



**BERLIN MAYOR AND COUNCIL
Meeting Agenda**

**Berlin Town Hall
10 William Street
Monday, April 8, 2019**

6:30 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.

7:00 PM REGULAR SESSION – Council Chambers

1. Approval of the Minutes for:
 - a. Executive Session of 03/25/19
 - b. Statement of Closure for Executive Session of 03/25/19
 - c. Regular Session of 03/25/19
 - d. General Fund Fiscal Year 2020 Budget Worksession of 04/01/19
2. Proposed Basketball Program in Henry Park – Myro Small of Worcester County Recreation and Parks
3. Proclamations – Administrative Services Director Mary Bohlen
 - a. Proclamation 2019-06: Recognizing April as Fair Housing Month
 - b. Proclamation 2019-07: Recognizing April 20-27, 2019 as Take Pride in Berlin Week
4. Business License Late Fees – Town Administrator Laura Allen
Staff Report: Recommendation to Increase Business License Late Fees with Public Hearing to be held Monday, May 13, 2019.
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

WRITTEN STATEMENT FOR CLOSING A MEETING UNDER THE OPEN MEETINGS ACT

Date: 03/25/19 Time: 6:30 pm Location: Conf. Room Motion to close meeting made by: Gulyas

Seconded by _____, Members voting in favor: Brittingham and Burrell

Opposed: 0 Abstaining 0 Absent Tyndall at start and Purnell

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b) (check all that apply):

- (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;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

§3-305(b) (1) Regarding a personnel matter

§3-305(b) () _____

§3-305(b) () _____

This statement is made by Wm. Gee Williams, III, Presiding Officer: _____
SIGNATURE

WORKSHEET FOR USE IN CLOSED SESSION (CHECKLIST OF DISCLOSURES TO BE MADE IN MINUTES OF NEXT REGULAR MEETING- NOT A PART OF THE CLOSING STATEMENT)

PERSONS ATTENDING CLOSED SESSION: Mayor, Councilmembers Brittingham, Burrell, Gulyas, Tyndall, L. Allen, M. Bohlen, J. Fleetwood, N. Saleh, A. Downing, R. Fisher

TOPICS ACTUALLY DISCUSSED LEOPS

ACTION(S) TAKEN (IF ANY) AND RECORDED VOTES: _____

TIME CLOSED SESSION ADJOURNED: 7:05

PLACE OF CLOSED SESSION Town Hall, Conference Room

PURPOSE OF CLOSED SESSION: LEOPS

STATUTORY AUTHORITY FOR THE CLOSED SESSION: §3-305(b) (1); () ; ()

MEMBERS WHO VOTED TO CLOSE: Brittingham, Burrell, Gulyas

(Form Revised 10/1/14)



BERLIN MAYOR AND COUNCIL
Meeting Minutes
Monday, March 25, 2019

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

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

Absent: Councilmember Troy Purnell.

Staff Present: Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Administrative Services Director Mary Bohlen, Finance Director Natalie Saleh, Police Chief Arnold Downing, Electric Utility Director Tim Lawrence, Planning Director Dave Engelhart, 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 03/11/19:

On the motion of Councilmember Gulyas, the Executive Session minutes of March 11, 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>	4				1

b. Statement of Closure for Executive Session of 03/11/19:

Mayor Williams read the Statement of Closure.

c. Regular Session of 03/11/19:

On the motion of Councilmember Gulyas, the Regular Session Minutes of March 11, 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>	4				1

2. Public Hearing: Cable Television Franchise Agreement

Town Administrator Laura Allen explained the purpose of the public hearing. Mayor Williams asked how long the duration of the agreement would be; Ms. Allen said typically five years, but

details are still being worked out. Vice-President Brittingham asked if we can discuss rates; Ms. Allen said they are free to discuss them, but the Town cannot negotiate rates. Councilmember Burrell said all of the information will be passed along to them.

Mayor Williams opened the public hearing at 7:10 PM.

Resident Neil Winn said the internet speeds are great, but he is disappointed to see Comcast adding data caps to their service. He said when he downgraded to remove his television service it took six months. Lastly, he said he knows that there is a broadband fiber optic connection on 113 and he would like the Town to be tapped into that.

