



BERLIN MAYOR AND COUNCIL Meeting Agenda

Berlin Town Hall
10 William Street
Monday, April 22, 2019

CORRECTED

6:00 PM EXECUTIVE SESSION – Conference Room

- a. Pursuant to Section §3-305(b)(1) 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;
- b. Pursuant to Section §3-305(b)(7) – To consult with counsel to obtain legal advice on a legal matter.

7:00 PM REGULAR SESSION – Council Chambers

1. Approval of the Minutes for:
 - a. Executive Session of 04/08/19
 - b. Statement of Closure for Executive Session of 04/08/19
 - c. Regular Session of 04/08/19
 - d. Utility Fund Work Session of 04/15/19
2. Worcester Youth and Family Counseling Youth Program Updates – Executive Director Steve Taylor and Youth Programs Coordinator Tiffany Scott
3. Ordinance First Readings:
 - a. Ordinance 2019-01: Business License **Late Penalties Increase** – Town Administrator Laura Allen
 - b. Ordinance 2019-03: Setting the Real Property Tax Rate – Town Administrator Laura Allen
4. Berlin Fire Company Quarterly Update – President David Fitzgerald
5. Departmental Reports
6. Town Administrator's Report
7. Comments from the Mayor
8. Comments from the Council
9. Comments from the Public
10. Comments from the Press
11. Adjournment

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.

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, April 8, 2019

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 Laura Allen, Managing Director Jeff Fleetwood, Administrative Services Director Mary Bohlen, Water Resources/Public Works Supervisor Jamey Latchum, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, Economic and Community Development Director Ivy Wells, Town Attorney David Gaskill, and Town Clerk Kelsey Jensen.

Following the Lord’s Prayer and Pledge of Allegiance, Mayor Williams called the meeting to order at approximately 7:05 PM.

1. Approval of the Minutes for:

a. Executive Session of 03/25/19:

On the motion of Councilmember Gulyas, the Executive Session minutes of March 25, 2019 were approved by the following vote:

| Name | Counted toward Quorum | | | Recused | Absent |
|-----------------------|-----------------------|----|---------|---------|--------|
| | Aye | No | Abstain | | |
| 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 03/25/19:

Mayor Williams read the Statement of Closure.

c. Regular Session of 03/25/19:

Councilmember Gulyas noted that on page five number nine, the street for Mr. Jason Walter should be Powell Circle not Cape Circle.

On the motion of Councilmember Gulyas, with the correction noted, the Regular Session Minutes of March 25, 2019 were approved by the following vote:

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

d. General Fund Work Session of 04/01/19:

On the motion of Councilmember Gulyas, the General Fund Work Session Minutes of April 1, 2019 were approved by the following vote:

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

2. Proposed Basketball Program in Henry Park

Myro Small of Worcester County Recreation and Parks presented the proposed program. Vice-President Brittingham asked if Mr. Small would be at the classes; he said he would.

Councilmember Gulyas asked why it said there would be a sale of goods; Administrative Services Director Mary Bohlen said it is because the camp will cost \$35. Ms. Bohlen said the Parks Commission approved this and noted that they would like the flyer to state that they have discounts available for those in need; Vice-President Brittingham said he would like to see that on the flyer as well.

On the motion of Vice-President Brittingham, the basketball program with the change to the flyer was approved by the following vote:

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

3. Proclamations – Administrative Services Director Mary Bohlen

a. Proclamation 2019-06: Recognizing April as Fair Housing Month

Administrative Services Director Mary Bohlen explained Fair Housing Month. Councilmember Tyndall asked if we had information available for people of the public; Ms. Bohlen said we do in Town Hall.

b. Proclamation 2019-07: Recognizing April 20-27, 2019 as Take Pride in Berlin Week

Administrative Services Director Mary Bohlen explained Take Pride in Berlin Week.

On the motion of Councilmember Burrell, Proclamations 2019-06 and 2019-07 were approved by the following vote:

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

4. Business License Late Fees

Town Administrator Laura Allen explained the recommendation to increase business license late fees and the changes to the code. Vice-President Brittingham explained that the State will not allow businesses to renew business licenses if they are not current on taxes. Councilmember Burrell said he thinks it is a good method of enforcement and agrees with publishing names in the paper of those who are not current on their business license. Councilmember Gulyas asked for clarification on the portion regarding a misdemeanor; Town Attorney David Gaskill said they will be issued a citation and need to appear in District Court. Councilmember Tyndall asked if we can alert businesses that are not current using a system like CodeRed; Ms. Allen said they could.

