



BERLIN MAYOR AND COUNCIL

Meeting Agenda

Berlin Town Hall

10 William Street

Monday, June 22, 2020

SPECIAL NOTICE: We will be live streaming Mayor and Council Meetings during the ongoing Coronavirus/Covid-19 State of Emergency. Your patience and understanding as we work to meet the restrictions on gathering size, while still conducting Town business is truly appreciated.

- Meeting packets will be posted by 5:00 p.m. on the Wednesday before the meeting.
- Written questions will be accepted to provide the Mayor and Council the opportunity to review and discuss BY 12:00 PM/NOON on the day of the meeting. Submit to:
 - Email: info@berlinmd.gov, please use M&C Comments as your subject
 - Fax to: 410-641-2316
 - Mail to: Berlin Town Hall, Attn: M&C Comments, 10 Williams St., Berlin, MD 21811. Mail should be posted no later close of business on the Friday before the meeting to help ensure delivery.
 - Drop off in one of the two drop boxes at Town Hall – one is at the rear of the building behind the stair tower, and the other is at the corner of Bay and Williams Street on the building.

To access the Meeting via live stream on Facebook, please click on the blue Facebook icon at the top of any page on the Town website, www.berlinmd.gov, or type @berlinmd in the Facebook search bar.

No response will be given to questions and comments submitted via Facebook during a regular meeting.

PUBLIC HEARINGS: If a public hearing is scheduled, questions will also be taken via Facebook during the Public Hearing portion of that meeting. A staff member will monitor the questions for duplicates, language and appropriateness to the Public Hearing topic. Depending on the volume of questions, we may not be able address everyone.

Responses will be given out loud via the live stream; they WILL NOT be responded to via the comments on Facebook.



BERLIN MAYOR AND COUNCIL

Meeting Agenda

Berlin Town Hall
10 William Street
Monday, June 22, 2020

7:00 PM REGULAR SESSION – Council Chambers (livestream)

1. Approval of the Minutes for:
 - a. Executive Session of 06/08/20
 - b. Statement of Closure for Executive Session of 06/08/20
 - c. Regular Session of 06/08/20
2. Motion 2020-17: Motion approving Pop's Kitchen at 15 Gay Street to place four picnic tables and a small bike rack on the front patio – Planning Director David Engelhart
3. Public Hearings: (questions not submitted prior to noon on Monday, June 22, 2020 will be taken via Facebook livestream)
 - a. Ordinance 2020-04: Ordinance amending chapter 12, "Elections" Section 12-130, "Absentee Voting" – Deputy Town Administrator Mary Bohlen
 - b. Resolution 2020-02; Re-zoning Worcester County Tax Map Number 25, Parcels 0004 and 0461 from M1A Industrial District to B-2 Shopping District – Planning Director Dave Englehart
4. Discussion re: 2020 Municipal Election Staff Report – Deputy Town Administrator Mary Bohlen
5. Departmental and Town Administrator's Report
6. Comments from the Mayor
7. Comments from the Council
8. Comments from the Public (questions or comments submitted prior to 12 noon on Monday, June 8, 2020 will be addressed at this time)
9. Comments from the Press
10. Adjournment

Anyone having questions about the meetings mentioned above or needing special accommodations should contact Town Administrator Jeffrey Fleetwood at (410) 641-4002. 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

Meeting Minutes

Monday, June 8, 2020

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

Present: Mayor Gee Williams, Vice-President Elroy Brittingham, Councilmembers Thom Gulyas, Zackery Tyndall, Dean Burrell, and Troy Purnell.

Staff Present: Town Administrator Jeff Fleetwood, Deputy Town Administrator Mary Bohlen, Police Chief Arnold Downing, Economic and Community Development Director Ivy Wells, Town Attorney David Gaskill, and Administrative Manager Kelsey Jensen.

Due to the Coronavirus/Covid-19 State of Emergency, this meeting was broadcast live via Facebook. No other persons besides three members of the press were present in the Council Chambers other than those specified.

Following the Lord's Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:00 PM.