Vice-President Brittingham asked if there was a representative from Comcast in attendance, he remembered always having a representative present in the past; Ms. Allen said there was not, but his information has been provided if anyone would like to contact him. Resident Larry Smith asked why we didn't reschedule to when someone could be here; Administrative Services Director Mary Bohlen said representatives are not required to be present, but he was invited when the date was set.

Ms. Allen read the email from Sam Card regarding fiber vs. cable; Councilmember Tyndall asked if that email is stating that fiber would be better; Ms. Allen said it is.

Vice-President Brittingham said a resident asked him to relay that her bill is \$68 and after taxes and fees it is about \$100.

Councilmember Tyndall said the Berlin Fire Company cannot be in attendance but sent an email request for free basic cable, it would provide an incentive to volunteers; he said he'd like to see the same for the Police Department. Managing Director Jeff Fleetwood said they already do provide some free connections to the Town for municipal buildings.

Councilmember Burrell said he thinks their customer service needs improvement. They have long wait periods on the phone and for a technician to arrive.

Resident Jason Walter asked if the franchise fee is set or if it's a variable rate. Mr. Walter explained that the rate is passed along to the customer and the monies are given to the Town for the franchise; he said the process was unclear in the paper. Ms. Allen said it is a pretty common fee and they do not have the numbers at this point because there is no agreement yet. She also said there will be another public hearing on this matter when they have an agreement drafted and an ordinance advertised.

With no further comments Mayor Williams closed the public hearing at 7:30 PM.

3. Motions to Approve:

- a. Motion 2019-08: Motion approving the transfer of one Equivalent Dwelling Unit (EDU) from Lot 33 Parcel 1369 in the Woodland Park Subdivision to the Habitat for Humanity at 21 Jefferson Street

Josh Esworthy and Matthew Manos were present on behalf of Habitat for Humanity and they explained their request and wish to accept the transfer. Town Administrator Laura Allen said she spoke with Water Resources and Public Works Director Jane Kreiter and Ms. Kreiter saw no issues with the transfer.

On the motion of Vice-President Brittingham, Motion 2019-08 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>	4				1

b. Electric Utility Administrative Matters:

i. Motion 2019-09: Motion re-approving the Town's PJM Risk Management Policy and reauthorizing the Town Administrator to represent the Town in hearings before the Maryland Public Service Commission

Town Administrator Laura Allen explained the motion.

On the motion of Councilmember Gulyas, Motion 2019-09 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>	4				1

ii. Motion 2019-10: Motion re-approving the agreement with Betts and Holt, LLP for legal services regarding the Electric Department and other energy related matters

Town Administrator Laura Allen explained the motion.

On the motion of Vice-President Brittingham, Motion 2019-10 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>	4				1

4. Resolution 2019-02: Resolution re-affirming the Master Services Agreement for wholesale electric purchases and authorizing execution of schedules and confirmations thereunder within certain parameters

Town Administrator Laura Allen and Mayor Williams explained the purpose of the Resolution. Councilmember Tyndall asked if we can also look into purchasing Renewable Energy Credits over a longer duration; Ms. Allen said she would.

On the motion of Councilmember Tyndall, Resolution 2019-02 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>	4				1

5. FY 2019 Mid-Year Budget Report

Finance Director Natalie Saleh gave a mid-year budget report. Councilmember Tyndall asked if she can provide copies and have this available electronically for tomorrow night; she said she would. Resident Jason Walter asked about the road priorities; Ms. Allen said she would send it to him if he wanted. Resident Jason Walter expressed concerns on personnel salaries. Resident Larry Smith expressed concerns on annexing properties when it puts strain on Town resources.

