday, September 21st and
 Saturday, September 22nd, 2012,
 - a. Approval by Mayor and Council – Sale of Beer and Wine by Berlin Chamber
 for Friday, September 21st
 - b. Request for Approval of Special One Day Permit for Berlin Chamber of
 Commerce for Berlin Fiddler's Convention; Friday, September 21st.
 - c. Motion to Approve – Special Event Exception for Consumption of Alcohol for
 Berlin Fiddlers Convention on Friday, September 21st and Saturday,
 September 22nd.
7. Motion to Approve Letter of Support to Globe Theatre – Extension of License
 Premise to Public Property for Sale of Beer, Wine & Liquor for Berlin Fiddlers
 Convention on Friday, September 21st and Saturday, September 22nd.
8. Motions to Approve for Rocktober and Octoberfest on Friday, October 12th and
 Saturday, October 13th.
 - a. Approval by Mayor and Council – Sale of Beer and Wine by Berlin Chamber
 for Friday, October 12th and Saturday, October 13th.
 - b. Request for Approval of Special One Day Permits for Berlin Chamber of
 Commerce for Rocktober and Octoberfest, Friday, October 12th and
 Saturday, October 13th.
 - c. Motion to Approve – Special Event Exception for Consumption of Alcohol for
 Rocktober and Octoberfest on Friday, October 12th and Saturday, October
 13th

9. Motion to Approve Letter of Support to Globe Theatre – Extension of License Premise to Public Property for Sale of Beer, Wine & Liquor for Rocktober and Octoberfest on Friday, October 12th and Saturday, October 13th.
10. Motion to Approve – Proposal from DBF – Evaluation of 346W Lift Station for Sewer Capacity for Route 818 Water and Sewer Extension
11. Discussion on Broad Street Sidewalks
12. Motion to Approve – Deed of Dedication for Tracts A & E Portions of Prospect Drive at Purnell Crossing South.
13. Introduction - Ordinance 2012-08
An ordinance adopting and enacting a new code for the Town of Berlin. The public hearing will be held on August 27, 2012.
14. Motion to Approve – Submission of two (2) grant applications to Program Open Space for Henry Park Basketball Court project.
15. 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
16. Town Administrator's Report
17. Comments from the Mayor
18. Comments from the Council
19. Comments from the Public
20. Comments from the Press
21. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, July 30, 2012

The meeting of the Mayor and Council for Monday, July 30, 2012 was called to order by Mayor Williams at approximately 7:04 p.m. Councilmembers Lynch, Purnell, Hall and Burrell were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Electric Utility Director Tim Lawrence, Deputy Town Administrator Mary Bohlen, Town Attorney David Gaskill, Water Resources Director Jane Kreiter, Public Works Director Mike Gibbons, Police Chief Arnold Downing, Planning & Zoning Director Chuck Ward, Economic and Community Development Director Michael Day and Administrative Assistant Sharon Timmons. Councilmember Elroy Brittingham and Finance Director Lynn Musgrave were 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 July 9, 2012. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0 with 1 absent. Mayor Williams then asked for a motion to approve the Executive Minutes from July 9, 2012. Councilmember Lynch made a motion to approve the minutes and council voted to approve 4-0 with 1 absent. Mayor Williams stated that the Executive Session was closed to discuss a matter directly related to a negotiation strategy or the contents of a bid, proposal or contract.

Mr. Steve Frene, representing the Main Street merchants came before the council requesting approval for the event known as the 60th annual Berlin Sidewalk Sale to be held on Friday, August 10th from 8 am to 9pm and Saturday, August 11th from 8 am to 6 pm. Mr. Frene requested street closures on Main Street from the Toy Town store to Commerce and Pitts Street for Friday and Saturday and stated that the only other town service needed would be the use of barricades. He also requested that a "No Thru Traffic" sign be placed at the corner of Bay Street and Main Street for Sunday. Councilmember Hall made a motion to approve the 60th annual Berlin Sidewalk Sale event and council voted to approve 4-0 with 1 absent.

Mrs. Anita Todd, committee chairman and Aaren Collins, Chamber Director came before the council requesting approval for the event known as the Berlin Fiddler's Convention to be held Friday, September 21st from 6 pm to 10 pm, Saturday, September 22nd from 10 am to 5 pm and Sunday, September 23rd from 11 am to 2 pm. Mrs. Todd stated that the event would be honoring Mr. James Barrett and that street closures would only be needed for Friday and Saturday. Councilmember Hall made a motion to approve the Berlin Fiddler's Convention event and council voted to approve 4-0 with 1 absent.

