



Mayor & Council of Berlin

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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, JANUARY 12, 2015

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

EXECUTIVE SESSION.....6:30 PM

REGULAR SESSION7:00 PM

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**BERLIN MAYOR AND COUNCIL
COUNCIL MEETING
AGENDA
Monday, January 12, 2015**

6:30 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 22, 2014
Executive Session of the Mayor and Council on December 22, 2014
Statement of Closure for Mayor and Council on December 22, 2014
2. Annual Community Presentation – Michael Franklin, CEO Atlantic General Hospital
3. Presentation: Assateague National Seashore – Debbie Darden
4. Request for Special Sunday Permit – Duncan Showell American Legion Post 231
Sunday, February 1, 2015
5. Public Hearing - Re-zoning recommendation from Planning Commission.
6. Public Hearing – Ordinance 2014-07
An ordinance amending Article V, Chapter 108, Section 274 Site Design Guidelines
7. Resolution 2015-01; A resolution adopting a Public Works Mutual Aid Agreement
8. Departmental Reports
 - a. Finance – Natalie Saleh
 - b. Deputy Town Administrator – Mary Bohlen
 - c. Water Resources & Public Works – Jane Kreiter
 - d. Electric – Tim Lawrence
 - e. Police – Arnold Downing
 - f. Planning – Dave Engelhart
 - g. Human Resources – Jeff Fleetwood
 - h. Economic and Community Development – Ivy Wells
9. Town Administrator's Report
10. Comments from the Mayor
11. Comments from the Council
12. Comments from the Public
13. Comments from the Press
14. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND
Regular Session Council Minutes
Monday, December 22, 2014

The meeting of the Mayor and Council for Monday, December 22, 2014 was called to order by Mayor Williams at approximately 7:00 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, Economic and Community Development Director Ivy Wells, and Planning Director Dave Engelhart. Electric Utility Director Tim Lawrence, Police Chief Arnold Downing and Administrative Assistant Sharon Timmons 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 December 8, 2014. Councilmember Gulyas made a motion to approve the Regular session minutes of December 8, 2014 and council voted unanimously to approve 5-0. Mayor Williams asked for approval of the Executive Session minutes of December 8, 2014 and Councilmember Brittingham made a motion to approve the Executive Session minutes and council voted unanimously to approve 5-0. 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 and the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction.

Mayor Williams announced the request from Duncan Showell American Legion Post 231 for a Special Sunday permit to hold their district meeting on Sunday, January 25, 2015. Councilmember Brittingham made a motion to approve the request for the Special Sunday permit and council voted unanimously to approve 5-0.

Mayor Williams introduced Resolution 2014-06 which would annex 90.5 acres of real property located at Seahawk Road into the Town of Berlin. Town Attorney David Gaskill read the introduction and stated that the Resolution would need to be advertised for four consecutive weeks with the public hearing to be held on February 23, 2015. The Worcester County Commissioners and Maryland Department of Planning would also be notified. If the annexation were to be passed by the Mayor and Council at the Public Hearing, then there is a 45 day referendum period afterwards for any citizens to make any comments. Mayor Williams explained the plans for the property.

Mayor Williams introduced Agenda Item #4, a motion to approve the contract of sale between Berlin Properties North, LLC and the Town of Berlin. Councilmember Troy Purnell recused himself and left the room. Mayor Williams described the location of the property, what the current zoning was and outlined the terms of the sale. Councilmember Hall stressed the importance of citizen participation in the strategic planning process. Councilmember Burrell noted that the documents concerning the sale would be available after the meeting and Councilmember Brittingham expressed that the sale would give the Town control over the use of the land. Councilmember Gulyas made a motion to move forward with the contract of sale between Berlin Properties North, LLC and the Town of Berlin and council voted to approve 4-0-1 with Councilmember Purnell abstaining.

Mayor Williams introduced Ordinance 2014-07, an ordinance amending Article V, Chapter 108, Section 274 regarding Site Design Guidelines. Town Attorney Gaskill read the addition to the Ordinance. Mayor Williams noted a spelling correction on #9. The public hearing will be held on January 12, 2015.

Agenda Item #6, the Re-zoning recommendation from the Planning Commission on the property located at the intersection of Route 818 and US Route 50 is to be postponed until the meeting of January 12, 2015.

