



# 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

**TUESDAY, MAY 28, 2013**

**Town Administrator**

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL**

**10 WILLIAM STREET**

**BERLIN, MD 21811**

EXECUTIVE SESSION.....6:00 PM

REGULAR SESSION .....7:00 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.*

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  
Tuesday, May 28, 2013**

**6:00 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 May 13, 2013  
Executive Session of the Mayor and Council on May 13, 2013  
Statement of Closure for Mayor and Council on May 13, 2013
2. Request for Special Event – International Food and Music Day  
Saturday, June 22, 2013; 12 noon to 6:00 p.m.
3. Berlin Parks Commission – Stephen Decatur Mural Contest
4. Motion to Approve – Contract with John Salm for Design and Construction Drawings  
for Maple Avenue and Tripoli Street Sidewalks (To be completed 6 weeks from  
signature of contract)
5. Motion to Approve – Proposal from ASCD for Employee Health Care
6. Motion to Approve – FY14 Policy Renewal for IWIF ( Worker's Compensation)
7. Public Hearing – Ordinance 2013-03; FY14 Budget
8. Introduction & First Reading – Ordinance 2013-04  
An ordinance amending Chapter 28, Article II, Division 3, Entitled Sidewalk  
Obstructions, Section 28-73, Entitled Obstructions prohibited; Exceptions. Public  
Hearing to be held June 10, 2013.
9. 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. Human Resources – Jeff Fleetwood
  - h. Economic and Community Development – Michael Day
10. Town Administrator's Report
11. Comments from the Mayor
12. Comments from the Council

13. Comments from the Public
14. Comments from the Press
15. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, May 13, 2013

The meeting of the Mayor and Council for Monday, May 13, 2013 was called to order by Mayor Williams at approximately 7:00 p.m. Councilmembers Burrell, Hall, Lynch, Brittingham and Purnell were present, as well as Town Administrator Tony Carson, Human Resources Director Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Acting Finance Director Natalie Saleh, Town Attorney David Gaskill, Police Chief Arnold Downing, Public Works Director Mike Gibbons, Electric Utility Director Tim Lawrence, Water Resources Director Jane Kreiter, Economic and Community Development Director Michael Day, Planning and Zoning Director Chuck Ward and Administrative Assistant Sharon Timmons.

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 April 22, 2013. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams asked for a motion to approve the Executive minutes of April 22, 2013. Councilmember Brittingham made a motion to approve the Executive minutes and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed for two reasons: to consult with staff, consultants, or other individuals about pending or potential litigation and also to discuss a matter concerning negotiation strategy or contracts. Mayor Williams asked for a motion to approve the Enterprise Budget Worksession minutes of April 29, 2013. Councilmember Lynch made a motion to approve the minutes and council voted unanimously to approve 5-0.

Mayor Williams asked Mr. Jerry Quian to come forward to accept Proclamation 2013-13 for winning the "Best in Show" for the Earth Day Poster contest. Mr. Quian is an 8<sup>th</sup> grader at Stephen Decatur Middle School and competed against 2000 other entries. Mayor Williams read the Proclamation and stated that it would be framed and placed in Town Hall.

Mayor Williams stated that he had been approached many times over the last few weeks with concerns regarding the subject of sandwich board signs, and tables and chairs on the sidewalks. The Mayor asked Planning and Zoning Director Chuck Ward if the subject had been discussed by the Historic District Commission and if so, if a formal vote had been made regarding the elimination of the sandwich signs, tables and chairs. Mr. Ward stated that the Historic District has no authority to create, draft or change the zoning code, but that they had discussed the possibility to eliminate some of the obstructions on the downtown sidewalks. Mayor Williams stated that he thought the idea of outlawing sandwich signs was a major step backward and Town Administrator Tony Carson stated that it was not his recommendation to abolish sandwich signs. Public Works Director Mike Gibbons stated that State Highway ADA Compliance states that temporary structures must allow for a 3 foot clearance and that the Town does not currently have any sandwich signs which violate ADA compliance. Discussion continued regarding the difference between fixed structures and temporary structures. Town Attorney Gaskill stated that his opinion was that a sandwich sign is not a structure and that tables and chairs are not mentioned in the zoning code. He explained that the current zoning code calls for each business to be allowed 1 sidewalk sign if removed each evening after business hours.

Mr. Gaskill presented a draft sidewalk ordinance to the council for review which would amend the code to allow those signs to be placed within the commercial district pursuant to the zoning code and exempt from the permission of the Mayor and Council as long as the signs comply with the minimum accessibility requirements of the State Highway Administration. In addition, the allowance of tables and chairs would need the permission of the Mayor and Council and need to also comply with the accessibility requirements of the State Highway Administration. Discussion continued. Mayor Williams suggested that the newspapers stands located on Main Street be relocated about 3 feet northward and suggested that if the council wanted to proceed, the ordinance would be presented at the meeting on May 28th for a 1<sup>st</sup> reading with a public hearing to be held on June 10<sup>th</sup>. Council agreed in consensus to proceed.