Water Resources Director Jane Kreiter explained the reasoning for the motion to approve the contract with Gillis Gilkerson for \$327,900.00 for construction of the Branch Street Water Treatment Building. Ms. Kreiter explained that \$80,000 had been cut from the original contract due to negotiations with the contractor and the elimination of some items from the contract. Councilmember Lynch inquired where the funds would be coming from and Mr. Carson stated from the Special Connection Fees from the water fund. Discussion continued. Councilmember Purnell made a motion to approve the contract with Gillis Gilkerson for construction of the Branch Street Water Treatment Building at a cost of \$327,900.00 and council voted to approve 4-0 with 1 absent.

Economic and Community Development Director Michael Day spoke on Resolution 2012-07 which is a request from Community Legacy for grant monies in the amount of \$75,000 for façade work and \$40,000 for a green style roof for the Visitor's center. Councilmember Burrell stated that the resolution was worded "grant or loan" and asked Mr. Day to clarify which type of financing it would be. Mr. Day stated that he would be submitting the application in the form of a grant. Discussion continued. Councilmember Burrell made a motion to approve Resolution 2012-07 to submit the application for grant funding in the amount up to \$115,000.00 and council voted to approve 4-0 with 1 absent.

Public Works Director Mike Gibbons gave a Powerpoint presentation on the Capitol Improvements for work on various streets and sidewalks throughout town. Mr. Gibbons began the presentation by showing areas of

Germantown Road which needed removal and replacement of asphalt, repair of potholes and the straightening of an area of the road. He then proceeded to show Buckingham Lane and explained the plans to construct a 5 foot wide asphalt ledge and double chip seal to try and extend the life of the road another 2-3 years. Discussion continued on the cost of rehabilitation and stormwater impacts regarding Buckingham Lane. Mr. Gibbons continued showing areas throughout town needing concrete sidewalk work. Those areas include Franklin Avenue, East Branch and Flower Street, a section of sidewalk in front of Town Hall and a crosswalk at the Farmer's Market. Mr. Gibbons stated that \$70,000 had been allocated for sidewalks and \$54,000.00 for street and asphalt work. Councilmember Purnell asked about repairs to a large pot hole on Washington Street by the Ice plant. Mr. Gibbons stated that an ad would be placed in the paper with a bid opening on August 16th and that he would bring the proposal numbers back to the council for approval. Council agreed in consensus to proceed with the advertisement and receipt of bids for the road and sidewalk work.

Councilmember Troy Purnell recused himself and left the dias regarding Items 7-11. Water Resources Director Jane Kreiter explained Item 7, the motion to approve an exception to deviate from the Town Standards to allow a temporary dead end water line to terminate at the present location on Prospect Drive per the recommendation of Davis, Bowen & Friedel. Ms. Kreiter stated that the overall plans for the development would include looping when the development was completed and would only be temporary as the town would flush the dead end quarterly. Discussion continued regarding the recommendation of the closure of valves. Councilmember Burrell made a motion to approve the exception to deviate from the Town Standards to allow for a temporary dead end water line at the location on Prospect Drive and council voted to approve 3-0 with Councilmember Purnell recusing himself and Councilmember Brittingham absent.

Town Administrator Tony Carson spoke on Items 8 and 9, the Deed of Dedications for Tracts B and C of Prospect Drive. The approval of the deeds of dedication allows the Town to take over responsibility of the street maintenance of Prospect Drive. Town Attorney David Gaskill stated that he had reviewed the Deeds and found them to be satisfactory. A walk through on the development was completed last week by all departments and the approved deeds would not be filed until a 20 foot section of cracked curbing in Tract C was replaced. Councilmember Lynch made a motion to approve the Deeds of Dedication for Tracts B and C of Prospect Drive pending the replacement of the 20 feet of curbing on Tract C. Council voted to approve 3-0 with Councilmember Purnell recusing himself and Councilmember Brittingham absent.

Town Administrator Tony Carson stated that a letter from Davis, Bowen & Friedel had been received recommending the reduction of the bond for the Cottages of Berlin to \$28,353.00. Councilmember Burrell made a motion to approve the reduction of the bond for the Cottages of Berlin to \$28,353.00 and council voted to approve 3-0 with Councilmember Purnell recused.