6. Departmental Reports:

a. Finance Director – Natalie Saleh

Ms. Saleh reminded everyone that there will be a General Fund Work Session on April 1, 2019 at 5:30 PM where the General Fund and Berlin Fire Company will be discussed.

b. Administrative Services Director – Mary Bohlen

Ms. Bohlen reported that the Navy Historical Heritage Center wanted an updated loan agreement and report on the anchor from the USS Decatur in Stephen Decatur Park annually. Clean Up Day will be on April 27th. For the event, Comcast will be doing a Comcast Cares Day where they will donate money to Worcester Youth and Family for each volunteer present, the Department of Natural Resources will promote their Backyard Buffer Day where they will be providing free seeds to plant trees, and the Kiwanis will be donating lunch to volunteers. Vice-President Brittingham said there are a lot of defects in the cork walkway; Ms. Bohlen said Public Works is aware and will address it when the weather warms up. He also stated that he sees a lot of non-tennis activities on the new tennis courts and would like tennis only signs; Ms. Bohlen will look into this.

c. Electric Utility Director – Tim Lawrence

Mr. Lawrence said the SonRise transfer was completed today. Bay Diesel began working on Engine two today; Mayor Williams asked how long it will take to repair; Mr. Lawrence said four to five days. Lastly, they will be doing meter reads tomorrow.

d. Planning and Zoning Director – David Engelhart

Mr. Engelhart reported that Councilmember Gulyas wanted an update on the Ocean's East entrance design, there will be a meeting with the engineers to discuss this next week; he will advise the Council of the date and time if they would like to attend.

e. Managing Director – Jeffrey Fleetwood

Mr. Fleetwood will be attending a LGIT workshop on April 2nd in Cambridge. He will be meeting with Chris Carroll to discuss health insurance trends on April 3rd; the Mayor and Council are welcomed to attend. He will have a Nationwide representative here on April 4th from 9 AM-11 AM in the Conference Room. On April 18th the USSSA will be offering a Social Security Day in Berlin from 10 AM-12 PM and this event will be open to the public, please call Town Hall to reserve a

spot. Lastly, in June there will be a defensive driving course open to Town Staff and other municipalities.

7. Town Administrator’s Report:

Ms. Allen asked residents to complete the surveys in the back of the room and return them to Town Clerk Kelsey Jensen. She also discussed the Worcester CARES event this Saturday, March 30th; Ms. Jensen added that there will be a blood drive at the event as well.

8. Comments from the Council:

Councilmember Burrell asked Mr. Fleetwood to see him after the meeting to discuss paperwork.

Councilmember Tyndall wished everyone a Happy Maryland Day. He also asked if the Police Department can look at Jefferson and Grace Street because he has received complaints about people parking in the roadway.

9. Comments from the Audience:

The following individuals expressed concerns and raised questions about property taxes, water and sewer rates, street repairs, and other budgetary items:

- Jason Walter – Cape Circle
- Samantha Pielstick – Decatur Street
- Shaun McGowan – Littleworth Lane
- Larry Smith – Cape Circle

Based on comments from the public, Ms. Allen read the budget schedule dates; Mayor Williams discussed other ways to distribute meeting information to the public; Councilmember Tyndall asked about streaming the audio. Resident Jason Walter said there are commercial like breaks in the audio online; Ms. Allen said there should not be, she asked him to let her know when/where he hears that.

10. Comments from the Press – none.

11. Adjournment:

On the motion of Councilmember Burrell, the Mayor and Council meeting was adjourned at approximately 9:05PM.

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>	4				1

Respectfully Submitted,

Kelsey Jensen
Town Clerk



BERLIN MAYOR AND COUNCIL
Meeting Minutes
Monday, April 1, 2019

5:30 PM FY 2020 GENERAL FUND WORKSESSION – Berlin Town Hall Council Chambers

Present: Mayor Gee Williams, Councilmembers Thom Gulyas, Troy Purnell, Zackery Tyndall, and Dean Burrell. Vice-President Elroy Brittingham joined the meeting in progress at approximately 6:00 p.m.

Staff Present: Town Administrator Laura Allen, Managing Director Jeff Fleetwood, Administrative Services Director Mary Bohlen, Finance Director Natalie Saleh, Police Chief Arnold Downing, Planning Director Dave Engelhart, and Public Works Director Jane Kreiter. Also present were Public Works Superintendent Dave Wheaton, Lt. Robert Fisher, Wastewater Superintendent Jamey Latchum and Administrative Assistant Allison Early.

Staff Absent: Economic and Community Development Director Ivy Wells and Town Clerk Kelsey Jensen.

Mayor Williams called the meeting to order at approximately 5:45 PM.

Councilmember Purnell apologized for missing the Tuesday, March 26, 2019 Listening Session, but noted that, when the session was proposed, he had indicated at that time that he would be out of town on a previously planned vacation.

