

**Town of Glen Echo
Special Council Meeting
January 22, 2009**

Attendance: Debbie Beers, Mayor
Nancy Long, Councilmember
Eve Arber, Councilmember
Steve Matney, Councilmember
Robin Kogelnik, Councilmember
Cathie Polak, Clerk-Treasurer

Visitors: Norman Knopf, Town Attorney
Richard Leggin, Oberlin Avenue
Raya Bodnarchuk, Resident
Jim Shaut, Resident
Susan Grigsby, Supervisor of Elections

Mayor Beers opened the meeting at 8:10, explaining the reason for the special meeting is to review the requirements for a special election, Section 515, Vacancies, of the Town Charter:

Section 515. Vacancies.

Vacancies on the Council and in the office of the Mayor shall be filled in the following manner.

(a) Council.

1. Where the unexpired term of the Councilmember, vacated for any reason, is less than two years, the Mayor, with approval of a majority of the remaining members of the Council, shall appoint a qualified person to fill the vacancy for the unexpired term. In the event all Council positions become vacant simultaneously for a period of less than two years the Mayor shall appoint qualified persons, without consent of the Council, to fill the unexpired terms.
2. Where the unexpired term is for a period of two years or more, the vacancy shall be filled through a special election conducted by the board of supervisors of elections. The Mayor shall notify the board of supervisors of elections when vacancies to be filled through election occur. The election shall be held within a period not to exceed two months of the date on which the vacancy occurred.

The Town's general election is on May 4, 2009. Mayor Beers asked Town Attorney Norman Knopf if there is a way to merge the two elections, citing voter turnout for back-to-back elections as a concern. Supervisor of Elections Susan Grigsby supports a combined general and special election. Mayor Beers also expressed concern about getting candidates twice within a two month period.

Councilmember Kogelnik explained that her family will be moving to a nearby neighborhood beginning in February. Mr. Knopf determined that Councilmember Kogelnik will be in transition during the month of February.

The election will be called a combined or joint election. Candidates will be required to declare which term they are seeking: a two year or four year council member or mayor in the May 4, 2009, combined election.

Mayor Beers asked who might challenge a combined election: Mr. Knopf thought that a challenge could come only if a vote were taken in February and the departing councilmember were the deciding vote.

Mayor Beers asked Councilmember Kogelnik to continue in an advisory capacity for the street repair project. Councilmember Kogelnik agreed.

Resident Jim Shaut asked if Councilmember Kogelnik could vote at the April Council meeting. The response was no, not if she ceases to reside in Glen Echo before that meeting.

When Mayor Beers called for additional comments there were none. She thanked Mr. Knopf for attending the special Council meeting.

[Although no vote was taken, it appeared there was a consensus among council members to hold a combined election in May as described above.]

BUILDING PERMIT

Richard Leggin, owner of 6110 Oberlin Avenue, asked for Council to consider a reduction in the Town's \$687.50 building permit in addition to the \$20,162 fees he has already paid to Montgomery County. Mr. Leggin noted that his project, on Oberlin Avenue, to preserve one of the last 100-year-old bungalows in Glen Echo, began four years ago. The finished building will look essentially like the original house, similar to his project for Sally Law & Associates on Tulane Avenue. He told Council that he has also cleaned up an adjacent lot. Councilmember Long also noted the fenced area, around the remaining Sycamore tree on the property, with a sign denoting a protected "forest" area.

Mr. Leggin said he was "blindsided by the County's impact tax," which is for County road improvements. In an effort to move ahead with the project, he gave up arguing with the County about the taxes.

Mayor Beers explained that the new ordinance was not intended to soak residents. Mr. Knopf then discussed the fees and formulas with Mr. Leggin, who explained that the commercial multipliers are so much higher than residential. Mayor Beers asked for a

written explanation for building permit fees, based on the residential multiplier formulas, as a way to set the appropriate Town permit fee.

Councilmember Matney said Council may need to pass a new ordinance to change the fees for Mr. Leggin. Mr. Knopf clarified that the Town Council has the right to interpret an ordinance; there is no need to rewrite the building permit ordinance.

Mr. Leggin agreed to submit permit fees based on the County residential building permit fees. [It should be noted that Mr. Leggin requested a zoning change for this property from R-60 single-family residential, to CT, defined as “commercial-transitional,” so his tax is determined on a commercial standard for Montgomery County.]

C/T Polak asked Council to confirm that a construction bond is not required for this project. Mayor Beers said a bond was not required; photographs provided for Mr. Leggin’s first permit were adequate.

Councilmember Long said the Town appreciates Mr. Leggin’s effort to preserve the structure. Mr. Leggin noted that he hopes the project will be completed by the end of June.

APPROVAL OF MINUTES

Motion 2009-1 to approve as amended the November 10, 2008, Town Council meeting minutes:

- Page 1, paragraph 3, line 4: the retaining wall near the Cottage is nearly complete. Motion passed as amended.

Motion 2009-2 to approve as amended the December 13, 2008, Town Council meeting minutes:

- Delete to Page 2, paragraph 5, line 1: Councilmember Matney asked where the project is today: ~~the~~ . Town and residents
 - Add to Page 4, paragraph 6, line 3: former Town resident, Norma McCaig.
- Motion passed as amended.

Motion to adjourn 8:45.