



**BERLIN MAYOR AND COUNCIL
MEETING AGENDA
Monday, September 14, 2015**

6:00 PM EXECUTIVE SESSION - Berlin Town Hall Conference Room

- a. Pursuant to Section §3-305(b)(10) of the Annotated Code of the State of Maryland; to discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, (i) the deployment of fire and police services and staff and (ii) the development and implementation of emergency plans.
- b. Pursuant to Section §3-305(b)(7) of the Annotated Code of the State of Maryland, to consult with counsel to obtain legal advice on a legal matter.
- c. Pursuant to Section §3-305(b)(1) of the Annotated Code of the State of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.
- d. Pursuant to Section §3-305(b)(3) of the Annotated Code of the State of Maryland, to consider the acquisition of real property for a public purpose and matters directly related thereto.

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

1. Approval of the Minutes for:
 - a. Executive Session of 8/24/15
 - b. Statement of Closure of 8/24/15
 - c. Regular Session of 8/24/15
2. Motion to Approve: 2015-02, Little Free Library – Ellie Zollinger
3. Eagle Scout Recognition – Cole Norman
4. Approval of Special Events:
 - a. Just Walk Berlin, 11/14/15, Mary Bohlen
 - b. Tree Lighting and Holiday Arts Night, 11/27/15, Ivy Wells
 - c. Berlin Christmas Parade 12/3/15, Ivy Wells
5. Motion to Approve: 2015-03, Contract Renewal CodeRED – Mary Bohlen

6. Motion to Approve: 2015-04, MSEC (Maryland Smart Energy Communities) Grant Agreement – Mary Bohlen
7. Motion to Approve : 2015-05, Mayor and Council and Holiday Schedule 2016 – Mary Bohlen
8. Introduction of Ordinance 2015-06, Text Amendment to the Town Zoning Ordinance Section 108-715(2)a. - Dave Engelhart
 - a. Letter of support
9. Contract Modification – EA Engineering, Science, and Technology Inc. – Laura Allen
10. Departmental Reports
 - a. Finance – 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 Business Development – Ivy Wells
11. Town Administrator’s Report
12. Comments from the Mayor
13. Comments from the Council
14. Comments from the Public
15. Comments from the Press
16. Adjournment



BERLIN MAYOR AND COUNCIL
Meeting - Minutes
Monday, August 24, 2015

6:00 PM EXECUTIVE SESSION - Berlin Town Hall Conference Room

- a. Pursuant to Section §3-305(b)(7) of the Annotated Code of the State of Maryland, to consult with counsel to obtain legal advice on a legal matter.
- b. Pursuant to Section §3-305(b)(3) of the Annotated Code of the State of Maryland, to consider the acquisition of real property for a public purpose and matters directly related thereto.
- c. Pursuant to Section §3-305(b)(8) of the Annotated Code of the State of Maryland, to consult with staff, consultants, or other individuals about pending or potential litigation.
- d. Pursuant to Section §3-305(b)(4) of the Annotated Code of the State of Maryland, to consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the State.

Present: Mayor Gee Williams, and Councilmembers Thom Gulyas, Lisa Hall, Elroy Brittingham, Dean Burrell, and Troy Purnell

Staff present: Laura Allen Town Administrator, Jeff Fleetwood Managing Director, Natalie Saleh Finance Manager, Dave Engelhart Planning Director, Time Lawrence Utilities Director, Arnold Downing Chief of Police, and, Ivy Wells, Economic and Business Development Director

Absent: Mary Bohlen, Administrative Services Director and Jane Kreiter Public Works and Water Resources Director.

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

1. Approval of the Minutes for:
 - a. Executive Session of 8/10/15

1a. Approval of Minutes for Executive Session Minutes (Part 1) of the Mayor and Council on August 10, 2015

On the motion of Councilmember Gulyas, the minutes for August 10, 2015 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			

1a Approval of Minutes for Executive Session Minutes (Part 2) of the Mayor and Council on August 10, 2015

On the motion of Councilmember Gulyas, the minutes for August 10, 2015 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>	4	0	1		

b. Statement of Closure of 8/10/15

Mayor read the statement of closure.

1c. Approval of Minutes for Regular Session Minutes of the Mayor and Council on August 10, 2015

On the motion of Councilmember Gulyas, the minutes for August 10, 2015 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. Resolution 2015-10: In support of Habitat for Humanity’s funding application to the Maryland Department of Housing and Community Development.

