



CLIFTON TOWN COUNCIL MEETING MINUTES
TUESDAY, December 2, 2014, 7:30 PM
CLIFTON TOWN MEETING HALL
12641 CHAPEL ROAD
CLIFTON, VA 20124

Town Council Present:	Mayor Bill Hollaway; Vice Mayor Dwayne Nitz; Deborah Dillard; Jennifer Heilmann; Eric Hencken; and, Wayne Nickum.	Absent: None
Town Officials Present:	Town Clerk/Manager: Sandra Scales-Siwiek	Absent: Treasurer: Marilyn Barton

Summary of Motions:

1. Review of Prior Minutes: Tabled	Motion: Nickum	2nd: Hollaway	Vote: Approved Unanimous
2. Report of Treasurer. Treasurer away.	Motion: Nickum	2nd: Hollaway	Vote: Approved Unanimous
3. Standing Commission/Committee Reports:			
3.1. Planning Commission (PC) - One application, deferred for Public Hearing.			
3.2. Architecture Review Board (ARB) - No applications were considered. No Meeting.			
3.3. Committees:			
3.3.1. Haunted Trail (HT) Committee			
Re-imburse HT Chair Eric Hencken up to \$5,000 with proper receipts provided.	Motion: Nitz	2nd: Nckum	Vote: Approved (Roll Call) Hencken
		Abstain:	
3.3.2. Clifton Arts Council -- Budget Request \$250 for refreshments for poetry reading event.	Motion: Dillard	2nd: Nitz	Vote: Approved Unanimous
3.3.3. Beautification Committee – Boy Scouts Paint Red Caboose. Status; no motions.			
3.3.4. Triangle / Gateway Project –			
Approve contract authorize Mayor to sign. Approve funds expenditure when due providing performance is satisfactory.	Motion: Nitz	2nd: Nickum	Vote: Roll Call – Unanimous
4. Communications			
5. Citizen's Remarks			

6. Unfinished Business						
6.1. Proposal for New Process to Handle Complaints.						
Motion to adopt the policy with changes and direct the Planning Commission and ARB to name primary and alternate Committee Facilitators.	Motion:	Hollaway	2 nd :	Nickum	Vote:	Approved Unanimous
6.2. Report on Investigation Re: Complaint regarding Alleged Noise Violations by Clifton Café and Villagio.						
6.2.1. Distribution: Send the final report to the target of the complaint and to anyone else who requests a copy.	Motion:	Hencken	2 nd :	Nickum	Vote:	Approved Unanimous
6.2.2. Enforcement. Motion to send warning letters of violation of the Noise ordinance prohibiting outdoor music in accordance with Section 9-24 of the Town of Clifton Code, without fines.	Motion:	Nickum	2 nd :	Hollaway	Vote:	Approved Unanimous
6.3. Complaint regarding Alleged Permit and ARB Certificate Violations by Main Street Pub						
Motion approved to open an investigation by the Town Manager and respond with written report.	Motion:	Nickum	2 nd :	Nitz	Vote:	Approved Unanimous
6.4. Report on Compliance Audit of Pink House Businesses. Tabled to next month.						
Motion:	Nickum	2 nd :	Hencken	Vote:	Approved Unanimous	
6.5. Discussion on Investment Plan for Town Funds						
Motion approved to invest with Allied Bank CDs within 5 basis points of current rates, \$100,000 for one year and \$200,000 for two years maturities.	Motion:	Hencken	2 nd :	Heilmann	Vote:	Approved Unanimous (Roll Call)
6.6. Resolution: re: Generator sized to support the Fire Station and Town Community / Meeting Hall.						
Motion approved to support the Fairfax Fire Department obtain a generator sized to support the needs of the Town of Clifton, to use the Town Meeting Hall / Community Hall as an emergency shelter.	Motion:	Nickum	2 nd :	Hollaway	Vote:	Approved Unanimous
7. New Business						
7.1. Appointment of New Town Clerk – Sandra Scales-Siwiek						
Motion:	Nickum	2 nd :	Dillard	Vote:	Approved Unanimous	
7.2. Approval of Proposal / Contracts for Well-head Removal and Grading in Children’s Park.						
Authorize ECC (Tom Van Blaricom) to perform whole contract including oversight/supervision, sodding and grazing and limit land disturbance not over 2,000 sqft.	Motion:	Nickum	2 nd :	Nitz	Vote:	Approved Unanimous Roll Call
7.3. Community Hall Rental Policies – No Motions						

7.4. Clean-up of North Gateway Triangle – No Motions**8. Adjournment****Motion:** Nickum**2nd:** Nitz**Vote:** Approved
Unanimous**Order of Business****1. Review of Prior Minutes – Tabled**

October 2014 – Hencken noted draft still required correction from abstain to no for Garden Week brochure.