Town Administrator Tony Carson stated that a letter from Davis, Bowen & Friedel had been received recommending the reduction of the bond for Purnell Crossing South Phase 2A to \$24,107.19 for the 2 year guarantee. Councilmember Burrell made a motion to approve the reduction of the bond for Purnell Crossing South Phase 2A to \$24,107.19 and council voted to approve 3-0 with Councilmember Purnell recused.

Departmental reports began with Deputy Town Administrator Mary Bohlen reporting that the Parks Commission and the sub-committee had met and discussed the current interests and ideas from the residents and community regarding Henry Park. Ms. Bohlen stated that the repair and/or replacement of the basketball courts seemed to be the top priority. The Parks committee would have a survey available at National Night Out to be sent with the grant applications. Public Works Director Mike Gibbons stated that the Public Works department had been working on the basketball courts to try and maintain them, but that they would need extensive renovations next year. Ms. Bohlen stated that there is \$34,000.00 available from old Program Open Space funds which could be utilized. Mr. Carson requested permission from council to go ahead with a formal bid using redirected funds and council agreed in consensus for Mr. Carson, Ms. Bohlen and the Parks Commission to move forward.

Public Works Director Mike Gibbons reported that the vegetation on the roads had been treated last week and that his department was preparing for the Peach Festival. Councilmember Hall inquired about a pot hole at the

intersection of West and Broad Streets and Ms. Kreiter responded that State Highway was aware of the hole and would be working on it soon.

Electric Utility Director Tim Lawrence reported that the low sodium lights had been installed on all of the main roads throughout town and that they were now working on the side streets. He continued his report stating that they were currently installing fault locators on the poles, trimming trees, were preparing to install lightning rods at the substation, had been painting transformers and that the Town had generated 11 times since June 20th.

Water Resources Director Jane Kreiter reported that her department was performing maintenance on the lift stations throughout town. She also reported that the lagoon portion of the new spray site should be complete hopefully by December and that she would be in Baltimore for stormwater and wastewater association meetings this week.

Police Chief Arnold Downing reported that he had attended Federal Law Enforcement Training emphasizing a curriculum on drug endangered children. His department was also working with Atlantic General Hospital and Gull Creek regarding accidental falls and the department was preparing for the upcoming events in town.

Planning & Zoning Director Chuck Ward reported that the Historic District Commission would be meeting on Wednesday, that a residential demolition would be taking place on Bay Street, a new home would be constructed on the corner of Pitts and Bay Street and that his department was working on code enforcement issues and working with businesses on applications. Discussion continued regarding the overgrowth of bushes and vegetation encompassing homes in the town. Mr. Carson asked for the council and/or public to provide the addresses of those locations so that Code Enforcement could investigate.

Human Resources Director Jeff Fleetwood reported that all but 7 of the employees of the Town had attended Harassment Training on the 26th.

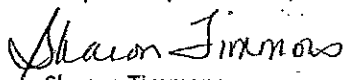
Economic and Community Development Director Michael Day reported that preparations were underway for the Peach Festival with the Little Mr. & Miss Peach contest being held on August 10th. He continued by reporting that the Si'culi restaurant had opened, Simply Shades was closing, but the Maryland Wine Bar would be expanding into that space.

Town Administrator Tony Carson reported that the only bid received for the Broad Street sidewalk improvement project had been opened and the bid was \$135,983.00. He reported that he was planning to speak with EA Engineering regarding any alternatives on stormwater and would ask council for a decision at the next meeting on August 13th. Councilmember Purnell stated that he could not see spending that kind of money when the road is a State road. Discussion followed. Mr. Carson then presented and requested approval of 16 purchase orders (201300149, 201300081, 201300157, 201300200, 201300210, 201300217, 201300214, 201300238, 201300270, 201300271, 201300272, 201300277, 201300244, 201300282, 201300287 and 201300296). Councilmember Purnell made a motion to approve all 16 purchase orders and council voted unanimously to approve 4-0 with 1 absent.

Councilmember Hall stated that contestants ages 4-7 were needed for the Little Mr. & Miss Peach contest. Councilmember Lynch inquired about the vacant spots in town. Mr. Day stated a deli would be moving into the South Main Street location and an office at the location of William and Pitt streets.

There being no questions from the public or press. Councilmember Burrell made a motion to adjourn and the meeting ended at 8:44 p.m.

Respectfully submitted,


Sharon Timmons
Administrative Assistant



Mayor & Council of Berlin

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ORDINANCE 2012-08

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.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF BERLIN, MARYLAND; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IS ORDAINED AND ENACTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BERLIN, MARYLAND;

Section 1. The Code entitled "Code of the Town of Berlin, Maryland" published by Municipal Code Corporation, consisting of Chapters 1 through 108, each inclusive, is adopted.