Mayor Williams noted that this session was a Worksession of the Mayor and Council and that, therefore, there would be no public participation. He read a statement indicating that the proposed increases to water and sewer rates would be discussed at the April 15, 2019 Enterprise Funds Worksession and reviewed general information about anticipated revenues and expenses for the General Fund Budget. He noted that town employees would not be receiving any pay increase, nor the traditional one-time payment at the end of November, however he was recommending that the Food Lion gift card be given to employees. Mayor Williams indicated that he was proposing a tax rate of \$.88/\$100 of assessed value for real property for both residential and commercial properties. He indicated that the Mayor and Council did not have a full understanding of the impact to the general fund of recent years' expenditures. He further noted that the budget being presented at this Worksession and the Worksession scheduled for April 15th were subject to change and welcomed the suggestions of the Councilmembers on the budgetary numbers being presented.

1. Natalie Saleh: Overview of revenue and expenses:

Ms. Saleh reviewed the past and anticipated revenue figures and noted that the amounts in the draft budget were based on the previously mentioned tax rate of \$.88/\$100 of the current data regarding the assessable base, which was subject to adjustment. Councilmember Tyndall noted that this represented an approximate increase of 29%. Ms. Saleh reviewed the projected revenues for corporate and other taxes.

Councilmember Brittingham joined the meeting in progress at approximately 6:00 p.m.

Ms. Saleh continued her review noting the contributions to the General Fund from the Enterprise Funds for overhead expenses such as the cleaning service. She noted that, based on the projections as presented, the budget was balanced, with no shortfall anticipated. Following a question from Councilmember Burrell, Ms. Saleh noted that the Corporate and Income tax revenues were calculated conservatively. She reviewed the bonds figures noting that, upon completion of accounting for the expense of the Police Department building, slots revenues would be allocated to the reserves, however, she also noted that those revenues were required to be used for public safety. Discussion continued.

2. Berlin Fire Company:

David Fitzgerald, John Holloway and Jim Corron of the Berlin Fire Company appeared before the Mayor and Council to make their budget request for FY 20. Mr. Fitzgerald reviewed the revenues and expenditures being proposed as well as the planned replacement schedule for Fire and EMS equipment. Lengthy discussion regarding the replacement schedules and alternatives to full replacement of ambulances followed. Discussion continued.

Councilmember Tyndall requested data regarding the number of calls for the Berlin Nursing Home, Gull Creek and the Town in general.

There was brief discussion of funding formulas.

Councilmember Burrell inquired as to the indicated cash balance of approximately \$2-million. Mr. Fitzgerald indicated that those were Fire Company funds and required to be separate from EMS funds. Ms. Allen clarified that funds could be transferred for legitimate expenses and Mr. Fitzgerald indicated that to do so was an involved process. Councilmember Purnell asked if there were restrictions on the Fire Company borrowing funds and Mr. Fitzgerald indicated that there were not provided there was a plan to pay the debt back.

Discussion followed regarding EMS billing collections. Councilmember Tyndall asked that information on the rates charged be emailed. Mr. Fitzgerald also indicated that the rates are reviewed biannually by the billing company.

Discussion continued regarding the methodology for calculating the Town and County's allocations.

Discussion followed regarding the FY20 allocation request, which totaled \$910,000. Additional discussion followed regarding the possibility of borrowing funds, either through conventional borrowing or using conduit financing which was the approach taken with the AGH Cancer Center. Ms. Allen indicated that she would look into the feasibility of using conduit financing for the BFC. Continued review of the budget items and equipment replacement schedule(s) followed.

Discussion regarding the funding for the currently under-construction Station 3 followed; in response to a question from Councilmember Purnell, Mr. Fitzgerald indicated that the funding was through the building fund, Councilmember Purnell continued to question what had been paid to date and the source of those funds.

Mr. Fitzgerald indicated that there was a request pending for early payment of the current quarterly payment due to a shortfall in meeting payroll. Following discussion of the milestones the Fire/EMS had agreed to meet per the funding agreement, Councilmember Tyndall moved to release the quarterly payment at this time with the understanding and agreement by Mr. Fitzgerald that the Fire/EMS Companies would return to a Regular Session in April to make the agreed upon presentation.