November 2014 – Included Public Hearing, drafting in process.

2. Report of Treasurer -- Tabled

Treasurer called away on family matter.

3. Reports of Planning Commission, Architectural Review Board, and Standing Committees**3.1. Planning Commission: Kathy Kalinowski, Chair.** One application for a Special Use Permit; deferred for Public Hearing. Per Town Attorney, a Special Use Permit requires a Public Hearing. PC Public Hearing to be advertised/scheduled for January 19, 2015.**3.2. ARB: Dwayne Nitz. No applications; no meeting.****3.3. Committees****3.3.1. Haunted Trail Committee – Eric Hencken reporting.** Net was \$36,000 less an invoice for \$500 to Rulescapes to repair damage to adjacent property (Lustre).

Re-imburse HT Chair Eric Hencken up to \$5,000 with proper receipts provided.

Motion: Nitz**2nd:** Nickum**Vote:** Roll Call –
Approved Unanimous
Abstain: HenckenMayor Bill Hollaway: Aye
Vice Mayor Dwayne Nitz: Aye
Wayne Nickum: AyeDeborah Dillard: Aye
Jennifer Heilmann: Aye
Eric Hencken: Abstain**3.3.2. Clifton Arts Council – Darrel Poe.** Last event returned a profit of \$150. Hosting a poetry reading December 12, 2014 in the Town Hall. Request for \$250 for refreshments approved.**3.3.3. Beautification Committee – Boy Scouts Paint Caboose.** Wayne Nickum reports although more paint was required than estimated, project still within budget established at \$3,000. Estimate was \$1,800; but, will likely come-in closer to \$2,000. Also, holding off to apply white stencils until weather clears.**3.3.4. Special Projects – Triangle/North Gateway.** Bids for North Gateway are in; lowest responsible bidder is North Gateway Estates who met with project reps Susan Yantis and Jim Fullerton this date. VDOT approved the contract this date so can award as of 4:00 p.m.. Two phases: 1st mobilization is \$24,000; 2nd phase is paid at end. Change orders may add cost. Town will pay contractor; VDOT will reimburse the Town. May be too late to start planting now; Intend to start with signs before bad weather sets in. Has to be completed by May 1, 2015.Approve contract authorize Mayor to sign.
Approve funds expenditure when due providing performance is satisfactory.**Motion:** Nitz**2nd:** Nickum**Vote:** Roll Call –
Approved UnanimousMayor Bill Hollaway: Aye
Vice Mayor Dwayne Nitz: AyeDeborah Dillard: Aye
Jennifer Heilmann: Aye

4. Communications.

Note: Communications are information items that may be discussed but that are not actionable at this time. To be actionable, a Motion to add it to the Agenda under new business has to be made, seconded and approved.

- 4.1. Clifton Arts Council – Art Guild of Clifton requests.** (Note: Mayor Hollaway was not present for this topic.) Chuck, Rusnak, President of the independent Art Guild of Clifton noted their 501c status was pending final approval. The Art Guild requests adjustment of the rental fee paid to host an event at the Town Meeting Hall during the Clifton Holiday Homes Tour. Also, Mr. Rusnak requested the Council appoint him to the Clifton Arts Council since he no longer had standing on the committee after vacating his Council seat in July. Tabled for consideration as a future agenda item.

5. Citizen's Remarks –

- 5.1. Clifton Dinner Theater – For Information Only** Lucinda Lawson, Producer, indicated a group was still interested in doing a 2015 Clifton Dinner Theater, tentative dates of March 8 – 9, 15 to 23, 2015. She handed out a proposed budget – expense \$9,000; revenue \$11,250; and, profit \$2,250. Not requesting approval at this time. It was noted that the Dinner Theater budget line item appears under the Clifton Arts Council, so it should be coordinated through that Committee Chair (Darrel Poe) and Council Representative (Deborah Dillard). Ms. Lawson agreed to work with them to develop the proposal further.