Section 2. All Ordinances of a general and permanent nature enacted on or before June 11, 2012, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any Ordinance or part thereof that has been repealed by a subsequent Ordinance that is repealed by this Ordinance.

Section 4. Unless another penalty is expressly provided or unless otherwise specified as a municipal infraction, every person convicted of a violation of any provision of the Code or any Ordinance, rule or regulation adopted or issued in pursuance thereof shall be punishable as a misdemeanor, the penalty for which shall not exceed a fine of \$1,000 and/or imprisonment for a term not to exceed six months. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory Ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Town to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after June 11, 2012, that amend or refer to Ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall become effective _____.

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 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.

William Gee Williams, III, Mayor

APPROVED AS TO FORM AND LEGALITY:

David Gaskill, Town Attorney

ATTEST:

Anthony J. Carson, Jr., Town Administrator

TOWN ADMINISTRATOR'S REPORT
August 13, 2012

Purchase Orders

Po# 201300372 in the amount of \$17,282.00 to Pittsville Motors for 2013 F-150 to replace 1999 Chevy Blazer for Electric Department. DMV fees not included.

PO# 2013000375 in the amount of \$15,297.00 to Pittsville Motors for 2013 F-150 to replace vehicle for Public Works. DMV fees not included.

PO# 201300206 in the amount of \$2,220.00 to Terra Firma for emergency patching.

PO# 201300281 in the amount of \$1,333.00 to Terra Firma for patching.

PO# 201300264 in the amount of \$5,098.10 to Cody Computer Services for annual support for Record Management Service 10-1-12 thru 9-30-13.

PO# 301300437 in the amount of \$10,000.00 to Renaissance Plaza for grant match façade work.

Updates

MINUTES -- PARKS COMMISSION
July 11, 2012

A meeting of the Berlin Parks Commission was held on Wednesday, July 11, 2012 at 5:30 PM. Board members Loretta Brown-Bridgell, Patricia Dufendach, Bruce Hyder, Sarah Hooper and Mike Wiley were present as well as Deputy Town Administrator Mary Bohlen. Gabriel Purnell, Chantay Christopher and Terran Wright of the Henry Park Subcommittee were also present.

The Minutes of June 6, 2012 were reviewed. Ms. Hooper moved to approve the Minutes as written and approval was unanimous.

Mr. Wright introduced himself to the commission members and they to him. Ms. Christopher provided minutes of the subcommittee that described their thoughts and recommendations for Henry Park. Lengthy discussion followed regarding the lack of community interest in a walking path and the high interest in making improvements/repairs to the basketball courts. Discussion about other desired amenities listed in the minutes was held. Increased parking and improved stormwater management was also discussed. Mr. Monroe Green of the committee joined during this discussion.

Ms. Bohlen indicated that she would discuss the current state of the basketball courts with the Public Works Department and determine if the courts could be repair sufficiently for the season and would begin to explore options for funding for replacing or resurfacing the courts and would work on formulating a plan for how best to continue the development of Henry Park. The consensus of the Parks Commission was to abandon the walking path concept, with approval of the Mayor and Council, and to pursue the repair of the basketball courts and other amenities.

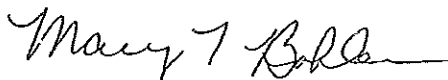
Discussion of National Night Out followed. Ms. Bohlen asked the committee members if they wished to participate and indicated that the Parks Commission would provide a questionnaire to visitors regarding the amenities to best gauge where users' interests lay. Members of the committee indicated that they would try to be part of the Parks Commissions display at the event. Mr. Byron Smith of the subcommittee joined the meeting during this discussion.

Ms. Bohlen asked the Parks Commission to consider moving the regular meeting schedule to the first Tuesday of each month and, following discussion, consensus was to reschedule as discussed. Because of the timing of National Night Out, the schedule change would not be effective until the September meeting, which would be held on Tuesday, September 4, 2012.

Ms. Windsor provided an update on the ongoing activities of Youth Program for the summer. She indicated that a lack of volunteers was limiting some of the flexibility of the program. Brief discussion followed.

Mr. Hyder moved to adjourn the meeting. The meeting adjourned at approximately 6:55 PM.

Respectfully Submitted,



Mary T. Bohlen
Deputy Town Administrator
Liaison to the Parks Commission