Mr. Terron Wright came before the council requesting the approval for the Special Event known as "Berlin Day in the Park" to be held on Saturday, May 25<sup>th</sup> from 10 a.m. to 7:30 p.m. and on Sunday, May 26<sup>th</sup> from 11 a.m. to 7:00 p.m. at Henry Park. The event will coordinate with the Memorial Day festivities and the opening of the new basketball courts and will feature two basketball tournaments, one for 7<sup>th</sup> through 9<sup>th</sup> graders and another for 10<sup>th</sup> graders and up with a horseshoe tournament on Sunday. Sunrise Church will supply free rides, food and drinks. Discussion continued on the costs associated with the basketball tournaments. Mr. Wright stated that the referees would be paid \$25 per game and there would be 6 games total. Any donations collected would be given to Sunrise Church. Town Administrator Tony Carson stated that he would donate \$150 to pay for the referees. Councilmember Hall made a motion to approve the event and council unanimously voted to approve 5-0.

Deputy Town Administrator Mary Bohlen announced the Citizen Participation and Public Hearings for the Community Development Block Grant and Resolution 2013-05. Mayor Williams opened the Public Hearing and asked for any comments from anyone from the State, County or public. There being no comments, Ms. Bohlen explained that the purpose of the Public Hearings was to make citizens aware of what the Town had done in the past and was preparing to do in the future with Block Grant monies. Ms. Bohlen presented a powerpoint and gave a summary of past awards for the Five Mile Branch Effluent Storage Lagoon and Spray Irrigation System and Public Restroom Renovations and explained that the Town would be submitting an application for \$800,000.00 to be used for the Hudson Branch Stormwater Project for new culverts and would be seeking funding from MEMA, DNR and USDA. Ms. Bohlen asked if there were any comments or questions from the public. Mr. Ernest Gerardi commented that the Town needed to have better signage regarding the location of the public restrooms. Ms. Grace Purnell of Showell Street inquired how the new culverts were going to help control flooding on Hudson and Showell Streets. Ms. Bohlen and Darl Kolar of EA Engineering, Science and Technology explained that a larger culvert would allow the water to keep moving forward rather than backing up. Mr. Roman Jesien commended the Town on being proactive in their attempt to control flooding in this area. Mayor Williams closed the Public Hearing. Councilmember Burrell made a motion to approve Resolution 2013-05 which authorizes the Town to submit the application to Community Development Block Grant in the amount of \$800,000.00 for the purpose of the Hudson Branch Stormwater project and council voted unanimously to approve 5-0.

Mayor Williams announced the Public Hearing for Resolution 2013-03, the annexation of Lot 1, Parcel 88 located on Old Ocean City Boulevard. If passed by council, the annexation would go into effect in 45 days. Town Administrator Tony Carson stated that the property had been cleared and was in good condition. Councilmember Burrell asked if the property owner had requested the annexation and Mr. Carson stated yes. Mayor Williams asked for comments from anyone from the State, County and public. There being no comments, Mayor Williams closed the public hearing. Councilmember Lynch inquired if there was an EDU associated with the property and Mr. Carson stated no. Councilmember Brittingham made a motion to approve Resolution 2013-03 and council voted unanimously to approve 5-0.

Mayor Williams announced Resolution 2013-04, adoption of the Walkable/Bikeable Berlin Master Plan. Discussion continued. Councilmember Hall made a motion to adopt Resolution 2013-04 and council voted unanimously to approve 5-0.

Human Resources Director Jeff Fleetwood came before the council to discuss the FY14 Health Coverage. Mr. Fleetwood stated that the increase in the cost amounted to only  $\frac{1}{2}$  of 1% and that the Town would be staying with United Healthcare as its provider.

Mayor Williams announced the introduction of Ordinance 2013-13, the Budget for FY14. The public hearing will be held on May 28, 2013. Mayor Williams stated that the total budget was \$13,651,902.00 which was  $\frac{3}{4}$  of a 1% decrease from the FY13 budget. Mayor Williams stated that tax rate of .68 per \$100 would remain the same.

Department Head reports began with Acting Finance Director Natalie Saleh reporting that she had been working on the budget and reviewing expenses and they were working with Logics regarding implementation of the new stormwater fees. She announced that the new hire senior accountant would begin employment with the Town tomorrow on a contractual basis.