Councilmember Purnell reiterated his earlier questions regarding the funding of Station 3 and the indicated restrictions on mingling Fire and EMS funds.

Ms. Saleh inquired as to the indicated funding of retiree benefits and asked where the associated expense appeared in the budget. Mr. Fitzgerald indicated that they were restricted funds. Ms. Saleh and Councilmember Purnell reiterated that the money had to be expensed.

3. Department budget requests:

- Elected Officials and Administration – Town Administrator Laura Allen:
Ms. Allen reviewed the Elected Officials proposed budget, noting that the major of expense was personnel related and that approximately \$1,400 had been eliminated for training toward the goal of a 10% reduction.

Ms. Allen also reviewed the proposed Administration budget, noting the areas of reductions which totaled approximately \$300,000.

- Economic and Community Development – Laura Allen on behalf of Director Ivy Wells:
Ms. Allen noted that Ms. Wells was currently out of town but would be joining the meeting via speakerphone.

Ms. Allen and Ms. Wells indicated that the proposed budget should indicate \$5,000 instead of \$10,000 for fireworks, which was for the July 3, 2019 event. For the July 4 holiday, 2020 it was being proposed to eliminate the fireworks event and the “adult” ball drop for New Year’s Eve, but to continue the Kids’ drop earlier in the evening. Councilmember Tyndall asked if the elimination of these events would be reflected in other departments’ budgets and Ms. Allen indicated that they did not reflect as direct expenses, but rather, personnel time and equipment. Ms. Allen continued to review the Economic and Community Development proposed budget.

Councilmember Tyndall asked if there was greater value in continuing the events proposed for elimination rather than the Rt. 50 billboard. Ms. Wells indicated that the billboard received very positive feedback from businesses and visitors. Councilmember Tyndall asked for consideration in eliminating the billboard, keeping the fireworks event and putting the net savings in advertising. Various advertising was briefly discussed, with Councilmember Gulyas suggesting approaching the owner of a property on Rt. 50 to request placement of a smaller billboard. Councilmember Burrell suggested only using a sign in the summer months.

- Finance – Natalie Saleh

Ms. Saleh noted that the proposed budget reflected a reduction of approximately 7.5%, primarily in professional services, contracted services, travel, education, dues and publications. She noted that an additional potential reduction could be affected by reducing the level of audit performed on the Berlin Fire Company; Mayor Williams indicated that he was not in favor of such a reduction.

Ms. Saleh continued to review proposed reductions throughout the budget. Councilmember Burrell noted that the proposed reductions did not amount to the 10% reduction requested.

- Public Works – Water Resources/Public Works Director Jane Kreiter and Public Works Superintendent Dave Wheaton

Ms. Kreiter and Mr. Wheaton reviewed the proposed reductions, which included part-time seasonal personnel. Discussion regarding recommendations and needs for street repair followed. Ms. Kreiter noted that the recommendations were based on the study performed by Davis, Bowen and Friedel and Ms. Saleh reminded all that the cost estimates were now approximately a year old and likely would be higher. Ms. Kreiter also reviewed the street projects planned for the current Fiscal Year.

- Building and Grounds – Managing Director Jeff Fleetwood

Mr. Fleetwood noted that the largest reduction in the proposed budget over the prior year was in the elimination of the renovation of the old Police Department.

Discussion followed regarding payroll services and Ms. Saleh noted that the possibility of utilizing a module available in Tyler was being explored. Discussion followed with Councilmember Gulyas noting a recent experience that he had with ADP in which they fully accepted liability for a payroll issue his business experienced.

- Planning – Director Dave Engelhart

Mr. Engelhart noted that the Planning budget did not have a lot of room for significant reduction, but that it had been trimmed where possible. Ms. Allen noted that they had contacted the Maryland Department of Planning regarding the planned update for the Comprehensive Plan and were able to delay that to 2021.

- Parks and Recreation – Administrative Services Director Mary Bohlen

Ms. Bohlen noted that, the following evening, she would be discussing the elimination of summer movie nights with the Parks Commission at their meeting the following evening, which would further reduce the proposed budget and bring it to the 10% requested reduction. The proposed budget also eliminated association memberships for FY20 and reduced the supplies and operations budget.