1. Approval of the Minutes for:

a. Executive Session of 05/26/20:

On the motion of Councilmember Gulyas, the Executive Session minutes of May 26, 2020 were approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

b. Statement of Closure for Executive Session of 05/26/20:

Mayor Williams read the Statement of Closure.

c. Regular Session of 05/26/20:

On the motion of Councilmember Gulyas, the Regular Session Minutes of May 26, 2020 were approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

2. Swearing in the new Board of Elections members: Nicky Chavis and Steve Frene
Mayor Gee Williams swore in the new Board of Elections members.
3. First Reading: Ordinance 2020-04: Ordinance amending chapter 12, "Elections" Section 12-130, "Absentee Voting"
Deputy Town Administrator Mary Bohlen explained the minor change was to keep us up-to-date with the State and our own practices. The change will not require an excuse to complete an absentee ballot. A Public Hearing will be held on Monday, June 22, 2020.
4. Proclamation: Proclaiming June 22-28, 2020 as our Municipality's observance of National Pollinator Week as an affiliate of Bee City USA
Mayor Gee Williams read the proclamation on the record.
5. FY 2021 Contract Renewals:
 - a. Motion 2020-16: Motion authorizing certain contracts for FY2021
Town Administrator Jeffrey Fleetwood went over the contracts list for the FY 2021 budget. Councilmember Tyndall asked what the average annual price is for the contracts that are not to exceed \$100,000; Mr. Fleetwood replied \$50,000 to \$60,000 per year.

On the motion of Councilmember Burrell, Motion 2020-16 was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

- b. Town Administrators Contract
Mayor Gee Williams explained that the Council has extended Town Administrator Jeffrey Fleetwood's contract by three years with the same terms and in the amount of \$110,000.
6. Town Administrator's report and Departmental Reports given by Town Administrator except for Economic and Community Development, Police, and Deputy Town Administrator who were present:
 - a. Planning and Zoning: At the next Mayor and Council meeting there will be a Public Hearing for the rezoning of the property on 818 from industrial to B2. Planning Commission will meet on June 10th to discuss I.G. Burton, Spiro's hotel, 7-11, and two pad sites. Councilmember Tyndall asked if there will be a traffic impact study for the end of Main Street; Mr. Fleetwood said Mr. Engelhart will keep Town Staff up-to-date.
 - b. Electric: They have been working on installing the generator, and there will be a possible peak shaving event on Wednesday, June 10th.
 - c. Finance: Jean Holloway will have her report by the end of July.
 - d. PKS will perform an electronic audit around August or September, and the FY 2021 budget will be posted by the end of July.

- e. Water Resources: They have been cleaning and repairing lift stations and cleaning the tanks at the plant.
- f. Economic and Community Development: Mr. Fleetwood thanked Ms. Wells for all she has been doing with the merchants in town; he read an email he received from a merchant explaining how helpful she has been through the pandemic. Ms. Wells gave an overview of how she has been working with the businesses, she also thanked property owners on their willingness to work with the businesses and forbore or defer payments.

Ms. Wells then discussed firework options and said it was not possible to have the fireworks in July because the Fire Marshall's Office is not releasing permits at this time, but a full refund is not an option per the contract. Ms. Wells said basically, the Town has the option to cancel all together, or reschedule fireworks for after Labor Day. She said she plans to do an event at some point called the Best of Berlin is Back which would incorporate all or most of the cancelled events due to COVID.

On the motion of Councilmember Gulyas, the Motion to postpone the fireworks until a later date after Labor Day was approved by the following vote:

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

Councilmember Tyndall thanked Ms. Well for setting out the crosswalk signs, he felt that they were beneficial to foot traffic.

