



**CLIFTON TOWN COUNCIL MEETING MINUTES**  
**TUESDAY, NOVEMBER 4, 2014, 7:30 PM**  
**CLIFTON TOWN MEETING HALL**  
**12641 CHAPEL ROAD**  
**CLIFTON, VA 20124**

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

**Summary of Motions:**

<b>1. Joint Public Hearing with Planning Commission – Virginia Storm Water Management Act</b>				
<b>1.1. Close Joint Public Hearing</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Dwayne Nitz <b>Vote:</b> Unanimous
<b>1.2. PC – Recommend Adoption of Fairfax County Storm Water Ordinance as Chapter 15 of the Code of the Town of Clifton</b>	<b>Motion:</b>	Kathy Kalinowski	<b>2<sup>nd</sup>:</b>	Mac Arnold <b>Vote:</b> Unanimous
<b>1.3. TOC - Resolution 2014-__ : Add Fairfax County Storm Water Ordinance as Chapter 15 of the Code of the Town of Clifton.</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Dwayne Nitz <b>Vote:</b> Unanimous
<b>1.3.1. Resolution Adopted and signed by the Mayor November 4, 2014.</b>				
<b>2. Review of Prior Minutes: Tabled</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Bill Holloway <b>Vote:</b> Unanimous
<b>3. Report of Treasurer.</b>				
3.1. Financial Report				
3.2. Statistical Report on BPOL Filings				
3.3. Statistical Report on Town License Tags.				
<b>3.4. Approve Treasurer’s Report as presented</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Bill Holloway <b>Vote:</b> Unanimous
<b>4. Standing Commission/Committee Reports:</b>				
<b>4.1. Planning Commission (PC) -- two applications</b>				
<b>Nitz – Approve Sheds</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Bill Holloway Abstain: Dwayne Nitz <b>Unanimous 5/6</b>
<b>Nitz – Approve Little Clifton Kitchen Home Business</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Bill Holloway <b>Unanimous 5/6</b>

				Abstain:	Dwayne Nitz
<b>4.2. Architecture Review Board (ARB) - Two applications were considered. One Approved / One Tabled.</b>					
<b>Nitz – Approve Shed Renovation/Restoration</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Bill Holloway Abstain:	Unanimous 5/6 Dwayne Nitz
<b>4.3. Committees:</b>					
<b>4.3.1. Candlelight Homes Tour – Approve advertising, sign display and \$1,500 expense</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Bill Holloway Abstain:	Unanimous Roll Call
4.3.2. Haunted Trail Committee – Report on Event					
4.3.3. Clifton Dinner Theatre					
4.3.4. Committee on the Environment					
4.3.5. Triangle / Gateway Project – Citizen Comment					
<b>5. Communications</b>					
5.1. Change in Personnel					
5.2. Proposal: Process for handling Complaints					
5.3. Complaint: Permit and Certificate of Appropriateness Violations					
<b>6. Citizen’s Remarks</b>					
<b>7. Unfinished Business</b>					
<b>7.1. Report on Investigation: Complaint regarding Alleged Noise Violations</b>					
<b>Table until December 2014 Town Council Meeting when there is a formal written report</b>	<b>Motion:</b>	Dwayne Nitz	<b>2<sup>nd</sup>:</b>	Wayne Nickum	<b>Vote:</b> Approve -- Unanimous
<b>7.2. Discussion of Investment Plan for Town Funds</b>					
<b>Table until December 2014 Town Council Meeting</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Eric Hencken	<b>Vote:</b> Approve -- Unanimous
<b>7.3. Resolution: Generator Sized to Support Fire Station and Community Hall</b>					
<b>7.4. VML Insurance Coverage for Council Members</b>					
<b>7.5. Eagle Scout – 8 Acre Park: Increase / amend allocation from \$600 to \$700</b>	<b>Motion:</b>	Dwayne Nitz	<b>2<sup>nd</sup>:</b>	Wayne Nickum	<b>Vote:</b> Approve -- Unanimous
<b>8. New Business</b>					
<b>8.1. Railroad Siding Parking Lot Condition and Improvements</b>					
<b>Authorize up to \$5,000 to repair pavement and maintain lot adjacent to NS Siding</b>	<b>Motion:</b>	Wayne Nickum	<b>2<sup>nd</sup>:</b>	Deborah Dillard	<b>Vote:</b> Approve – Unanimous (Roll Call)
<b>9. Report of Town Manager</b>					
<b>10. Adjournment</b>	<b>Motion:</b>		<b>2<sup>nd</sup>:</b>	Deborah Dillard	<b>Vote:</b> Approve -- Unanimous

