

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, November 9, 2011**  
**8:00 p.m. – 9:00 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Cook, and Mitchell.

**ABSENT:** Councilmembers Stullich, Afzali and Perry.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Stumpff, Director of Public Works; Marcella Morris, Student Liaison.

Mayor Fellows opened the meeting at 8:00 p.m. Councilmember Mitchell led the Pledge of Allegiance.

**Minutes:** A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to approve the minutes of the October 25, 2011 Regular Meeting, and to approve the transcript of the oral argument in CPV-2011-01 on September 27, 2011 in lieu of minutes. The motion passed 5 – 0 – 0.

**Proclamation:** Mayor Fellows read the Proclamation for Municipal Government Works Month.

**Announcements:**

Councilmember Nagle announced two events: On November 17 from 7 – 9 p.m. in the Council Chambers there would be a meeting with representatives of the Prince George’s County Public Safety Communications Center sponsored by the City’s Neighborhood Watch Steering Committee. And on Saturday, November 19 from 8:30 a.m. – 12 noon there would be a Route 1 visioning session with interested stakeholders to look at viable redevelopment options for the Route 1 corridor.

Councilmember Wojahn announced the North College Park Citizens Association meeting on November 10 at Davis Hall.

Councilmember Catlin said the Lakeland Civic Association would hold their monthly meeting on November 10. The following Thursday, November 17, the Berwyn District Civic Association would hold their monthly meeting at Fealy Hall.

**Amendments to the Agenda:** None.

**City Manager’s Report:** Mr. Nagro reminded the Council of the PGCMA Legislative Dinner on November 17 and of the Veterans Day tribute scheduled for Friday, 11/11/11 at 11:00 a.m.

He also reminded residents of the College Park Blues Festival and the Recycling Sculpture Workshop, both of which are on Saturday.

**Student Liaison Comments:** Ms. Morris will be studying in Rome next semester so will have to leave her post as Student Liaison in January. The SGA will advertise for her replacement. She is trying to put together a panel of City officials to speak to students.

**Comments from the Audience on Non-Agenda Items:**

**Jack Robson, Chief, Board of Election Supervisors:** Mr. Robson certified the results of the November 8 election (attached).

**Sarah Jazs, College Park Recreation Board:** Spoke about the College Park Blues Festival at Ritchie Coliseum.

**Consent Agenda:**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Catlin to adopt the Consent Agenda which consisted of the following items:**

- 11-R-20**      **Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2011-04, 9603 53<sup>rd</sup> Avenue, College Park, Maryland, Recommending Approval Of A Variance Of 27.3% Or 2,496 Square Feet From The Maximum Allowable Lot Coverage Of 5% Or 457.5 Square Feet And A Variance Of 13 Feet From The Minimum Required Side Yard Depth Of 20 Feet To Construct A 1-Foot Deep By 8-Foot Long Addition.**
  
- 11-R-21**      **Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission And Granting Departure Application Number CPD-2011-01, 4604 College Avenue For A Departure From The Required Parking Sizes For Standard And Compact Spaces, A Departure From The Requirement That No More Than One-Third Of The Total Number Of Spaces In Any Parking Lot May Be Compact Spaces, And A Departure Of 10 Parking Spaces From The Required 27 Spaces.**
  
- 11-G-98**      **Approval Of A Property Use Agreement For Shanghai Tokyo Café Of College Park, Inc., t/a Shanghai Tokyo Café, 8300 Baltimore Avenue #102, And Application For A New Class B, Beer And Wine License.**
  
- 11-G-99**      **Designation of \$350,000 of FY '11 Speed Camera Revenue as "Restricted" Fund Balance**