- g. Deputy Town Administrator: Ms. Bohlen reported that the Community Parks and Playground grant application for lights at the Henry Park Basketball Courts were not approved for the second time. She is waiting on feedback as to why. She asked the Council to consider what they would like to apply for in the fall, they can reapply for lights, or can apply for permanent restrooms at Stephen Decatur Park, but would need to recognize that water lines would need to be run to the site as well. She said it is never harmful to increase the match either.
 - h. Police: Chief Downing reported that JD did range training last week. They had cadet interviews and have made an offer to two candidates. The drive thru food pantry at Stevenson church helped 175 families this week, they have helped about 200 families every week over the last six weeks. NAACP hosted a prayer vigil on Friday at Tyree AME Church and it went really well. A group would like to have a march in Berlin on Thursday, June 11th at 5pm, it will begin at Stephen Decatur Park in the parking lot, it will take place down Main Street and end back at the park. Mayor Williams stated that the parks are still closed, Chief Downing said they are aware and plan to be in the parking lot. They expect it to last about an hour, the road will be closed during this time for safety.
7. Comments from the Mayor: Mayor Williams said he is glad they are changing the absentee process because they want it to be as easy as possible for residents.
 8. Comments from the Council:
Vice-President Brittingham asked for an update on the street resurfacing project; Mr. Fleetwood said they are procuring their bond now and hope to begin by the end of the month.

9. Comments from the Public – Ms. Bohlen said there was one, but it was addressed prior to the start of the meeting.

10. Comments from the Press – Morgan with Bayside Gazette introduced her replacement Ms. Lanasa.

11. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 7:55PM.

Name	Counted toward Quorum				
	Aye	No	Abstain	Recused	Absent
Elroy Brittingham, VP	X				
Dean Burrell	X				
Troy Purnell	X				
Thom Gulyas	X				
Zackery Tyndall	X				
<i>Voting Tally</i>	5				

Respectfully Submitted,



Kelsey Jensen
Administrative Manager



MOTION OF THE MAYOR AND COUNCIL 2020-17

A MOTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN APPROVING THE PLACEMENT OF FOUR PICNIC TABLES AND A SMALL BIKE RACK ON THE FRONT PATIO OF POP'S KITCHEN LOCATED AT 15 GAY STREET.

APPROVED THIS ____ DAY OF _____, 2020 BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND BY AFFIRMATIVE VOTE OF ____ TO ____ OPPOSED, WITH ____ ABSTAINING, AND ____ ABSENT.

Elroy Brittingham, Sr. Vice President

Approved this ____ day of _____, 2020 by the Mayor of the Town of Berlin.

Wm. Gee Williams, III, Mayor

ATTEST: _____
Jeffrey Fleetwood
Town Administrator

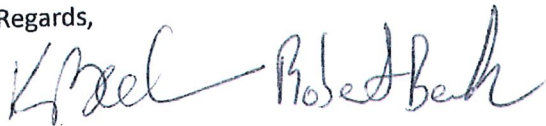
March 10, 2020

Dear Jeff Fleetwood,

We are soon to be opening Pop's Kitchen located at 15 Gay St in Berlin, MD.
We are writing to request approval on placing 4 picnic tables (see attachment) and a small bike rack on the front patio area of the building located at the above address.
The depth of the patio area is 110 inches and the tables with benches attached are only 70 inches leaving plenty of room for ADA compliance.

Please let me know what the next step would be in getting approval, as we are hoping to have these tables available for patrons this coming spring. Please call with any questions, 443-614-0111.

