



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

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, DECEMBER 22, 2014**

**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 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  
COUNCIL MEETING  
AGENDA  
Monday, December 22, 2014**

**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 December 8, 2014  
Executive Session of the Mayor and Council on December 8, 2014  
Statement of Closure for Mayor and Council on December 8, 2014
2. Approval of Special Sunday Permit - Duncan Showell A.L. Post 231  
Sunday, January 25, 2015 for South Eastern Shore District Meeting
3. Resolution 2014-06  
A Resolution to annex 90.5 acres of real property located at Seahawk Road
4. Motion to Approve the Contract of Sale between Berlin Properties North LLC and  
Town of Berlin.
5. Introduction – Ordinance 2014-07  
An ordinance amending Article V, Chapter 108, Section 274 – Site Design  
Guidelines. Public hearing to be held on January 12, 2015.
6. Motion to Approve – Re-zoning Recommendation from Planning Commission of  
property located at intersection of Route 818 and US Route 50.
7. Motion to Approve – Contract with Terra Firma of Delmarva for Milling and Asphalt  
work on Kenwood Court.
8. Motion to Approve –Engagement Agreement from PKS for auditing services for next  
3 years.
9. Departmental Reports
  - a. Finance – Natalie Saleh
  - b. Deputy Town Administrator – Mary Bohlen
  - c. Water Resources & Public Works – Jane Kreiter
  - d. Planning – Dave Engelhart
  - e. Human Resources – Jeff Fleetwood
  - f. Economic and Community Development – Ivy Wells
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, December 8, 2014

The meeting of the Mayor and Council for Monday, December 8, 2014 was called to order by Mayor Williams at approximately 7:07 p.m. Councilmembers Brittingham, Purnell, Burrell, Hall and Gulyas were present, as well as Town Attorney David Gaskill, Town Administrator Laura Allen, Deputy Town Administrator Mary Bohlen, Finance Director Natalie Saleh, Water Resources and Public Works Director Jane Kreiter, Human Resources Director Jeff Fleetwood, Police Chief Arnold Downing, Economic and Community Development Director Ivy Wells, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart and Administrative Assistant Sharon Timmons.

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 November 24, 2014. Councilmember Gulyas made a motion to approve the Regular session minutes of November 24, 2014 and council voted unanimously to approve 5-0. Mayor Williams asked for approval of the Executive Session minutes of November 24, 2014 and Councilmember Hall made a motion to approve the Executive Session minutes and council voted to approve 4-0 with Councilmember Purnell abstaining. Mayor Williams stated that the Executive Session was closed to consider the acquisition of real property for a public purpose and matters directly related thereto.

Mr. & Mrs. Oak Park, owners of the property located at 10016 Old Ocean City Boulevard and Bryan Brushmiller, owner of the Burley Oak Brewing Company which is situated on the said property came before the council to request approval to finance the purchase of 4 additional water EDU's and 3 additional sewer EDU's for the Burley Oak Brewery over a 5 year period after the initial 10% deposit has been paid. Mr. Brushmiller thanked the Mayor and Council for their past support over the last few years and updated them on the progress of the business. The reason Mr. Brushmiller is buying one additional water EDU is because he uses the water taken in as product rather than it passing through the sewer. Councilmember Burrell clarified that this agreement is with Mr. and Mrs. Parks who are the property owners. Mr. Brushmiller stated that he is in the process of purchasing the property. Mayor Williams stated that the EDU's stay with the property regardless of the ownership or use of the property. Councilmember Brittingham made a motion to approve the finance agreement for the additional EDU's for the Burley Oak Brewery for the amount of \$49,034.70 to be paid in monthly installments over a 5 year period after the 10% deposit of \$5,448.30 has been paid. Council voted unanimously to approve 5-0.

Mr. Ron Wesdom (?) and Mr. Bill Long of Small Miracles Foundation came before the council to request the waiver of the \$65 building permit fee associated with the construction of a handicap ramp for a residence on Schoolfield Street. Mr. Long explained that their non-profit organization assists with housing repairs and retrofits for residents who have safety issues. Councilmember Burrell inquired if the council was able to waive the fees associated with any of the organization's future projects and Town Attorney Gaskill stated he did not recommend it. Councilmember Burrell made a motion to approve the waiver of the \$65 building permit fee associated with the construction and council voted unanimously to approve 5-0.

Town Administrator Laura Allen spoke to the council on the proposed contract with Christine Becker Associates which would provide facilitation services to assist in the development of the Town's first strategic plan. The contract was for an amount not to exceed \$14,550.00 plus reimbursement for roundtrip mileage from Washington, D.C. to Berlin at the approved 2015 IRS standard mileage rate. Mayor Williams explained the role of the facilitator for the strategic planning process. Councilmember Purnell inquired about the selection process and Ms. Allen explained the Request for Qualifications process. Ms. Allen reported that \$8,000 was in the budget to cover the costs with the additional monies coming from contingency in the General Fund. Councilmember Purnell made a motion to approve the contract with Christine Becker Associates in the amount of \$14,550 plus mileage reimbursement as submitted and council voted unanimously to approve 5-0.

Having completed the items on the Regular Agenda, Mayor Williams asked for Departmental Reports. Finance Director Natalie Saleh reported that town staff was meeting with the vendors for the presentations of the financial and billing software Monday and Tuesday. Councilmember Burrell commented that he felt very comfortable with this process and felt that the end result would serve the Town and its citizens very well.