Deputy Town Administrator Mary Bohlen reported that the Town had received a letter from Community Parks and Playground approving the project for the grants for the completion of the Basketball Courts. She continued that the Board of Public Works had not approved release of the funds as of yet.

Public Works Director Mike Gibbons reported that the basketball court resurfacing project and the siding project for the Multipurpose Building should be completed by Thursday. He also stated that the sidewalk project on Flower Street should take about another two weeks.

Water Resources Director Jane Kreiter reported that the Town of Berlin had received the "Wastewater System of the Year" award at the Maryland Rural Water Association Conference held last week. This is the second time that the Town has been presented with this award. She then presented the plaque to the Mayor and Council. She thanked Electric Utility Director Tim Lawrence for conducting the Flagger Certification Training earlier in the day.

Electric Utility Director Tim Lawrence reported on the outage on May 6<sup>th</sup> caused by a car hitting a pole on Old Ocean City Boulevard. He continued his report stating that his department would be replacing two poles on Tingle Road and one on Bay Street and was working on the replacement of electric meters in the downtown area.

Police Chief Arnold Downing reported on the success of the past events held thus far in May and stated that his department would be bringing in additional personnel to help out on the events to be held over the Memorial Day weekend. Discussion continued on the event held at the Veteran's memorial on Main Street.

Human Resources Director Jeff Fleetwood reported that he was reviewing applications for the summer hires and for 3 full time employees needed for the Water Resources department.

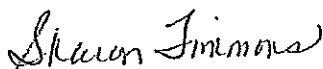
Economic and Community Development Director Michael Day thanked everyone involved with making the May Day Play Day event a success. He stated that the new billboard on Route 50 had been erected, spoke on two new businesses in town and the various meetings he would be attending. He then announced the ribbon cutting for the Germantown School to be held on May 24<sup>th</sup> and the start of the Ambassador program for the 2<sup>nd</sup> year.

Town Administrator Tony Carson requesting approval for 10 purchase orders (201302585, 201302916, 201303087, 201303086, 201303091, 201303088, 201303118, 201302924, 201303061 and 201303136). Discussion continued on purchase orders 201303118 and 201303136. Mr. Carson stated that the costs associated with purchase order 201303136 would be covered under the Stormwater account. Councilmember Brittingham made a motion to approve the 10 purchase orders as submitted and council voted unanimously to approve 5-0.

Mayor Williams asked for comments from the council. Councilmember Burrell asked Mr. Ward about an email sent to him regarding grass cutting. He then introduced Pastor Barbara Harmon. Councilmember Lynch asked Mr. Ward if letters regarding grass had been sent to residences on South Main Street and Burley Street. Mr. Ward stated yes.

Mayor Williams asked for comments from the public or the press Mr. Jerome Wharton inquired when the Town anticipated to begin work on the Bikeable/Walkable path. Mayor Williams stated that he hoped sometime after July. There being no further comments or questions, Councilmember Burrell made a motion to adjourn and the meeting ended at 9:15 p.m.

Respectfully submitted



Sharon Timmons  
Administrative Assistant



# Mayor & Council of Berlin

10 William Street  
Berlin, MD 21811  
410-641-2770  
www.berlinmd.gov



## BERLIN PARKS COMMISSION STEPHEN DECATUR MURAL CONTEST

The Berlin Parks Commission is seeking entries of original artwork depicting scenes representative of Berlin. The contest is open to students in grades 9-12. The selected artwork will be incorporated into a mural to be painted on the racquetball courts' outer wall (behind the tennis courts) in Stephen Decatur Park.

### Requirements:

1. The artwork must be the student's original work and must depict a single element representative of the following themes:
  - Notable Locals (example: Stephen Decatur, Charles Albert Tindley, Isaiah Fassett, John Postly, Dr. William Henry, Calvin B. Taylor)
  - Area Elements such as recreation, agriculture, industry
  - Community Events/Festivals
  - Movies
  - Buildings and Architecture
  - Open— The student may choose to submit an image of Berlin that is representative to him/her, but may not fit into one of the other categories.
2. Artwork must be on paper or canvas no larger than 16" X 20", nor smaller than 8 ½" X 11".
3. Artwork must be original. Computer-generated, copied, or other non-original works will not be accepted.
4. Students may submit up to three (3) pieces, depicting one or more of the themes above.
5. Entry must be turned in by 5:00 PM on Monday, December 2, 2013 to:  
Berlin Parks Commission  
c/o Town Hall  
10 William Street  
Berlin, MD 21811
6. Using the form attached (copy as needed) each entry must include the student's name, address, phone number, email address, and parent or guardian's name, and school name and grade.