## Order of Business

- 1. Joint Public Hearing with Planning Commission -- Virginia Storm Water Management Act**
  - 1.1. PC Quorum: Mac Arnold; Judy McNamara; Pat Layden; Susan Yantis; Jennifer Heilmann; Kathy Kalinowski, Chair. (Absent: Patrick Pline).**
  - 1.2. Comments:**
  - 1.3. Mayor Holloway gave summary of the proposed action – incorporate the County Storm Water Management Ordinance into the Town Code, just as is done in Chapter 12, Erosion and Sedimentation that is addressed by the County.**
    - 1.3.3. Wayne Nickum, (address given) Council Member; correct the Town Code citation, advertised as Chapter 13 which is the Clifton Day Ordinance, it should be Chapter 15, which is reserved. This raises a question -- does this minor transcription error require re-advertising / reposting? We can hold the hearing and consult the Town Attorney if we need to.**
    - 1.3.4. Deborah Dillard, (address given) Council Member; agreed the chapter reference is incorrect. But, as long as we note it we are fine.**
    - 1.3.5. Mayor Holloway, Any of these advertisements are proposed actions, so we can take comments on it. This appears to be the comment – that the designated Chapter 13 is already used for Clifton Day. And, it would be cumbersome to add Storm Water Management to that section. So, we need to designate it Chapter 15 instead. Is that the comment?**
    - 1.3.6. Deborah Dillard, Council Member, yes, that is the comment, the right place is to put it in Chapter 15 rather than Chapter 13. It should be Chapter 15.**
    - 1.3.7. Kathy Kalinowski, PC Chair; two things: 1) the statute does not require the whole ordinance be advertised – even advertising only a summary of the ordinance is sufficient as long as it is done in the specified time frames. I will consult with the Town Attorney before the adoption is done just to be sure; 2) this is a joint public hearing with the Planning Commission and near is a quorum present. (See Quorum list at 1.1. above.) And, 3) Town Engineer Joe McClellan is here to answer any questions.**
    - 1.3.8. Marilyn Stoney, (address given); what about permits required when exclusions don't apply, who will issue the required permits? Will Fairfax County or the Town?**
    - 1.3.9. Mayor Holloway, are we talking about the issuance by the Use Permit and whether it is triggered? What other permit would there be that would be required by Storm Water Ordinance? Kathy Kalinowski, Joe McClellan?**
    - 1.3.10. Joe McClellan, Town Engineer; similar to the way the Sediment and Erosion Control (ENS) Ordinance is currently handled, the county is responsible for handling those aspects of it and the Town is responsible to issue the Use Permit subsequent to all those other permits being in place.**
    - 1.3.11. Kathy Kalinowski, PC Chair; Town will issue the Use Permit, but the County will have to sign-off on Storm water quality and water quality and any related permits that are necessary.**
    - 1.3.12. Mayor Holloway, is there a "storm water" permit issued? That then is a "Use Permit?"**
    - 1.3.13. Eric Hencken, Council Member (address given); Article 2, 124-2-2 [states] that permits required if not subject to exemptions at Article 2, 124-1-7.**
    - 1.3.14. Mayor Holloway, I see the land disturbing permits, that is a type of "Use Permit." This is a subset of the many things you have to do to get it, just like ENS?**
    - 1.3.15. Kathy Kalinowski, PC Chair, Yes, exactly. It is something the County has to sign off on.**
    - 1.3.16. Susan Yanits, PC Member and Special Projects Chair; to clarify: the process is the same, involves site plans and storm water management is part of that process. Whenever anyone wants to disturb more than 2,500 sq ft, they have to prepare a site plan, includes and storm water management and ENS controls, those two elements of the site plan plus whatever other improvements goes to Fairfax County review and provides comments back, the Planning Commission then makes a recommendation on the site plan to the Town Council.**