On the Motion of Councilmember Tyndall, the request to hold a Public Hearing on these code changes on Monday, May 13, 2019, was approved by the following vote:

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

5. Departmental Reports:

a. Administrative Services Director – Mary Bohlen

Ms. Bohlen said the Parks Commission is gearing up for clean-up day on April 27th.

b. Water Resources/Public Works Supervisor – Jamey Latchum

Mr. Latchum said they are preparing for clean-up day as well. Councilmember Gulyas asked if they can look into power washing the playground equipment at Stephen Decatur Park. Vice-President Brittingham asked if he can look into the walking paths at the park too.

c. Police Chief – Arnold Downing

Chief Downing said they had a police day at the Coastal Early Learning Center last Wednesday and will do the same at Head Start next week. He also mentioned that Officer Holland came up with the idea to check in on the residents of the cottages that are home bound and ensure they receive meals when Stevenson United Methodist Church offers them on Wednesdays.

d. Planning and Zoning Director – David Engelhart

Mr. Engelhart said he just attended a meeting at Stevenson United Methodist Church regarding citizens concerns with proposed apartment complexes and answered many questions.

e. Economic and Community Development Director – Ivy Wells

Ms. Wells said she is changing up the trash can grant to include recycling and cigarette butt containers. This Friday will be the second Friday Art Stroll. April 20th will be an egg hunt. May 4th will be Jazz, Blues, Wine, and Brews. May 5th will start the Farmer’s Market on Pitt Street. There are new initiatives underway, Made in Berlin, and Pet Friendly initiatives, so look for those stickers in business windows. She is working with Tiffany on her idea of an ice rink in town. Lastly, she wanted to publicly request that the NYE mid-night ball drop be added back into the budget; Mayor

Williams asked if there is sponsorship money to cover some of those costs; Ms. Wells said her costs are minimal, it is just staff time that gets costly.

f. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood said he will be offering a Social Security Administration Day in Town Hall on April 18th from 10am-12pm; please call Town Hall if you wish to attend, it is open to the public.

6. Town Administrator’s Report – Laura Allen

Ms. Allen said this year ShoreUp will be receiving \$7,800; which is the largest contribution made since 2011. Since the program started in 2010, \$75,650 has been contributed to ShoreUp for energy assistance. On April 11th at 6pm at the Berlin Activities Depot there will be a meeting regarding Stormwater in the Graham Avenue area; they received a \$75,000 grant from MD Coastal Bays for improvements in this area; they have been promoting this meeting and would like to see everyone with concerns in the area attend. She also thanked Carmella Solito for allowing the meeting to be held there free of charge. Lastly, she mentioned that they will be attending the last of their climate leadership classes tomorrow and Wednesday.

7. Comments from the Mayor:

Mayor Williams had no comments.

8. Comments from the Council:

Councilmember Gulyas said that there are times where Burley Oak needs the overflow parking and instead of charging them, he asks that they make a donation to Worcester Youth and Family, so he presented Chief Downing with a check for \$1,000 for Worcester Youth and Family.

Vice-President Brittingham asked that Water Resources please speak with Ms. Grace Purnell who is in attendance about her backyard and water issues; he’d like to see an engineer look at the property. Councilmember Burrell asked if that ditch area was supposed to be reinforced; Mr. Latchum said it was and they are waiting on the stone to come in, so they can complete that. Town Administrator Laura Allen said they have also had weather challenges and haven’t been able to work in the conditions. Ms. Purnell gave the Town permission to go into her yard and assess the situation, she said she hopes to see them tomorrow.