- Police – Chief Arnold Downing

Chief Downing reviewed the proposed budget, indicating that some expenditures had been more appropriately classified than in prior years and that the proposed budget was based on 14 sworn personnel. Discussion followed. Councilmember Gulyas asked Chief Downing if the proposed cuts would negatively impact public safety and Chief Downing indicated that they would not.

Ms. Allen also noted that the overall proposed budget did not include Phase II of the Mobility and Parking Study, which was estimated to be \$26,000. Review of the effects of the proposed tax increase followed.

Councilmember Gulyas noted that he would not attend the April 15, 2019 Enterprise Fund Worksession as he would be out of town for a previously planned trip. Councilmember Burrell noted that he would likely be late arriving for that meeting.

Councilmember Burrell indicated his appreciation for the hard work that had gone into the development of this budget and thanked the Departments for their cooperation and work with the Mayor, Ms. Allen and Ms. Saleh.

Without formal motion or vote the meeting adjourned at approximately 9:10 p.m.

Respectfully Submitted,



Mary Bohlen
Administrative Services Director



TOWN OF BERLIN PARK FACILITY RESERVATION FORM



THIS FORM MUST BE COMPLETED AND DELIVERED TO TOWN HALL WITH DEPOSIT IN ORDER TO CONFIRM RESERVATION. NO VERBAL RESERVATIONS WILL BE ACCEPTED.

TODAY'S DATE: 3/18/19 EVENT/ACTIVITY DATE: 6/8-7/27/19 TIME FROM: 11 AM TO: 1 PM
Anticipated # of attendees unk

NAME: Mary Bohlen
Contact: Myro Small,
410-600-5222

ADDRESS: 10 William Street
Berlin, MD 21811

PHONE: 410-641-4314

EMAIL: mbohlen@berlinmd.gov

ORGANIZATION: Wor. Rec & Parks/Berlin Parks Commission
(IF APPLICABLE)

WILL EVENT INVOLVE SALE OF GOODS OR SERVICES: YES NO
If yes, Business Use of Park Application must be completed and approved by the Mayor and Council. Form must be submitted no less than 60 days prior to the event.

DESCRIPTION OF EVENT/ACTIVITY: Summer League Youth Basketball

FACILITY REQUESTED-Check all that apply

Dr. William Edward Henry Park, Flower Street: <input type="checkbox"/> Pavilion: # days _____ X \$50.00 = \$ _____ <input type="checkbox"/> Electric: # days _____ X \$10.00 = \$ _____ (pavilion only) <input checked="" type="checkbox"/> Basketball Courts: <input checked="" type="checkbox"/> #1 <input checked="" type="checkbox"/> #2 <input type="checkbox"/> #3 #courts _____ X # days _____ X \$50.00 = \$ _____ TOTAL DUE: \$ <u>N/A</u>	Stephen Decatur Park, Tripoli Street: <input type="checkbox"/> Pavilion: # days _____ X \$50.00 = \$ _____ <input type="checkbox"/> Electric: # days _____ X \$10.00 = \$ _____ (pavilion only) <input type="checkbox"/> Tennis Courts: <input type="checkbox"/> #1 <input type="checkbox"/> #2 <input type="checkbox"/> #3 <input type="checkbox"/> #4 #courts _____ X # days _____ X \$50.00 = \$ _____ TOTAL DUE: \$ _____
---	---

Note \$25.00 per facility/per day will be returned to user if left in good condition after use.
All individuals and organizations are responsible for payment of this fee in full to hold the requested date. A waiver of this fee can only be granted by the Mayor and Council; request must be submitted no later than the close of business the Wednesday preceding a Mayor and Council Meeting prior to the reservation date.

Notes/Comments: Partnering with Wor. County Recreation & Parks to offer a Summer League Youth Basketball program for grades 4-12 on Saturdays from June 8 to July 27, 2019.