# Mayor & Council of Berlin

10 William Street  
Berlin, MD 21811  
410-641-2770  
www.berlinmd.gov



BERLIN PARKS COMMISSION  
STEPHEN DECATUR MURAL CONTEST  
ENTRY FORM

Student Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_ Parent/Guardian: \_\_\_\_\_

School  Stephen Decatur High School      Age: \_\_\_\_\_  
 Worcester Preparatory School      Grade: \_\_\_\_\_  
 Home-school  
 Other: \_\_\_\_\_

By submitting an entry into the contest, participants understand that:

1. Entries will be judged by an independent committee chosen by the Berlin Parks Commission and consisting of residents of Berlin, members of the Berlin business community, professional artists, and others deemed by the Parks Commission to be appropriate. The committee's judgment is final.
2. Entries may also be placed on public display at times and locations determined by the Berlin Parks Commission.
3. All original artwork will be returned to the student upon completion of the contest and final judging.
4. The winning entries will be incorporated into a single mural of a design to be determined and at the discretion of the Berlin Parks Commission.

ORDINANCE 2013-03

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN TO APPROVE THE FY14 BUDGET AS SUBMITTED AS ATTACHMENT A.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 BY THE COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF \_\_\_\_\_ TO \_\_\_\_\_ OPPOSED.

\_\_\_\_\_  
Elroy Brittingham, Sr., Vice President

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Wm. Gee Williams, III, Mayor

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

ORDINANCE NO. 2013-4

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 28, ARTICLE II, DIVISION 3, ENTITLED SIDEWALK OBSTRUCTIONS, SECTION 28-73, ENTITLED OBSTRUCTIONS PROHIBITED; EXCEPTIONS

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT CHAPTER 28, ARTICLE II, DIVISION 3, SECTION 28-73 BE AMENDED AS FOLLOWS:

Section 28-73. Obstructions prohibited; exceptions.

- A. It shall be unlawful except with the permission of the Mayor and Council for the owner or occupant of any premises within the corporate limits of the town to place, erect or store, or to cause or permit to be placed, erected or stored on the sidewalk abutting his premises any articles, chattels, TABLES AND CHAIRS or merchandise of any type, except that this article shall not apply to placing or maintaining on said portion of the sidewalk any scales or weighing devices, stands for the use in selling newspapers or stone flower boxes. THE MAYOR AND COUNCIL SHALL NOT PERMIT ANY ARTICLES, CHATTELS, TABLES AND CHAIRS OR MERCHANDISE OF ANY TYPE TO BE PLACED ON A SIDEWALK UNLESS SAID OBSTRUCTING ITEMS COMPLY WITH AND MEET THE MINIMUM SIDEWALK ACCESSIBILITY STANDARDS CONTAINED IN THE MARYLAND STATE HIGHWAY ADMINISTRATION'S ACCESSIBILITY POLICY AND GUIDELINES FOR PEDESTRIAN FACILITIES ALONG STATE HIGHWAYS, JUNE 2010 EDITION.
- B. ANY SIDEWALK SIGN PERMITTED TO BE PLACED IN A COMMERCIAL DISTRICT PURSUANT TO CHAPTER 108, ARTICLE X, SECTION 108-91 OF THE TOWN CODE SHALL BE EXEMPT FROM THE REQUIREMENT OF SEEKING PERMISSION OF THE MAYOR AND COUNCIL FOR THE PLACEMENT OF SAID SIDEWALK SIGN; BUT SHALL COMPLY WITH AND MEET THE MINIMUM SIDEWALK ACCESSIBILITY STANDARDS CONTAINED IN THE MARYLAND STATE HIGHWAY ADMINISTRATION'S ACCESSIBILITY POLICY AND GUIDELINES FOR PEDESTRIAN FACILITIES ALONG STATE HIGHWAYS, JUNE 2010 EDITION.

**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, Vice-President

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

\_\_\_\_\_  
Wm. Gee Williams, Mayor

\_\_\_\_\_  
ATTEST: Anthony Carson, Town Administrator

**TOWN ADMINISTRATOR'S REPORT**  
**May 28, 2013**

**Purchase Orders**

PO# 201302817 in the amount of \$1,195.14 to Hill's Electric Motor Service for pump and controller for new septic at Five Mile Branch site. (24-4380-4092)

PO# 201303173 in the amount of \$1,050 to TJ/H2B Analytical Service for annual oil sample testing at Power Plant and Substation. (10-4220-4060 & 10-4230-4060)

PO# 201303239 in the amount of \$1,055.00 to Crown Pointe Technologies for annual support and maintenance for MPCTC training for Police Department. (01-4200-4060)

PO# 201303216 in the amount of \$2,475.00 to Selbyville Tractor and Equipment for Woods Finish mower. (01-4320-4092)

**Updates**