9. Comments from the Audience:

Comments were made by the following individuals who expressed concerns and raised questions about property taxes, water and sewer rates, street repairs, events, and other budgetary items:

- James Meckley – Buckingham Road
- Donald Fletcher – Powell Circle
- Michelle Bruder – Broad Street
- Larry Smith – Cape Circle
- Deborah Fletcher – Powell Circle
- Kim Holloway – Davis Court
- Jason Walter – Powell Circle
- Marie Velong – West Street
- Kim Mumford – Quillin Drive
- Jennifer Dawicki – Mill Road
- John Watson – Buckingham Road
- Samantha Pielstick – Decatur Street

10. Comments from the Press – none.

11. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 9:00PM.

| Name | Counted toward Quorum | | | Recused | Absent |
|-----------------------|-----------------------|----|---------|---------|--------|
| | Aye | No | Abstain | | |
| 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
Town Clerk



BERLIN MAYOR AND COUNCIL
UTILITY FUNDS BUDGET WORK SESSION
Meeting Minutes
Monday, April 15, 2019

5:30 PM WORK SESSION – Utility Funds Budget Work Session
Berlin Town Hall Council Chambers

Present: Mayor William Gee Williams, III, Vice-President Brittingham, Councilmembers Zackery Tyndall, Dean Burrell, and Troy Purnell.

Absent: Councilmember Thom Gulyas.

Staff Present: Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Finance Director Natalie Saleh, Water Resources and Public Works Director Jane Kreiter, Wastewater and Public Works Superintendent Jamey Latchum, Water Superintendent Marvin Smith, Electric Utility Director Tim Lawrence, and Town Clerk Kelsey Jensen.

Mayor Williams called the Utility Fund Work Session to order at 5:40 PM. He explained that Councilmember Gulyas had a planned vacation so is unavailable, and that Councilmember Burrell would be late due to his work schedule. He said the utility fund budget is approximately 9.1 million and there is a reduction of approximately two million. He stated that he will be recommending that the stormwater utility fee increase be delayed until next fiscal year.

Finance Director Natalie Saleh gave an overview of the agenda, she stated that we will be hearing the proposed budget on Health Care Renewal, the Electric Department, and Water Resources.

Managing Director Jeff Fleetwood and Chris Carroll with Deeley Brokerage presented information on the current health care plan and the FY2020 health care renewal proposals. Councilmember Tyndall asked if offering the HRA benefit to employees reduces the overall rates; Mr. Carroll said it does. They then presented information on the proposed wellness program, which would not help with rates, but it would be a motivator for employee wellness. They estimate the cost to the Town will be approximately \$14,000. Mayor Williams and Councilmember Tyndall support the wellness program but did not feel it was the right year to implement the program. Mr. Fleetwood and Mr. Carroll then gave an overview of their recommendations. They recommended switching health care to Carefirst, remaining with Principal for dental, remaining with VSP for vision, and then the other options are employee funded.

Electric Utility Director Tim Lawrence discussed the storm that came through last night and showed photos of the damage. Councilmember Burrell thanked the department for their work and quick response times.

Ms. Saleh went over the total revenues for the electric fund. Mr. Lawrence then presented the proposed Electric Utility Funds budget. In Electric Admin he is requesting a transfer of a budget item that was budgeted in FY2019; it was a truck that was ordered in FY2019 and may not arrive until FY2020. He said you will also see a line item for SonRise Church Property in the amount of \$17,000; this is paid to Delmarva Power to take over the properties electric. Councilmember Tyndall asked what the contingency line items in the funds are; Ms. Saleh said they are variable amounts to balance the budget, and they serve as a cushion. Ms. Allen asked if the budget is consistent with the Capital Improvement Plan; he said some items are. Mr. Fleetwood mentioned that the new linesmen

apprentice positions were a great addition. Mayor Williams said those positions are important because we will likely see a lot of turnover on our workforce as more individuals are able to retire, so training these individuals will benefit us in the long run.

Ms. Allen asked if Mr. Rob Duma with Davis, Bowen & Friedel, Inc. could present the proposed rate changes for the water and sewer rates next, he has another meeting to attend; Mayor Williams said that was fine.

Mr. Duma presented the proposed rate options including a single year rate increase option as mentioned in a prior meeting. He said these proposed rate changes are based on historical data, not estimates. He said these rates also include an estimated 10% reduction to water usage assuming customers cut back on their usage. Councilmember Tyndall asked when the breakeven point would be; Mr. Duma said in year one on operational costs. Councilmember Burrell asked how many people are in each tier; Ms. Allen said about 30-38% of customers fall in the low tier using 1,000-4,000 gallons; but the tiers may change based on the proposal. Ms. Allen recommended that the Council consider a policy change allowing equivalent dwelling units (EDU) special collection fees to meet debt services first, and then extra be applied to capital improvements, and then if there are still extra funds available they can be discussed. Ms. Allen asked what the repayment time period would be to the general fund; Mr. Duma said 16 years to pay back the 3.5 million. Councilmember Tyndall asked about the possibility of writing it off as bad debt; Ms. Allen said we would no longer have the reverses available if we did that. Mayor Williams said he is not in favor of the single year rate increase option. Vice-President asked for clarification on ready to serves and asked how many users are paying them; Mayor Williams explained the process and Ms. Kreiter said as of January 222 customers were paying ready to serves.