Andrea Bowland, Executive Director and Lauren Bunting, Vice President of the Board of Directors of Habitat for Humanity of Worcester County spoke on behalf of this proposed project. The project at 305 Washington Street requires a local resolution before funds will be released. The vertical project is approximately six thousand square feet and consists of a planned structure containing three homes above three retail spaces, directed to, but not limited to artists. It has always been Habitat for Humanity’s focus to provide affordable housing. Purchasers must be credit worthy and pass a background check. This is a first time effort for this type of initiative. This is a permanent model for Habitat for Humanity; however, it may not always be restricted to artists. As always, owners will be required to live in housing units. The properties will take on a condominium type status as far as property upkeep. As of this date, Habitat has built three homes on Flower Street in Berlin. Habitat for Humanity of Worcester County has been a great fit for Berlin.

On the motion of Councilmember Hall, Resolution 2015-10 In support of Habitat for Humanity of Worcester County funding application to the Maryland Department of Housing and Community Development 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			

3. Resolution 2015-12 – Resolution of the Mayor and Council supporting Maryland Department of Housing and Community Development, Neighborhood Businessworks Program Financing to Carmella Silito.

Carmella Silito of Twisters Academy and Economic and Business Development Director Ivy Wells presented Resolution 2015-12. The purpose of Resolution 2015-12 is a formality that will allow Ms. Silito the opportunity to pursue a business venture (childcare, gymnastics, soccer and possibly a trampoline area) on the property West of Rt. 346, across the street from the old Tyson Plant. Ms. Silito has qualified and received a loan from the Neighborhood /Businessworks Program. There is no charge to the Town. This loan from the State of Maryland will not be released until the Resolution has been signed.

On the motion of Councilmember Purnell, Resolution 2015-12 – Resolution of the Mayor and Council supporting Maryland Department of Housing and Community Development, Neighborhood Businessworks Program Financing to Carmella Silito 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. Departmental Reports

a. Finance – Natalie Saleh:

Ms. Saleh stated the update on Tyler Technologies is that a 50% data extraction deposit has been paid to Logics and we are moving forward. At next Council meeting, she should be able to offer a schedule and timetable for the conversion. The team is moving ahead full steam preparing for the PKS Audit during the week of September 9, 2015.

b. Water Resources/Public Works - Jamey Latchum:

Big news in the department has been assisting with the placement of the Dr. William Henry monument at Henry Park. This was an effort that depended on several departments as the monument weighed in at four thousand six hundred pounds.

c. Electric – Tim Lawrence:

The Electric Utilities Department has been working at Cannery Village on the large electrical switch. The panel is approximately 10x10 and is the back feed for Cannery Village. There have been numerous pieces of equipment installed at the Power Plant for AMP. 120 Branch Street has new underground power, and the last of the summer help have painted the transformers at Decatur Farms.

d. Police – Arnold Downing:

Chief Downing reported mainly about the 'Back to School' event that was co-sponsored by Nathan Marshall and other locals to Berlin. Special thanks go out to Next Level Group, Worcester Youth and Family Counseling, Staples, Walmart, Victorian Charm, BRAVE, Town of Berlin Staff, Homes of Berlin, Bay Terrace Garden Apartments, First Shore Federal, Pepsi, St. Paul United Methodist Church, Kool Ice and OC 104. Approximately 200 backpacks with starter supplies were provided to Berlin area students, Kindergarten thru eighth grade. Parents and children were provided with hot dogs, chips and soft drinks. Entertainment was provided by Next Level Group featuring Beauty and the Beatz, Devon Beck and Asa. The children also enjoyed the face painting by Doretta Hardy-Manuel. Mayor Williams added that this was an excellent example of a Family of Berlin effort and is optimistic for a new tradition.

e. Planning – Dave Engelhart

The Planning Commission has given final site-plan approval to the Arbys and Royal Farms location, as well as Ocean's East. Upcoming there will be need to be a recommendation for a text amendment from The Planning Commission, stating that multi-family dwellings can be more than twelve units wide. The Housing Board of Review has been re-instated after many non-active years. The new chairperson is Tara Downes. This Board will be instrumental in identifying delinquent and tumbling down properties. As a direct result of the Strategic Plan earlier in the year, this Board has been reinstated.

f. Managing Director – Jeff Fleetwood:

No updates for this meeting.

g. Ivy Wells – Economic and Business Development:

There is now a PDF map of Berlin Mainstreet on the Mainstreet Website. The Town of Berlin website update will be done next week sometime. The department has been working on a vanity plate for Berlin. Exciting news includes Art in the Field Art Gallery Ribbon Cutting and the Beez Kneez is open for business. Recently Berlin was informed that the Town won the Governor's award for volunteerism via the Ambassador program. Sharon Timmons, Administrative Assistant for the Economic and Community Development Department wrote the narrative and was instrumental in securing the award. Presentation is due in October. Per feedback from Councilmember Purnell, Ms. Wells has been working on design for a "Welcome to Berlin, Slow Down In Our Town" sign.

5. Town Administrator's Report

Ten purchase orders were approved. Councilmember Brittingham clarified purchase order 201600342 was for two vehicles @ 25,251.00, totaling \$50,502.00.