I, the undersigned have been provided with a copy of the Park rules and regulations and I understand that I must adhere to these rules. If I fail to adhere to the Park rules and regulations, the Town of Berlin reserves the right to refuse to reserve the park in my name in the future. I further understand that the rules and regulations provided herewith are an excerpt of Chapter 22 of the Code of the Town of Berlin and other sections of that chapter and of the Town Code as a whole may also apply to use of the park(s). I am responsible for collection and removal of all trash associated with my event. I understand that vehicles are not permitted in the parks beyond the parking lots. NO EXCEPTIONS. I understand that this reservation is only for the facility indicated above; all other areas of the park are open to the public and may be in use during my event. The Town of Berlin and its agents are released from all liability associated with damage or injury resulting from the improper use of any equipment provided by the Town of Berlin and from damage or injury associated with the use of any equipment or items brought into the park by me or anyone associated with this event.

Signature: [Signature] Date: 4/2/19

Office Use: Clerk: _____ Deposit Pd: \$ _____ Date: \$ _____	Refund: <input type="checkbox"/> YES <input type="checkbox"/> NO Date: _____
---	--



BUSINESS USE OF PARK APPLICATION



This form is required when sale of goods or services is being requested in connection with an event or activity within a Town of Berlin Park, or on a recurring basis within a Town of Berlin Park. A Vendor's Application and Certification for Peddling and Soliciting will also be required.

Name of Business: Wor. Rec & Parks/Berlin Parks Comm. Agent/Responsible Party: Myro Small
(Individual Person must be identified)

Address Public Landing Rd. Phone #: (W) (410) 632-2144 (C) (410) 600-5222
Snow Hill, MD 21863 Email: msmall@co.worcester.md.us

Park where activity or event will occur: Stephen Decatur Park William Henry Park

Purpose of Facility Use: Summer League Youth Basketball

Requested Days/Times of Use: Saturdays from June 8 to July 27, 2019, 11 AM - 1 PM

of Persons Expected to participate in activity/event unk

List all individuals/employees who may/will conduct the business activity:

1)	6)
2)	7)
3)	8)
4)	9)
5)	10)

Please add any other information relevant to this application: _____

Reverse must be completed and signed.

AGREEMENT

By signing below, the agent/responsible party understands that, until approval by the Mayor and Council, this form is an application for use of the parks for the aforementioned purposes, and not a permit for use. He/She further assumes full responsibility for complying with the rules and regulations set forth in the Town of Berlin Code of Ordinances and, specifically, Chapter 22, "Parks and Recreation", Sec. 22.48-50, as well as any additional terms and conditions imposed by the Mayor and Council of the Town of Berlin. He/She understand that failure to comply may result in:

1. The imposition of limitations to this permit; and/or
2. Withdrawal of this permit; and/or
3. Refusal by the Mayor and Council to authorize future use by the entity.

A copy of this permit must be in the possession of the person conducting the business activity and shown upon request.

I, further acknowledge and agree to the following:

- 1) The Mayor and Council of the Town of Berlin reserves the right to refuse approval of any permit for any reason at their discretion.
- 2) I am responsible for application for and payment of a Town of Berlin Business License Fee or Vendor Permit as applicable under the Code of the Town of Berlin, Chapter 8.
- 3) If the nature of the business activity involves the sale or provision of food or drink to be prepared on site and/or prior to sale and to be sold to and/or consumed by the public, I am responsible for obtaining any and all applicable permits from any other agencies including, but not necessarily limited to, agencies of Worcester County and the State of Maryland. The Mayor and Council of the Town of Berlin reserves the right to deny approval of this permit pending verification of appropriate permits obtained from any other agency as applicable. Alcohol sales are prohibited under any circumstance.
- 4) That, if applicable, I am responsible for completion and submission of road closure permit forms to the State Highway Administration.
- 5) The Town of Berlin is in no way responsible for my adherence to the above conditions and that any fees associated with this permit, including the Town of Berlin Business License Fee and/or Vendor Permit, paid to the Town of Berlin, are separate from and unrelated to any fee charged for any other purpose by any other agency.
- 6) I will maintain insurance appropriate to the activity proposed and will provide proof of said insurance upon request.
- 7) If appropriate to the activity proposed, I will have my customers/clients sign documents acknowledging that the Town of Berlin holds no responsibility for any loss/injury/damage incurred by their participation in my business activity.
- 8) I will be responsible for any damage to Town of Berlin owned or leased property incurred as a result of my use of the facility under this permit.
- 9) Under no circumstance are motorized vehicles permitted on parks' grounds, except those areas designated for parking of motor vehicles.