Water Superintendent Marvin Smith and Water Resources and Public Works Director Jane Kreiter presented the Water Administration proposed budget. Councilmember Tyndall asked what was cut from the Capital Outlay account; Mr. Smith said it was a wellhouse that needs rebuilt. Ms. Allen asked about seasonal employees; Ms. Kreiter said they typically higher six in Water Resources and this year they have only budgeted one or two.

Ms. Kreiter and Wastewater and Public Works Superintendent Jamey Latchum presented information on Wastewater. Mr. Latchum said they have requested four must have items totaling \$40,000. Ms. Allen asked where the sampling and reporting information goes to; Mr. Latchum said MDE and EPA.

Ms. Kreiter and Mr. Latchum presented information on Stormwater. They said they have budgeted a \$75,000 grant from MD Coastal Bays for work on the submerged gravel wetlands in the Graham Avenue area. Ms. Saleh pointed out that they originally planned to replace the vac truck this year (\$315,000) but will hold off another year. Councilmember Tyndall asked about splitting that truck between departments, but Ms. Saleh said it is primarily used in Stormwater.

Ms. Allen said that a representative from the Department of Natural Resources will be meeting with her and Darl Kolar, EA Engineering, to discuss projects for the upcoming grant cycle.

The Utility Funds Work Session adjourned at 7:55 PM.

Respectfully Submitted,



Kelsey Jensen
Town Clerk

Presentations:

Worcester Youth and Family Counseling Youth Program
Updates – Executive Director Steve Taylor



STAFF REPORT

To: Mayor and Members of the Town Council

From: Town Administrator Laura Allen

Meeting Date: April 22, 2019

Subject: Proposed Business License Code Changes

In preparation for the May 13, 2019 Public Hearing on this topic, the Mayor and Council must have a first reading of the proposed Ordinance changes.

EXECUTIVE SUMMARY

At the April 8, 2019 Mayor and Council meeting, staff recommended setting a public hearing to amend the Town Code to increase the late penalties for business license as follows:

1. Increase the late penalty to the allowable maximum of 24%,
2. Enable the transfer of unpaid penalties to the businesses' water bill, and
3. Make it a misdemeanor infraction to fail to obtain or renew a business license.

While most businesses typically obtain a business license and pay or renew their fee promptly, about 20 – 25% or approximately 47 - 60 businesses pay late. As of March 1, 2019, about 12% or 28 businesses have not paid.

The Finance Department spends a lot of time chasing the late payments, typically sending three or four invoices and making multiple telephone calls.

Staff established a Business License Process Committee (BLPC) last year, consisting of the Finance Director, Planning Director, Economic and Community Development Director, Administrative Services Director and Town Administrator, to determine the following:

1. The best way to streamline the process,
2. If the fee is set correctly to cover the Town's cost of issuing the licenses,
3. What changes need to be made to ensure businesses obtain and promptly renew their licenses.

The proposed changes were presented to the Mayor and Council on April 8, 2019. The requirement to publish the names of the late paying businesses was added to the draft code in response to comments from the Mayor and Council.

FISCAL IMPACT

The Town's business license fee is \$150 for banks and \$75 for all other businesses. The financial impact of the proposed code changes is expected to be minimal. The biggest benefit would be the reduction in the amount of time and expense associated with following up on the late payments.

ANALYSIS

The Process

The Finance Department issues renewal notices and invoices to approximately 235 businesses each year. The renewal invoice is sent in May with a June 30 deadline. Typically, 20 – 25% of the businesses pay late. As of March 1, 2019, 12% or about 28 businesses have not paid and do not have a current business license.