6. Comments from the Mayor: No comments from the Mayor

7. Comments from the Council

Gulyas: No comment for Councilmember Gulyas.

Hall: Councilmember Hall offered her condolences to Councilmember Gulyas on the passing of his sister and Town Attorney Gaskill on the passing of his Uncle. Councilmember Hall expressed how grateful she was that we now have a quality Hospital in our own Town. Mayor Williams noted that the Town does offer a yearly contribution of ten thousand dollars per Fiscal year to AGH.

Brittingham: No comment from Councilmember Brittingham.

Burrell: Councilmember Burrell wanted to recognize before the Council and Public the young man that did an Eagle Scout project of painting house numbers in front of several streets in Berlin in 2013. Staff will pursue locating Scout.

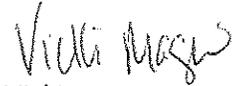
Purnell: No comment from Councilmember Purnell.

8. **Comments from the Public:** Jerome Wharton Jr. inquired on the Cannery Village project how many local carpenters and businesses are being utilized. Town Administrator Laura Allen will research the subject and bring a report to next meeting. Mr. Wharton asked the status of the Stormwater Project. Ms. Allen stated that there were several phases of the Stormwater Project and that we are working on getting easements. If all easements cannot be obtained, there will be a design arrangement around them.

9. **Comments from the Press:**
No comments from the Press.

10. **Adjournment:** - On the motion of Councilmember Burrell Burrell at 7:50 p.m.

11. Minutes respectfully submitted,



Vicki Magin

Administrative Assistant



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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



ORDINANCE NO. 2015-06

Mayor
Wm. Gee Williams, III

Vice President
Elroy Brittingham, Sr.

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

Town Attorney
David Gaskill

Town Administrator
Laura Allen

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MUNICIPAL CORPORATION, AMENDING CHAPTER 108 "ZONING", SECTION 108-715, ITEM (2), SUBITEM (a), "MULTIFAMILY BUILDINGS".

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT CHAPTER 108, SECTION 108-715(2) a. BE AMENDED AS FOLLOWS:

~~108-715 (2) a. Multifamily buildings shall consist of a group of not more than 12 dwelling units.~~

108-715 (2) a. Multifamily buildings shall consist of a group of not more than 12 dwelling units unless the Planning Commission finds that an improved development plan can be achieved and that public necessity, convenience, general welfare and good zoning practice will be better served, in which case, the Planning Commission may allow a multifamily building to consist of any number of dwelling units as determined on a case by case basis.

THIS ORDINANCE was introduced and read at a meeting of the Town Council on the ___ day of _____

2015, and thereafter a statement of the substance of the Ordinance was published as required by law.

A PUBLIC HEARING was held and this ordinance was adopted this ___ day of _____, 2015, by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ in favor to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice President

This Ordinance was approved this ___ day of _____, 2015 by the Mayor of the Town of Berlin and was therefore effective twenty (20) calendar days later on the ___ day of _____, 2015.

Wm. G. Williams III, Mayor

ATTEST:

Laura Allen, Town Administrator



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov



Mayor and Town Council

September 10, 2015

Town of Berlin, MD

10 William Street

Berlin, MD 21811

Mayor and Town Council,

At its meeting of September 9, 2015 the Berlin Planning Commission passed a motion to recommend to the Mayor and Council a Text Amendment to the Town Zoning Ordinance Section 108-715(2)a. by repealing it and replacing it with the following:

"a. Multi-family buildings shall consist of a group of not more than 12 dwelling units unless the Planning Commission finds that an improved development plan can be achieved and that public necessity, convenience, general welfare and good zoning practice will be better served, in which case, the Planning Commission may allow a multi-family building to consist of any number of dwelling units as determined on a case by case basis."

Sincerely,

Christopher Denny

Chairman

Berlin Planning Commission

TOWN ADMINISTRATOR'S REPORT

September 14, 2015

Purchase Orders (numeric order)

<u>201600251</u> Staples Business Advantage Office Supplies Various accounts	\$1130.46
<u>201600452</u> Business Card Bank of America 3 @ 850.00 Desk Scanners (Fi160) Finance Department 01-4120-4050	\$2,550.00
<u>201600457</u> Funk & Bolton Professional Services Various accounts	\$8,550.00
<u>201600460</u> Hertrich Fleet Services Inc. E12 Replacement Vehicle 10-4230-4092	\$38,092.00
<u>201600465</u> Goody Hill Ground Work, Inc. Run Sewer to 229 Branch Street 24-4365-4043	\$3,760.00
<u>201600521</u> Phillips Signs 2 @ 894.00, Welcome to Berlin/Slow down in our Town Signs 01-4320-4060	\$1788.00
<u>201600537</u> Feedwater Treatment Systems Inc. Chemicals 10-4220-4049	\$3180.50