Water Resources and Public Works Director Jane Kreiter explained the motion to approve the contract with Terra Firma of Delmarva in the amount of \$20,333.00 for the Milling and Asphalt work on Kenwood Court. The work will be completed at the same time as the installation of the sidewalk on Tripoli Street. Councilmember Hall made a motion to approve the contract with Terra Firma, but emphasized that Harrison Avenue also needed major work. Discussion continued on how to handle the ownership issue. Mayor Williams asked Ms. Allen and Ms. Kreiter to approach the owners to discuss the issue. Councilmember Burrell stated that there seemed to be a failure on Showell Street and Ms. Kreiter stated that they are still trying to figure out the problem. Councilmember Hall again made the motion to approve the contract with Terra Firma of Delmarva for the milling and asphalt work on Kenwood Court in the amount of \$20,333.00 and council voted unanimously to approve 5-0.

Finance Director Natalie Saleh explained that FY14 was the last year of the current contract with PKS. Ms. Saleh was presenting a new proposed engagement agreement with PKS for auditing services for the next 3 years which showed an increase of around \$900.00. Discussion continued. Councilmember Burrell made a motion to approve the new engagement agreement with PKS 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 on the on-site visit to La Plata in regards to the new finance system.

Water Resources and Public Works Director Jane Kreiter reported that they were getting documents ready to bid the emergency generators for the Branch Street Wellhouse.

Economic and Community Development Director Ivy Wells reported that she worked on the Maryland Main Street reports and other activities. She also reported that the old New Year's Eve ball could not be repaired so a new ball had to be purchased.

Town Administrator Laura Allen presented 5 purchase orders (201501471, 201501512, 201501478, 201501523 and 201501561) to the council for approval. Councilmember Brittingham made a motion to approve the 5 purchase orders as submitted and council voted unanimously to approve 5-0.

Mayor Williams relayed the comments he had received from a citizen witnessing our police officers checking doors at businesses to make sure they were locked. The Mayor also wished everyone a Happy Holiday and stated that he was looking forward to a great New Year.

Councilmembers Gulyas, Burrell, Brittingham and Purnell conveyed the same sentiments regarding Happy Holidays to all citizens and staff.

Councilmember Hall congratulated the Berlin Police Department for catching a wanted felon from California.

There being no comments from the public or press, Councilmember Burrell made a motion to adjourn and the meeting ended at 7:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sharon Timmons".

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 COMPLEMENTS 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

RESOLUTION 2015-01

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND ADOPTING A PUBLIC WORKS MUTUAL AID AGREEMENT.

WHEREAS, the Federal Government, by virtue of the Federal Department of Homeland Security through its Federal Emergency Management Agency, has recommended and actively encourages the formation of mutual aid agreements between local jurisdictions and/or taxing districts for reciprocal disaster response and recovery assistance; and,

WHEREAS, the State of Maryland, by virtue of directives from the Governor through the Maryland Emergency Management Agency and the State of Maryland Core Plan for Emergency Operations has fully endorsed the formation and execution of such mutual aid arrangements between public agencies and political subdivisions within the State; and

WHEREAS, in the case of an emergency or disaster that exceeds the resources of the Town of Berlin's Public Works Department it is often desirable and necessary to request additional public works personnel, equipment and/or material from other jurisdictions; and

WHEREAS, in the case of an emergency or disaster that exceeds the resources of another municipality's Public Works Department it is often desirable and appropriate that the Town of Berlin provide public works personnel, equipment and/or material assistance to that municipality; and

WHEREAS, the Mayor and Council recognize that such an emergency or disaster is likely to arise and desire to agree in advance to a system of mutual aid and assistance to meet such a situation, and at the same time to allocate risk and responsibility; and

WHEREAS, it is in the public interest to enhance, foster and maintain a positive working relationship with other local governments as part of the Town of Berlin's emergency management plan.

WHEREAS, the Maryland Municipal Public Works Association has developed an agreement for the purpose of establishing a mutual aid and assistance plan, a copy of which is attached; and

WHEREAS, the Mayor and Council have determined that it is in the public interest that the Town of Berlin enter into such an agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Berlin that the Town shall enter into a Public Works Mutual Aid Agreement, in substantially the form attached, and that the Town Administrator be and she is hereby authorized to sign said Agreement.

ADOPTED, by the Mayor and Council of the Town of Berlin, Maryland at a regular meeting and effective on the _____ day of _____.

Elroy Brittingham, Vice-President

ATTEST: Laura Allen
Town Administrator

Wm. Gee Williams, III, Mayor

TOWN ADMINISTRATOR'S REPORT
January 12, 2015

Purchase Orders

PO# 201501617 in the amount of \$1,139.50 to Mast Electrical Service for repairs to existing wiring problems at Town Hall. Noticed by electrical inspector. (01-4330-4060)

PO# 201500625 in the amount of \$6,055.00 to Goody Hill Ground Work for emergency run new water line 321 William Street. (20-4310-4092)