No Fee Increase

The recommendations in this report are the result of the Business License Process Committee's (BLPC) work. At this time, staff is not recommending an increase to the business license fee. However, The Planning Director will be checking businesses this fall to ensure their business license is posted as required, a step provided in the Code which the Town has not historically taken. This change may result in the need to increase the fee to cover the Town's cost. The Finance Director will determine the need for a fee increase after the Planning Director completes his review.

Reasons for the Recommendation

Staff is recommending the Code be changed (see attachment) because:

1. The current late penalties are not set high enough to motivate businesses to pay on-time. The Town Administrator has experience in another jurisdiction which indicates increasing the late penalties should result in more prompt payments. The proposed late penalties are graduated and hit the maximum amount of 24% after 90 days.
2. The Code requires a current license to operate a business within the Town limits, but there's no enforcement provision. Staff recommends adding enforcement teeth to the Code by making it a misdemeanor to operate a business without a Town issued license.
3. Transferring the late penalties to the water bill ensures those penalties will be paid or the property is subject to disconnection of water services. This approach would only work in cases where the business and property owner are the same.
4. It's an inefficient use of Town resources to re-issue invoices and make telephone calls to encourage businesses to pay their business license renewals. The recommended changes to the Code should reduce the amount of time staff spends chasing the late and non-payers.

CONCLUSION

Staff recommends the Mayor and Council direct the Town Administrator to provide public notice and schedule a public hearing for May 13, 2019 regarding the changes to Town of Berlin Code Article II entitled Business Licenses as outlined in this report and reflected in the attachment.

Attachment:

1. Proposed Code Changes



ORDINANCE NO. 2019-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF
BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION,
AMENDING ARTICLE II. – BUSINESS LICENSES SEC. 8-28. -
LICENSING PERIODS; PENALTIES AND INTEREST

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN THAT
AMENDING ARTICLE II. – BUSINESS LICENSES SEC. 8-28. - LICENSING PERIODS;
PENALTIES AND INTEREST BE AMENDED AS FOLLOWS:

ARTICLE II. - BUSINESS LICENSES[1]

Footnotes:

--- (1) ---

Charter reference— Authority to license and regulate businesses, § C5-1B(33).

State Law reference— Business occupations and professions, Md. Business Occupations and Professions Code Ann. § 1-101 et seq.; business regulations, Md. Business Regulation Code § 1-101 et seq.; licenses, Md. Ann. Code art. 24, § 11-201 et seq.

Sec. 8-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authority means the authority as granted to the Mayor and Council by the Charter of the Town of Berlin.

Boundaries means the corporate, legal limits of the town as may be amended from time to time.

Business or business establishment means any retail, service, rental or professional business entity.

Business license fee means the annual fee imposed upon any business operating within the town.

Person means any individual, firm, cooperation, partnership or joint venture.

Vendor means, for the purposes of this article, a person or business not operating a permanent location within the town limits, but who may, from time to time, operate at a one-day event or in another temporary venue.

(Code 1977, § 39-1; Ord. No. 2009-04, 5-11-2009)

Sec. 8-20. - Statutory authority.

Pursuant to the Charter of the Town of Berlin, article V, section C5-1B(33), the Mayor and Council of the town have the power to "license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise or services; to license and regulate any business, occupation, trade, calling or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter."

(Code 1977, § 39-2; Ord. No. 2009-04, 5-11-2009)

Sec. 8-21. - Applicability.

The provisions of this article shall include all of the area within the corporate limits of the town as may be amended from time to time.

(Code 1977, § 39-3; Ord. No. 2009-04, 5-11-2009)

Sec. 8-22. - License required; fee; transferability.

- (a) With the exception of vendors, no person shall operate any business establishment within the ~~district without~~ town without obtaining an annual license from the town.
- (b) The fee for the business license shall be as set forth by the Mayor and Council of the town. The annual fee schedule may be amended by the Mayor and Council from time to time.
- (c) The town administrator shall designate the appropriate department/personnel to oversee the billing and collection of the fee from the responsible person of each business establishment. The business license fee shall be due and payable on July 1 of each and every year, and the entire fee shall be collected before any license is issued.
- (d) Subject to all applicable provisions of other ordinances of the town, statutes of Maryland and all laws of the federal government, the business license shall be transferable, upon written notice to the town administrator, and shall be renewable from year to year during the continuous operation of the business by the licensee.
- (e) In the event that any person commences business operation in the town subsequent to July 1 in any year, the fee may be prorated based on the number of months of operation during the licensing year.