6. Unfinished Business

- 6.1. Proposal For New Process for Handle Complaints – Steve Effros, Chair Board of Zoning Appeals. As requested by the Vice Mayor, a written process was developed and distributed to the Council, the Planning Commission Chair, the ARB Chair, and the Town Attorney for comment in late November.**

*Recap: This proposal reverses the current process that starts the complaint at the Town Council and is then referred to either a related official committee or a designated investigator. it is proposed that the complaint start with the related committee who would assign the complaint to a designated **Compliance Facilitator** (CF) who will conduct an informal investigation to interview concerned parties, document the issue and apply the rules the committee administers. If a resolution cannot be reached among the parties at this point, it would referred to the Town Council as a complaint requiring political action.*

- 6.1.1.** Town Attorney indicated this procedural change would need to be reflected in the Town Code. However, the current code allows the Town Council to direct the Planning Commission and the ARB to conduct investigations. Mr. Effros clarified the proposal addresses only the procedures for processing complaints, not the underlying legal framework of enforcement.
- 6.1.2.** It was clarified that the Council cannot mandate the use of a “complaint procedure” without amending the code because enforcement is incorporated into the current code itself. And, the code permits complainants to raise their concerns directly to the Town Council.
- 6.1.3.** However, an alternate “mediation” process can be offered to the complainant where-in the Compliance Facilitator works the issue before the complainant takes it to the Council.
- 6.1.4.** Discussion ensued about how a complaint first raised to the Council directly would ultimately be routed by Council action to the CFs in the ARB and PC to be investigated.
- 6.1.5.** Wayne Nickum also requested some changes: add a preamble; establish a unified file of related official documents and designate where it will reside; suggested clarifications of the day counts, e.g. when the clock starts/stops for certain actions; and, asked that BPOL be removed from the list.
- 6.1.6.** Noted that ideally, complaints received at least 15 days in advance of regularly scheduled Town Council meetings could be handled most expeditiously.
- 6.1.7.** Once defined and adopted, publish the new process on the Town website.
- 6.1.8.** Questions directed to the Town Attorney: 1) which specific sections of the Town Code require modification; and, 2) what is the Town’s obligation, if any, to notify the target of a complaint and when.
- 6.1.9. Motion to adopt the policy with changes and direct the Planning Commission and ARB to name primary and alternate Committee Facilitators.**

<p>Motion to adopt the policy with changes and direct the Planning Commission and ARB to name primary and alternate Committee Facilitators.</p>	<p>Motion: Hollaway 2nd: Nickum</p>		<p>Vote: Approved Unanimous</p>
<p>6.2. Report on Investigation Re: Complaint regarding Alleged Noise Violations by Clifton Café and Villagio.</p>			
<p>Content. Mayor opened the topic by describing the content as representing only what the investigator found.</p>			
<p>6.2.1. Distribution. The Town Manager then described the distribution of the preliminary draft as a confidential document that went only to the Town Council, Planning Commission Chair and Town Attorney. The feedback was provided and incorporated and the final report was distributed to the Council and Town Officials – Planning Commission Chair, ARB Chair and Town Attorney. Council discussed how to distribute it more widely on request, on the web site, or blast distribute it. Motion was made and approved to send the final report to the target of the complaint and to anyone else who requests a copy.</p>			
<p>6.2.2. Enforcement. Motion to send warning letters of violation of the Noise ordinance prohibiting outdoor music in accordance with Section 9-24 of the Town of Clifton Code, without fines.</p>			
		<p>Motion: Nickum 2nd: Hollaway</p>	<p>Vote: Approved Unanimous</p>
<p>6.2.3. Noise Ordinance Revisions: Note that Restaurants require Special Use Permits under the Town Code and a public hearing; outdoor seating at a restaurant is what makes it a “Special” use permit. By contrast, Noise Ordinance is universal and applies to everyone.</p>			
<p>6.2.4. Noise Committee: Add Noise Committee meetings to the Town Event Calendar.</p>			
<p>6.3. Complaint regarding Alleged Permit and ARB Certificate Violations by Main Street Pub. Complaint has been received and what does Council want to do with it? Discussion: A lot of things on the list are addressed by a current agreement e.g. they lease extra parking from Acacia Lodge. Also, some things have been in place 25 years and so are grandfathered. ARB approved the window in the door for the Flower Shop. Suggested it would be useful to take affidavits from long-time residents or search historic files to document what is grandfathered. Motion approved to open an investigation by the Town Manager and respond with written report.</p>			
<p>Motion approved to open an investigation by the Town Manager and respond with written report.</p>	<p>Motion: Nickum 2nd: Nitz</p>		<p>Vote: Approved Unanimous</p>
<p>6.4. Report on Compliance Audit of Pink House Businesses. Tabled to next month.</p>			
<p>Report on Compliance Audit of Pink House Businesses. Tabled to next month.</p>	<p>Motion: Nickum 2nd: Hencken</p>		<p>Vote: Approved Unanimous</p>
<p>6.5. Discussion on Investment Plan for Town Funds – Discussion of the ladder plan presented by Steve Collins of Cardinal’s Raymond James Financial Services. The Council likes the concept of ladder investments – that is different maturities so that entire amount is not tied up for long periods, ensuring some liquidity. However, there were concerns about the amount of risk in the portfolio example provided by Raymond James Financial Services. Council decided to use a ladder approach but with traditional bank CDs. This ensures the Town has the funds if it decides to purchase property in the near future. There was a question about what the penalties would be to take the money out early.</p>			
<p>Motion approved to invest with Allied Bank CDs within 5% of current rates, \$100,000 for one year and \$200,000 for two years maturities</p>	<p>Motion: Hencken</p>	<p>2nd: Heilmann</p>	<p>Vote: Roll Call Approved Unanimous</p>