Signature:  Date: 4/2/19

Printed Name: _____

Office Use Only: Date Rec'd: _____ Initials: _____

Approved by the Mayor and Council of the Town of Berlin on the _____ day of _____.

_____ For to _____ Opposed with _____ Abstaining

Additional Conditions/Notations:

summer league

Youth Basketball

Saturdays

June 8 - July 27, 2019

in
partnership
with



TIME: 11:00 a.m. - 1:00 p.m.

WHERE: Henry Park
(123 Flower Street, Berlin, MD 21811)

OPEN TO: Grades 4 - 12

COST: \$35 per person

REGISTRATION:

- Online
- Mail In
- In Person

All payments must be received prior to participation.
Make checks payable to: Worcester County

Registration deadline - June 1, 2019

Contact Myro Small for more information at 410-632-2144 x2512
or msmall@co.worcester.md.us



www.WorcesterRecandParks.org



Mayor & Council of Berlin, Maryland

April 8, 2019

PROCLAMATION 2019-06

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN RECOGNIZING FAIR HOUSING MONTH - APRIL, 2019

WHEREAS the Congress of the United States passed the Civil Rights Act of 1968, in which it was declared that the law of the land would guarantee the rights of equal housing opportunity, and

WHEREAS the month of April is recognized by the federal government as Fair Housing Month and realtors, developers, financial institutions, landlords, tenants and the public at-large are reminded that it is illegal to discriminate in housing on the basis of age, race, religion, sex or national origin, and

WHEREAS fair housing groups and the Maryland Department of Housing and Community Development have, over the years, received complaints of alleged illegal housing discrimination, and

WHEREAS the State of Maryland, through the Maryland Department of Housing and Community Development, supports fairness in housing through a variety of programs and working partnerships with the federal government, local governments and private sector businesses to ensure better living conditions for all Marylanders, and

WHEREAS equal housing opportunity is a condition of life in our community that can and should be achieved;

NOW THEREFORE, be it proclaimed that the MAYOR AND COUNCIL OF THE TOWN OF BERLIN hereby declare the month of April 2018 as FAIR HOUSING MONTH in the Town of Berlin and does commend this observance to all of our citizens.

WITNESS MY HAND AND SEAL, THIS 8th DAY OF APRIL, 2019

Wm. Gee Williams, III - Mayor

Laura Allen - Town Administrator



Mayor & Council of Berlin, Maryland

April 8, 2019

PROCLAMATION 2019-07

A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN RECOGNIZING THE WEEK OF APRIL 20-27, 2019 AS TAKE PRIDE IN BERLIN WEEK

WHEREAS The Town of Berlin, Maryland embodies the way of life of small town America, while providing a modern lifestyle; and

WHEREAS the citizens of Berlin are proud of their community, their neighborhoods, and their neighbors; and

WHEREAS the organizations that call Berlin home are dedicated to maintaining and enhancing the many positive aspects of our community; and

WHEREAS the volunteer spirit of our citizens enables lasting and effective partnerships of people, organizations, commercial ventures and municipal government to make our town a special place to live, work and visit; and

WHEREAS our Town boasts many characteristics that make evident the efforts of past and current generations to uphold the values of our citizens through stewardship of the natural, cultural, and civic environment,

NOW THEREFORE, be it proclaimed that the **MAYOR AND COUNCIL OF THE TOWN OF BERLIN** hereby declare the week of April 20-27, 2019 as the 6th Annual Take Pride in Berlin Week.

WITNESS MY HAND AND SEAL, THIS 9TH DAY OF APRIL, 2019


Wm. Gee Williams, III - Mayor

Laura Allen - Town Administrator



STAFF REPORT

To: Mayor and Members of the Town Council

From: Town Administrator Laura Allen 

Meeting Date: April 8, 2019

Subject: Proposed Business License Code Changes

RECOMMENDATION

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 following changes to Town of Berlin Code Article II entitled Business Licenses (see attachment):

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.

EXECUTIVE SUMMARY

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.

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

ARTICLE II. - BUSINESS LICENSES¹¹

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, a 5% increase in the fee. 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

Formatted: Indent: First line: 0"

1. post or otherwise publish the names of businesses which fail to comply with the provisions of this article or

Formatted: Indent: First line: 0"

2. 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.