(Code 1977, § 39-4; Ord. No. 2009-04, 5-11-2009)

Sec. 8-23. - Application.

- (a) The responsible person shall make application for a town business license on the form provided by the town. No license shall be granted until the license fee herein specified shall have been paid in full.
- (b) Each applicant shall specify the legal name of the business, any other business name as appropriate (i.e., "trading as" name), the responsible person(s), the physical and mailing address of the business, and the number of units of a rental business as well as any other information as requested on the application form.

- (c) The license shall be displayed on the licensed premises in a conspicuous place, or in the case of residential rental units, shall be shown upon request by any persons inquiring.

(Code 1977, § 39-5; Ord. No. 2009-04, 5-11-2009)

Sec. 8-24. - Collection and distribution of fees.

- (a) The finance director of the town shall maintain an accurate accounting of business license fees billed and collected for the purposes of the allocation of those funds to the purpose as desired by the Mayor and Council.
- (b) The fund comprised of the business license fees collected in accordance with this article shall be utilized solely for the purposes determined by the Mayor and Council.

(Code 1977, § 39-6; Ord. No. 2009-04, 5-11-2009)

Sec. 8-25. - Effect on other applicable provisions.

- (a) Any person who owns or operates a business in the town shall be subject to all applicable provisions of all other ordinances of the town, statutes of Maryland and the laws of the federal government.
- (b) This article shall not be interpreted to relieve any person or entity of the responsibility for any other licensing or regulation required by any industry or other government entity. No licensing or regulation obtained from any industry or other government entity shall relieve any person or entity of the responsibility for obtaining a business license from the town.

(Code 1977, § 39-7; Ord. No. 2009-04, 5-11-2009)

Sec. 8-26. - Rules and regulations.

The Mayor and Council are hereby authorized and empowered to make, adopt, promulgate and amend, from time to time, such rules and regulations as the Mayor and Council deem necessary or proper to carry out and enforce the provisions of this article and to define or construe any of the terms or provisions of this article.

(Code 1977, § 39-8; Ord. No. 2009-04, 5-11-2009)

Sec. 8-27. - Use of fees.

Any fees imposed under this article shall be used only for the purposes determined by the Mayor and Council and as amended from time to time and may not revert to the general fund of the town so long as the appropriate venue for the use of those fees remains in operation as approved by the Mayor and Council under the provisions of this article.

(Code 1977, § 39-9; Ord. No. 2009-04, 5-11-2009)

Sec. 8-28. - Licensing periods; penalties and interest.

- (a) For the purposes of this article, the licensing shall be July 1 through June 30 of the following year. Bills for license fees shall be issued at least 30 days prior to July 1 of each year or as far in advance of July 1 as possible and shall be due and payable 30 days from the date of billing.
- (b) Any person liable to pay the business license fee who fails to pay the same within 30 days after it is due and payable shall be subject to a ~~civil penalty of ten percent of the fee and to interest at the rate of 1½ percent per month, or a fraction thereof, in addition to the annual license fee. Failure to pay said business license fee and any penalty and interest when due shall subject the violator to civil prosecution, including possible resulting liens, payment of court costs, and reasonable attorney's fees.~~ 5% increase in the fee and publication of the name(s) of the business(es). Failure to pay after that point will result in penalties as follows:
1. No payment within 60 days will result in a 12% increase in the fee
 2. No payment within 90 days will result in a 24% increase in the fee
- (c) The town reserves the right to ~~post or otherwise publish the names of businesses which fail to comply with the provisions of this article~~ transfer the fee and penalties to the business's water bill.
- (d) Failure to obtain or renew a business license as required pursuant to this Title constitutes a municipal infraction pursuant to Chapter 1, Section 1-23 of this Code and shall be punishable as a misdemeanor, the penalty for which shall not exceed a fine of \$1,000.00 and/or imprisonment for a term not to exceed six months."

(Code 1977, § 39-10; Ord. No. 2009-04, 5-11-2009)

Sec. 8-29. - Rental housing licensing.