**The motion carried 5 – 0 – 0.**

**Action Items:**

**11-G-100 Approval Of A Property Use Agreement For E2A, LLC t/a Big Play Sports Grill, 7313-A & B Baltimore Avenue And Transfer Of A Class B, Beer, Wine And Liquor License.**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell that the Council voice no objection to the application of Andre Rashaud Hopson, Allen Walker Morrison and Ezetrick Darrell Coleman for use of E2A, LLC, t/a Big Play Sports Grill, for the transfer of a Class B, Beer, Wine and Liquor License, for the property located at 7313A and B, Baltimore Avenue, College Park, Maryland 20740, subject to the Licensee entering into a Property Use Agreement in substantially the form as attached. The City Manager is authorized to sign the Agreement and City staff is authorized to present the City's position to the Board of License Commissioners.**

Councilmember Wojahn commented that an application for the transfer of a Class B, Beer, Wine and Liquor License from Richio, LLC t/a Vito's Pizzeria and Vito Riccio to Andre Rashaud Hopson, Allen Walker Morrison and Ezetrick Darrell Coleman for use of E2A, LLC, t/a Big Play Sports Grill has been submitted to the Prince George's County Board of License Commissioners ("BOLC"). The BOLC hearing is scheduled for November 22, 2011. The City Attorney and Director of Public Services met with the applicant to discuss a Property Use Agreement ("PUA"). The Council discussed the new PUA in a work session with the applicants. During discussion, an alcohol to food ratio of 50/50 % was determined to be acceptable to the Licensee. The PUA requires a security plan, including security personnel and training, and an ID scanner system. Further, the PUA restricts the applicants to serving beer and wine only for the first six months of operation.

Speaking for the applicant, attorney Linda Carter said all three applicants were present tonight, as well as one of the menu consultants. She handed out a rendering of the floor plan and discussed which tables can and cannot be moved, and the area that would be used for a private function. She reiterated that there would not be any dancing and that the applicants have not applied for an Entertainment License with the BOLC or a dance permit with the County. There will be no live entertainment, other than a DJ. The purpose of a DJ is to have radio station DJs come in for big events, not to encourage dancing. She handed out a variety of menus and discussed the food consultants.

Ms. Carter continued that the applicants are requesting modifications to the Property Use Agreement since last week's Worksession. They do not agree with the 6 month probationary period on the sale of hard liquor because it is not economically viable and would make it hard for them to make the necessary profit to meet their expenses. By the time they open their doors, they will have invested \$350,000 in the business. She shared their projected business plan. They will abide by the 50/50 % food to alcohol ratio.

At this point Mayor Fellows said that Ms. Carter was suggesting substantive changes to the PUA that could not be addressed at this regular meeting. Ms. Carter asked if they could return at next week's Worksession.

**Councilmember Wojahn moved to table the item to next week's Worksession and to place this item at the end of the agenda. The Council approved 5 – 0 – 0.**

**11-G-101** Approval Of An Application For \$150,000 For Program Year 38 (July 1, 2012 – June 30, 2013) CDBG Funding For The Construction Of Randolph Macon Avenue

**A motion was made by Councilmember Wojahn and seconded by Councilmember Catlin that the City Council authorize the filing of an application to the Prince George's County Department of Housing and Community Development requesting \$150,000 in community development block grant funding for Program Year 38 for street construction in the Old Town neighborhood.**

Councilmember Wojahn read the comments into the record.

Councilmember Catlin asked what price the houses would sell for. Mr. Robert Kidwell said the property is part of his mother's estate. They have not entered into an agreement with a builder but he believes the price would be in the range of \$450,000 - \$550,000. This is expected to be a signature development of energy efficient houses that meet the historic requirements; they are not large lots.

Councilmember Wojahn asked about the money that will be paid back. Mr. Kidwell stated that the amount that will be paid back is the difference between the total cost and the amount of the grant.