Deputy Town Administrator Mary Bohlen reported that the CodeRed brochure would be included with the utility bills which are scheduled to be mailed out this week. Ms. Bohlen stated that the first notification regarding the DPL outage for this weekend would go out Wednesday and the first actual test of the system would occur mid-January. Electric Utility Director Tim Lawrence explained the necessity for the outage.

Water Resources and Public Works Director Jane Kreiter reported that her department worked to replace a failing service line on William Street earlier in the day. She also reported that the overgrown vegetation in the Henry Park planter has been removed and new vegetation would be re-planted and that the Parks Commission had approved a new sign for Henry Park. Her department has also been winterizing equipment to prepare for the winter.

Electric Utility Director Tim Lawrence reported that his department had been concentrating on the lights, skylines and preparation for the parade and was preparing for the outage scheduled for Saturday, December 13<sup>th</sup> from 12 midnight to 4 a.m. He also reported that he was working with Town Administrator Allen on the purchase power contract.

Police Chief Arnold Downing commended all staff and volunteers involved with the parade and thanked the various agencies from other towns for their assistance. Chief Downing encouraged citizens to keep their cars locked and packages hidden as there seems to be an increase in criminal activity during this time of year.

Planning Director Dave Engelhart reported that the Historic District Commission had approved signage for the Bleached Butterfly and the Blacksmith Restaurant and had expressed a positive response regarding the LED lights in front of Town Hall. Mr. Engelhart requested that Town staff not park in front of the section of fence where the garbage cans were located at the Blacksmith.

Human Resources Director Jeff Fleetwood expressed his gratitude to all staff and volunteers for their cooperation and working together at the Christmas parade.

Economic and Community Development Director Ivy Wells wished the Mayor a Happy Birthday and commented on how well she thought the parade had been put together primarily due to the efforts of JoAnn Unger and Sharon Timmons. Ms. Wells reported that she would be recording a Public Service Announcement regarding safe Christmas travels and would be on the air with Michael Day on 98.1 Irie Radio on Tuesday. She spoke on the success on the Business after Hours held at the Chamber last Wednesday and that she would be attending the Worcester County Economic Summit this Wednesday to be held in Ocean City.

Town Administrator Laura Allen also thanked JoAnn, Sharon and everyone involved for their hard work on the parade and spoke on the success of the Shuttle which was a new addition this year. She then presented 8 purchase orders (201501305, 201501378, 201501383, 201501391, 201500999, 201501413, 201501308 and 201501459) to the council for approval. Councilmember Brittingham made a motion to approve the 8 purchase orders as submitted and council voted unanimously to approve 5-0.

Councilmember Purnell acknowledged a smooth flowing parade and Councilmember Brittingham stated that this was the first year that Mr. Preston Foreman had not been able to participate in the parades as a member of the Duncan Showell American Legion Color Guard.

There being no comments, Councilmember Burrell made a motion to adjourn to Executive Session and the meeting ended at 7:55 p.m.

Respectfully submitted,



Sharon Timmons  
Administrative Assistant

ORDINANCE 2014-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF  
BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING THE  
TOWN'S ZONING ORDINANCE, ARTICLE V, CHAPTER 108, SECTION  
274, ENTITLED SITE DESIGN GUIDELINES.

NOW, THEREFORE, BE IT ENACTED that Chapter 108, Section 274 be amended as follows:

- (1) *Relation of proposed buildings to surrounding environment.* Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed building.
- (2) *Drive, parking and circulation.* For vehicular and pedestrian circulation, including walkways, interior drives and parking, give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
- (3) *Surface water drainage.* Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all stormwater from all roofs, canopies and paved areas. Collect surface water from all paved areas to permit vehicular and pedestrian movement.
- (4) *Utility Service.* Place electric and telephone lines underground, where possible. Locate, paint and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.
- (5) *Advertising features.* Ensure that the size, location, lighting and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and neighboring properties.
- (6) *Special features.* Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures to help make them compatible with existing or contemplated site design and with neighboring properties.
- (7) *Preservation of landscape.* Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.
- (8) *Solar energy use.* Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to preserve solar access of adjoining properties.

**(9) ARCHITECTURAL DESIGN REVIEW. THE PLANNING COMMISSION SHALL, AS PART OF ITS SITE PLAN REVIEW PROCESS, REVIEW AND APPROVE ALL PROPOSED COMMERCIAL DEVELOPMENT TO ENSURE IT COMPLIMENTS AND ENHANCES THE TOWN'S HISTORIC ARCHITECTURAL CHARACTER AND UNIQUENESS.**

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, 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 \_\_\_\_\_, 2015.

Adopted and effective 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, Vice-President

Approved and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by the Mayor of the Town of Berlin.

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

\_\_\_\_\_  
ATTEST: Laura Allen, Town Administrator

**TOWN ADMINISTRATOR'S REPORT**  
**December 22, 2014**

**Purchase Orders**

PO# 201501471 in the amount of \$1,253.10 to Karpinski, Colaresi & Karp for legal services. (01-4110-4075)

PO# 201501512 in the amount of \$20,333.00 to Terra Firma for milling and asphalt work on Kenwood Court. (01-4320-4060)

PO# 201501478 in the amount of \$1,764.51 to Pep-Up for fuel for generators and tanks. (24-4370-4066, 24-4380-4066)

PO#201501523 in the amount of \$1,202.56 to Middle Department Inspection Agency for inspection services at 619 Franklin Avenue. (01-4400-4060)

PO# 201501561 in the amount of \$4,860.00 to MHT Lighting for induction street light fixtures and freight charges. (10-4230-4053)