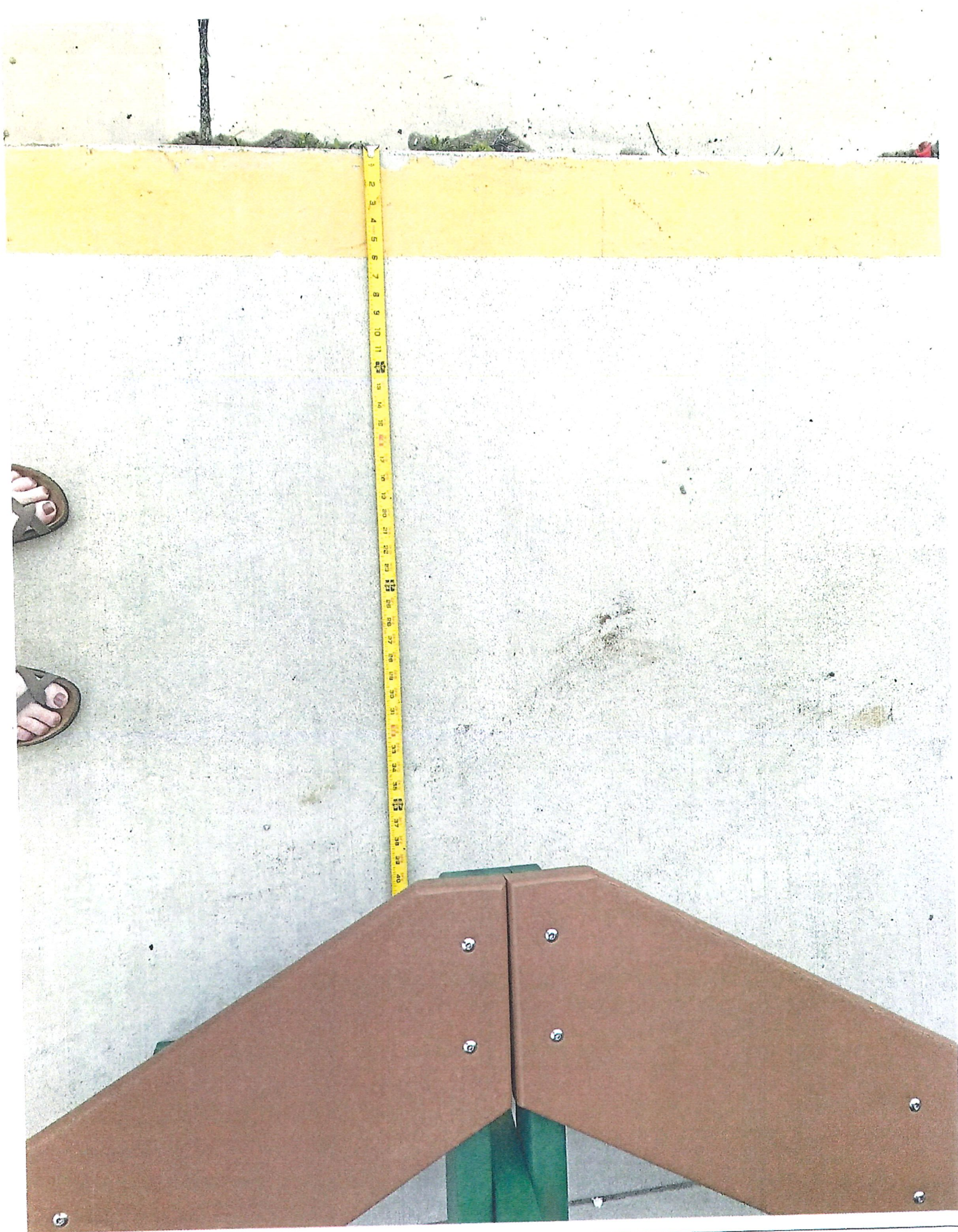
Regards,

A handwritten signature in cursive script, appearing to read "Kelli Beck" followed by "Robert Beck".

Robert & Kelli Beck



- * 29 inches: height of table
- * 41 inches: table top
- * 70 inches: table top w/ bench











ORDINANCE NO. 2020-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND,
A MARYLAND MUNICIPAL CORPORATION, **AMENDING CHAPTER 12, "ELECTIONS"**
SECTION 12-130, "ABSENTEE VOTING".

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT **CHAPTER 12, "ELECTIONS" SECTION 12-130, "ABSENTEE VOTING" BE AMENDED AS FOLLOWS:**

Sec. 12-130. - Absentee voting.

Any qualified voter ~~who may be unavoidably absent from the town or who is otherwise prevented from being physically present to vote in person at the polls on the day of any municipal election~~ may vote by absentee ballot, subject to provisions as follows:

- (1) Printed application forms for the request of absentee ballots shall be provided by the board of supervisors of elections. Application deadlines will be advertised by the board of elections supervisors in accordance with the notice provisions of article VI of the Charter.
- (2) Applications for absentee ballots may be submitted not more than 30 calendar days and not after the close of business on the Friday preceding a regular or special election. If less than seven calendar days remain prior to the election to which they apply, application must be made in person at the town hall, to the designated representative of the board of supervisors of elections. The signature of the applicant for an absentee ballot must be witnessed and dated. Applications for absentee ballots must be approved by the chairperson of the board of elections supervisors or the chairperson's authorized designee. Should the chairperson or designee determine that an application may not be acceptable or valid for any reason, the application will be reviewed by the entire board of elections supervisors and may be rejected only by majority vote of that body.
- (3) Upon approval of the application, absentee ballots will be mailed, except when less than five calendar days remain before the applicable election. After that time, ballots may be obtained in person, at any time, up to and including one hour prior to the close of the polls on election day, provided that the application has been approved.
- (4) Upon presentation of a valid application for an absentee ballot and a written authorization signed by the voter, an authorized agent may obtain an absentee ballot for a voter who is unable to pick up a ballot in person.
- (5) Postage for mailing of a ballot or application to the voter will be paid by the town, and postage for the return of ballots shall be paid by the voter.
- (6) Only those absentee ballots which are physically received by the board of elections supervisors or the town office prior to the close of polls or the day of the applicable election will be counted in the results for that election.
- (7) Any absentee ballot showing a vote for a person who is not a valid candidate for any reason will not be counted for that candidate, but such vote will not invalidate the remainder of the ballot.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 20_____, 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 _____, 20_____, 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 _____, 20_____ by the Mayor of the Town of Berlin and was therefore effective twenty (20) calendar days later on the _____ day of _____, 20_____.

Wm. G. Williams, III, Mayor

ATTEST:

Jeff Fleetwood, Town Administrator



RESOLUTION NO. 2020-02

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A
MUNICIPAL CORPORATION OF THE STATE OF MARYLAND,

To change the zoning classification of the properties known as Worcester County Tax Map Number 25, Parcels 0004 and 0461 consisting of approximately 26.67 acres, from M1A Industrial District to B-2 Shopping District.

WHEREAS; On January 8, 2020 the Berlin Planning Commission reviewed and recommended these changes to the Berlin Mayor and Council by a unanimous motion;

AND WHEREAS on this date as indicated below, the Mayor and Council of the Town of Berlin did hold a duly advertised Public Hearing regarding this matter;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin as follows:

As recommended by the Berlin Planning Commission to change the zoning classification of the properties known as Worcester County Tax Map Number 25, Parcels 0004 and 0461 consisting of approximately 26.67 acres, from M1A Industrial District to B-2 Shopping District.

Approved this _____ day of _____, _____ by the Mayor and the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