**The motion passed 5 – 0 – 0.**

**11-O-13 Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 141, "Nuisances", §141-7, "Signs Or Advertisements" To Clarify That The Law Is Applicable In All City Rights Of Way, And To Include Enforcement Of Sign Posting Restrictions In State Rights Of Way And To Set A Fine**

**A motion was made by Councilmember Nagle and seconded by Councilmember Wojahn to adopt Ordinance 11-O-13, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending Chapter 141, "Nuisances", §141-7, "Signs or Advertisements" to clarify that the law is applicable to all City rights of way, and to include enforcement of sign posting restrictions in State Highway rights of way and to set a fine.**

Councilmember Nagle stated that the Mayor and Council have adopted §141-7, “Signs or Advertisements” of the City Code, which regulates the placing of signs or advertisements on City streets or thoroughfares. House Bill 289, adopted by the State legislature in 2011, amended Section 8-605 of the Transportation Article, Annotated Code of Maryland, to authorize municipalities to remove prohibited signs from State Highway rights of way and to issue fines to persons who place commercial signs in the State Highway rights of way. The Mayor and Council have decided to amend §141-7 to include the authority to remove signs from State Highway rights of way, and to clarify that §141-7 applies to signs in or on all City rights of way.

Due to the earlier public hearing, no further testimony will be heard.

There were no comments from the Council.

**The motion passed 5 – 0 – 0 and the Ordinance is adopted.**

**11-CR-02 Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article III “Mayor And Council”, §C3-6, “Vacancies” And Article IV, “Voting And Elections” §C4-5, “Petitions For Candidacy” To Adopt A Process To Fill The Offices Of Mayor And Council In The Event There Is No Qualified Candidate**

**A motion was made by Councilmember Catlin and seconded by Councilmember Wojahn to adopt Charter Resolution 11-CR-02, a Charter Amendment of the Mayor and Council of the City of College Park, Maryland, amending Article III “Mayor And Council”, §C3-6, “Vacancies” And Article IV, “Voting And Elections” §C4-5, “Petitions For Candidacy” to adopt a process to fill the offices of Mayor and Council in the event there is no qualified candidate.**

Councilmember Catlin said that while City Charter, Section C3-6, makes provision for a special election when an office becomes vacant “for any reason other than the expiration of the term for which the incumbent was elected,” there is no charter section that provides for filling a Mayor or Council seat when no candidate qualifies to run for the seat. Charter Resolution 11-CR-02 adopts a procedure to resolve this issue. In the event that no qualified candidate timely files for the office of Mayor or one or more council seats then the deadline for receipt of candidate petitions and authorizations is extended an additional ten days. If no candidate qualifies in the additional 10 day period, the vacancy may be filled by appointment by the Mayor and Council, by majority vote. Anyone wishing to be considered for such an appointment must file an application and petition. He hopes this provision never has to be used, but the scenario has occurred in other municipalities in the county in the last decade. He said this gives the City an option for filling vacant seats that we don’t have now.

Due to the earlier public hearing, no further testimony will be heard. There were no comments from the Council.

**The Charter Amendment Resolution was adopted by a vote of 5 – 0 – 0.**

## **11-G-102 Appointments To Boards And Committees**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to reappoint Heidi Jones-Huffman to the Advisory Planning Commission, Mayor Joseph Page, Araceli Jimenez and Harold Jimenez to the Education Advisory Committee, and to appoint Kennis Termini to the Education Advisory Committee. The motion passed 5 – 0 – 0.**

### **Council Comments:**

Councilmember Catlin said that Holy Redeemer Catholic Church in Berwyn is holding their annual harvest bazaar this weekend and encouraged people to stop by.

A request was made by Councilmembers Wojahn, Nagle and Cook to schedule a Worksession discussion next week about increasing the polling hours in College Park from 11:00 a.m. – 8:00 p.m. to conform to the standard hours of 7:00 a.m. – 8:00 p.m.

**Comments from the Audience:** None.

**Adjourn:** A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to adjourn the Regular Meeting. Mayor Fellows adjourned the meeting at 9:00 p.m. with a vote of 5 – 0 – 0.

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Janeen S. Miller, CMC	Date
City Clerk	Approved