Mayor Bill Hollaway: Aye Vice Mayor Dwayne Nitz: Aye Wayne Nickum: Aye		Deborah Dillard: Aye Jennifer Heilmann: Aye Eric Hencken: Aye	
6.6. Resolution: re: Generator sized to support the Fire Station and Town Community / Meeting Hall. Motion approved to support the Fairfax Fire Department obtain a generator sized to support the needs of the Town of Clifton, to use the Town Meeting Hall / Community Hall as an emergency shelter.			
Motion approved to support the Fairfax Fire Department obtain a generator sized to support the needs of the Town of Clifton, to use the Town Meeting Hall / Community Hall as an emergency shelter.	Motion: Nickum	2nd: Hollaway	Vote: Approved Unanimous
7. New Business			
7.1. Appointment of New Town Clerk -- Appoint Sandra Scales-Siwiek Town Clerk 1/1/2015 to 6/30/2016 with the remuneration that goes with it. Motion approved.			
	Motion: Nickum	2nd: Dillard	Vote: Approved Unanimous
7.2. Approval of Proposal / Contracts for Well-head Removal and Grading in Children's Park.			
7.2.1. To be scheduled the second half of March due to weather considerations.			
7.2.2. Best to contract/outsource the whole project, including oversight/supervision since there are legal requirements to cap an abandoned well. Agreed to amend the contract to add/include sod, estimated about \$1,000.			
7.2.3. Kathy Kalinowski noted that if land disturbing activities exceed 2,500 sqft, that triggers Virginia Storm Water Management, CBLAD and other requirements like development plans. She requested land disturbing activities be validated sooner than later so the proper steps can be taken.			
7.2.4. Give notice of demolition in case there is a lot of noise associated with the work.			
7.2.5. VDOT will do a swale along the road.			
7.2.6. There is \$11,000 in the budget to do it.			
Authorize ECC (Tom Van Blaricom) to perform the whole contract including oversight/supervision, sodding and grazing and limit land disturbance not over 2,000 sqft.	Motion: Nickum	2nd: Nitz	Vote: Approved Unanimous Roll Call
Mayor Bill Hollaway: Aue Vice Mayor Dwayne Nitz: Aye Wayne Nickum: Aye		Deborah Dillard: Aye Jennifer Heilmann: Aye Eric Hencken: Aye	
7.3. Community Hall Rental Policies – Proposed Requirement for Use Permit and BPOL filings			

Town Hall Manager proposed a revised rental contract that includes a survey question: "Do you have a Use Permit? Have you filed a BPOL Application?" Discussion: Is a rental contract akin to "one time" Use Permit? Not a litmus test to enforce Use Permit Ordinance; but Rental Contract should say we require compliance with all Town Ordinances. Council requested the policy and contract language be revised then circulated for comment at a future Town Council Meeting.

7.4. Clean-up of North Gateway Triangle – Special Project to tidy up and pull weeds got started but weather interrupted and now the Triangle project may start soon and reduce the need for this work.

8. Adjournment

Motion: Nickum

2nd: Nitz

Vote: Approved
Unanimous