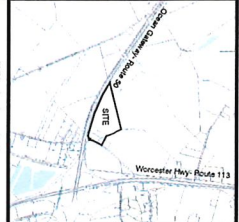
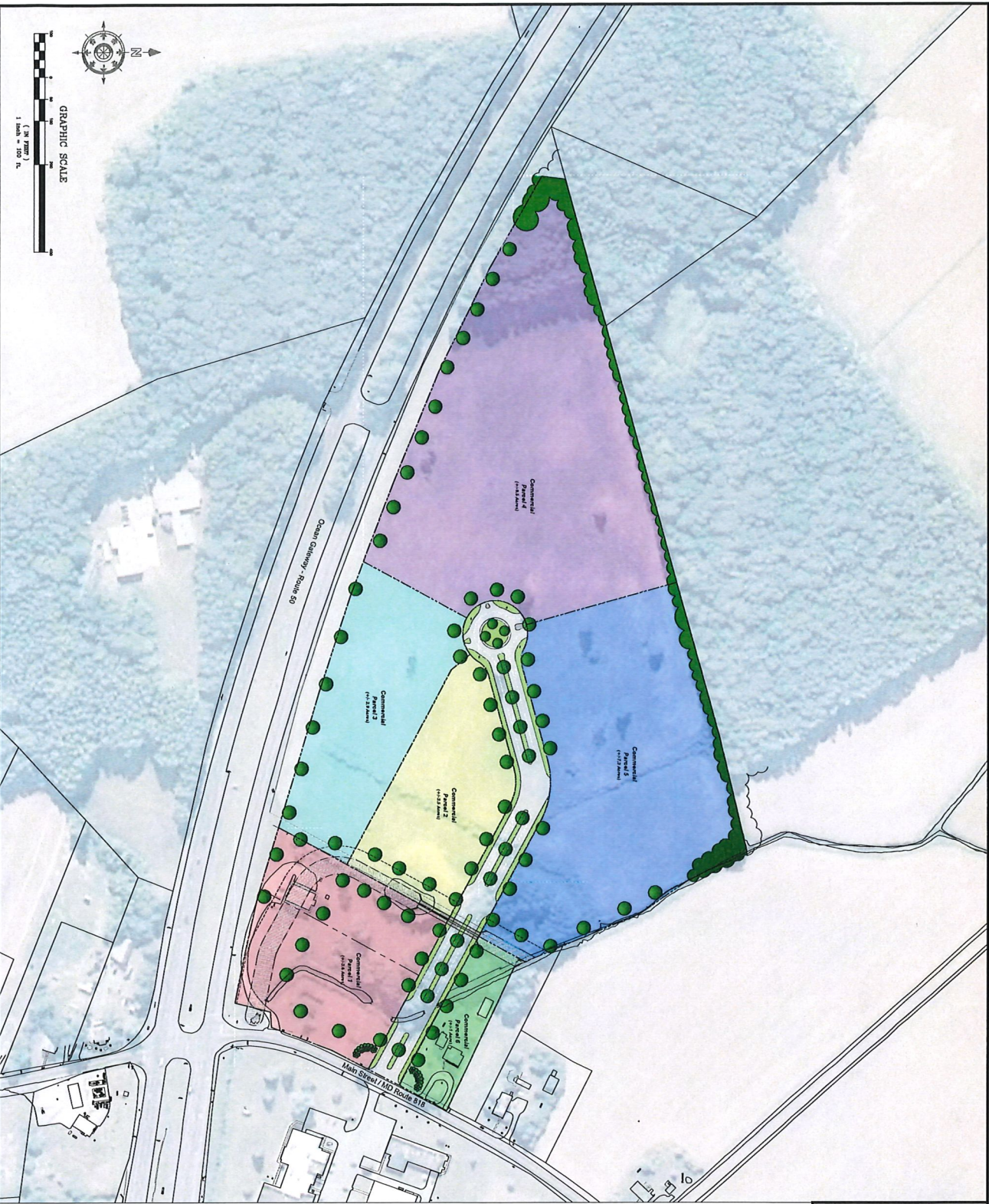
Elroy Brittingham, Vice President

Approved this _____ day of _____, _____ by the Mayor and Town of Berlin.

ATTEST:

Wm. Gee Williams, III, Mayor

Jeffrey Fleetwood, Town Administrator



Vicinity Map
Not to Scale

SITE DATA:

1. PARCEL:	TAX MAP 0005, PARCEL 004	= 234.19 ACRES
	TAX MAP 0005, PARCEL 041	= 12.81 ACRES
	TAX MAP 0005, PARCEL 046	= 5.21 ACRES
	TAX MAP 0005, PARCEL 045	= 15.79 ACRES
TOTAL AREA		= 258.00 ACRES

2. PROPOSED ZONING: SHOPPING DISTRICT (B-2)

3. MINIMUM SETBACKS:

FRONT 19' MIN.
 REAR 19' MIN. OR 37' MIN. ADJACENT TO A RESIDENTIAL DISTRICT
 SIDE 10' MIN. OR 19' MIN. ADJACENT TO A RESIDENTIAL DISTRICT

Berlin Crossing

Berlin, Maryland
Worcester County



10044 Old Ocean City Boulevard
Berlin, Maryland 21811
Ph: (410) 629-1160
Fax: (410) 629-1710
www.the-atlanticgrp.com

Civil Engineer
Land Planner
Landscape Architect
Surveyor

Conceptual Parcel Plan

PROJECT NO.	DATE	PROJECT
CONCEPT PLAN	NOV 11 2009	C-100

REVISIONS:	DATE

PLANNING FOR REVIEW



STAFF REPORT

TO: Mayor and Council

FROM: Deputy Town Administrator Mary Bohlen

MEETING DATE: June 22, 2020

SUBJECT: Options for October 6, 2020 Municipal Election

RECOMMENDATION

Proceed with the 2020 Town of Berlin Municipal Election as usual with encouragement to voters to vote Absentee and with appropriate social distancing and other provisions as recommended/required at that time.