- (a) *Purpose.* The purpose of this section is to assure compliance with all laws, ordinances and regulations applicable to rental housing units within the corporate limits of the town. It is further the purpose to ensure safe, healthy and habitable housing conditions in rental housing units and to prevent said units from deterioration and to encourage responsible management, maintenance and use of rental housing units through landlord licensing, rental registration and inspections.
- (b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Building official* means the individual appointed by the Mayor and Council to administer and interpret the applicable regulations for housing and property maintenance.
- Housing board of review* means the body, appointed by the Mayor and Council, established in section 6-127, to whom appeals of this article shall be made.
- Rental housing unit* means any space in any building within the town limits which, for a consideration, is made available by any person to another person for dwelling purposes.
- (c) *Licensing.* Any person renting for the purpose of habitation any rental housing unit shall obtain a rental license from the town. Application form for said license shall be provided by

the town. The holder of the license shall have a principal interest in the rental housing unit(s) for which the license application is made. The town shall obtain appropriate contact information from the applicant, including name, phone number and emergency contact information. The application shall include a consent to inspection during reasonable hours for the term of the license. Licenses shall be issued for a term of one year and may be renewable for additional one-year terms. Licenses shall be non-transferable. Fee for said license shall be established by the Mayor and Council and may be amended from time to time.

- (d) *Registration.* For every rental license issued registry of all rental properties shall be maintained by the town. Said registry shall include the address of each rental housing unit, the approximate number of residents for each unit and other information as provided on the rental license application form.
- (e) *Inspections.* An inspection of the property(s) for which application has been made may be conducted prior to the issuance of a rental license. All rental housing units shall be subject to the International Property Maintenance Code as described in chapter 6-
 - (1) The building official may require the inspection of a rental housing unit when there is evidence that a property is not in compliance with housing and property maintenance standards as established in this Code.
 - (2) If an inspection indicates that a rental housing unit is not in compliance with all applicable regulations and codes, the rental license pertaining to that particular unit may be subject to revocation. A rental license may be revoked if the licensee fails to correct the code violations within 30 days as specified by the building official. The revocation of a rental license shall be in addition to and not in substitution for other penalties and fines as may be provided for in other laws or ordinances.
 - (3) A tenant's consent to entry for inspection shall be required as a term in every lease.
 - (4) Refusal to permit entry for inspection purposes shall be grounds for revocation of the license.
- (f) *Compliance required.* Owners of rental housing units are required to obtain a license to operate said rental unit. Any owner of a residential rental property who allows occupancy of a rental housing unit without first obtaining a license from the town may be subject to a fine of up to \$100.00 for an initial violation and \$200.00 per day for repeat or continuing violations. Each day the violation exists may be considered a new violation. The building official, when made aware of an unlicensed rental unit, shall inform the owner, in writing, of the license requirement. Failure of the owner to apply for a rental license within ten business days shall be considered a violation of this section and cause the owner to be subject to the fine stated above. In order to prevent unsafe, unsanitary, substandard or non-compliant rental housing, the town shall have the authority to seek an injunction from the county circuit court against any owner of a rental housing unit to prevent continued operation of an unlicensed or non-compliant rental housing unit.
- (g) *Appeals.*
 - (1) Any person aggrieved by the action of the building official may, within ten days of receipt of written notice of such action, appeal such action to the town housing board of review by filing a notice of appeal to the building official. The board shall meet within

30 days of such notice and conduct a hearing according to its regulations as established in this Code. All fines, penalties, suspensions or revocations shall be stayed pending the board of review hearing and the decision of the board.

- (2) Any person aggrieved by an action of the housing board of review may appeal such action to the circuit court for the county pursuant to the Maryland Rules of Procedure.

(Code 1977, § 39-11; Ord. No. 2011-06, 9-12-2011)

Secs. 8-30—8-46. - Reserved.

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, and _____ absent.

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:

Laura Allen, Town Administrator



ORDINANCE 2019-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, MARYLAND, A MARYLAND MUNICIPAL CORPORATION, SETTING THE REAL PROPERTY TAX RATE

WHEREAS the Town Charter § C3-10 requires that the Mayor and Council pass an Ordinance setting the real property tax rate necessary to sustain the Town’s budget; and

WHEREAS the Mayor and Council have determined what the real property tax rate shall be.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Berlin, Maryland that the tax rate for fiscal year 2019-2020 shall be \$.88 per \$100.00 of assessed value of real property located within the Town limits of Berlin, Maryland.

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:

Laura Allen, Town Administrator

Presentations:

Berlin Fire Company Quarterly Update – President David
Fitzgerald