SUMMARY

Most Election authorities throughout the country have been working to address (or have already addressed) the handling of elections in consideration of the ongoing Covid-19 pandemic. Considering the prediction that the pandemic may see a resurgence in the fall, Town staff, with the Town Attorney, has determined the options available to Berlin for the upcoming Municipal Election scheduled for Tuesday, October 6, 2020.

Note that the information to follow makes a number of assumptions regarding social distancing and gathering size restrictions that may still be in effect to some degree in October.

Below, please find a brief summary of those options:

Option 1: Proceed as normal with both in-person and absentee ballot options for voting. Through press releases and other normal election communications, voters will be encouraged to apply to vote absentee, particularly if they have concerns about voting in person. At the polling places, masks will be required and there will be marks indicating appropriate social distancing. Additional poll workers would be needed to keep the process orderly. This should be able to be done within the set budget.

By the passage of Ordinance 2020-04 eliminating the need for a voter to identify a reason for voting absentee, we are now in agreement with the state of Maryland, which prohibits the requirement of a stated reason for voting absentee.

Option 2: Mail-in voting. Every registered voter will be sent a ballot to be returned in a pre-addressed, postage paid envelope. The US Postal Service has guidelines readily available and all aspects will be designed to meet the minimum recommendations. The Town of University Park

has also provided us a copy of the Election Plan they established for their recent Town Election using those guidelines and on which we can model an election. In addition to the absentee voting section noted in Option 1 above, there may be several provisions of the Town's Charter and Code that will need to be addressed to allow this option.

It is estimated that additional expense will be approximately \$4,500 which will significantly exceed the FY21 budget line item.

Option 3: There is a provision of the Governor's orders specific to the pandemic that provides procedures for local government to postpone their regular election. The current terms of the sitting elected officials would be extended and all deadlines for the election, such as voter registration, candidate filing, etc., would be adjusted accordingly. This would be an option of last resort.

ANALYSIS

The most cost effective, least disruptive plan is Option 1. Assuming that at least some of the current pandemic provisions are in place on October 6, 2020, staff will work with the Board of Elections Supervisors to move forward with the Election with in-person polling as well as Absentee. Procedurally over the next several months, there will be no difference in deadlines or required advertising. There would be an increase in the number of Absentee Ballots requested and processed, but that will not represent a significant workload increase to Town staff.

An additional four poll workers will be hired for Election Day to help maintain social distancing and face-cover requirements. If all social distancing and other requirements are lifted by then, no additional workers would be anticipated.

CONCLUSION

At this time, plan to proceed with the October 6, 2020 Election as usual, with encouragement for Absentee voting and hiring of additional workers for Election Day.



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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

www.berlinmd.gov



'America's Coolest Small Town'

Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Troy Purnell

Thomas L. Gulyas

Zackery Tyndall

Town Attorney

David Gaskill

Town Administrator

Jeffrey Fleetwood



June 16, 2020

Keep America Beautiful

1010 Washington Blvd.

Stamford, CT 06901

Ladies and Gentlemen:

I am writing to request that the Town of Berlin, Maryland be named an affiliate of the Keep America Beautiful network.

Our town has long been known for its attractive historic buildings, trees and natural landscaping. But in the past decade there has been a widespread and successful community effort to not only preserve but enhance our historical and environmental heritage.

Working closely with our local and regional historic and environmental nonprofits the Town of Berlin has embarked on a number of initiatives to make meaningful progress in these areas.


Several years ago, we made a public commitment to 21st Century goals that we define as Environmental Stewardship and Economic Development. In our experience they are two equally important sides of the same coin. Both are necessary and important if our community is to be both environmentally and economically sustainable for generations to come.

We formed a Grow Berlin Green team that has been at the forefront at educating and encouraging our residents and business community about the permanent benefits of strong environmental stewardship practices and policies.

The Town has also led the effort to make our historical architectural and cultural heritage the foundation of first, our revitalization and now ultimately our renaissance, that has brought pride, economic growth and beauty to our 150-year-old community.

These values and goals are recognized and evident in every neighborhood of our diverse citizenry and community. We hope you look favorably upon this request and invite you and affiliates to visit any time.

Thank you for your consideration.


Wm. Gee Williams III
Mayor