- 1.3.17. Mayor Holloway, So, the Use Permit is ultimately done by the Town but there are elements to getting that permit approved that have to be signed off on by the County. Is that right?
- 1.3.18. Kathy Kalinowski, PC Chair; yes. It's like the building code issues go through the County.
- 1.3.19. Marilyn Stoney; follow-on question, is Fairfax County aware that the Town of Clifton will adopt their ordinance?
- 1.3.20. Kathy Kalinowski, Chair; yes, this is a step in a process that started last year when the State changed the Virginia Storm Water Management regulations and let localities opt to go under the counties.
- 1.3.21. Mayor Holloway, explained and reminded that the missing piece is the Town has the authority under the statute to have the County manage this and the Council is executing a Memorandum of Understanding with the County tonight for adoption by the County Board of Supervisors on November 18, 2014.
- 1.3.22. Eric Hencken, Council Member, (address given); recognized concerns that outside the exemptions, are there limits that limit ability to increase the size of a house or build additional structures. Although exemptions appear to make it permissible, for the most part.
- 1.3.23. Kathy Kalinowski, Chair; it is permissible but the guideline triggering these elements is 2,500 sqft of land disturbing activities or 18% of lot area for larger projects, just like CBLAD, and then requires permits. There are state-mandated limits.
- 1.3.24. Mayor Holloway, yes, it can become limits on what you can do on your property if you trigger these elements.

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| 1.4. Close Joint Public Hearing   | Motion: | Wayne Nickum     | 2 <sup>nd</sup> : | Dwayne Nitz | Vote: Unanimous |
| 1.5. PC – Recommend Adoption of Fairfax County Storm Water Ordinance as Chapter 15 of the Code of the Town of Clifton | Motion: | Kathy Kalinowski | 2 <sup>nd</sup> : | Mac Arnold  | Vote: Unanimous |

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| 1.6. TOC - Resolution 2014-04: Add Fairfax County Storm Water Ordinance as Chapter 15 of the Code of the Town of Clifton. [Read Aloud] | Motion: | Wayne Nickum | 2 <sup>nd</sup> : | Dwayne Nitz | Vote: Unanimous |
|--|---------|--------------|-------------------|-------------|-----------------|

**1.7. Resolution Adopted and signed by the Mayor November 4, 2014.**

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|--|---------|--------------|-------------------|---------------|-----------------------------|
| 2. Review of October 7, 2014 Minutes- Tabled | Motion: | Wayne Nickum | 2 <sup>nd</sup> : | Bill Holloway | Vote: Unanimous<br>Abstain: |
|--|---------|--------------|-------------------|---------------|-----------------------------|

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| 3. Report of Treasurer. | Closing Date: Oct 31, 2014 | Presenter: | Marilyn Barton, Treasurer |
|-------------------------|----------------------------|------------|---------------------------|

Financial Reports include Summary of Cash Accounts as of 10/31/14, the 10/31/14 YTD Profit & Loss Summary by Fund Report, and the 10/1/14 YTD P&L Detail Export Report.

Highlights -- notes on the Summary Report

Note: Detailed P&L Report is an EXPORT of accounting data. Account lines with zero (-0-) amounts are inactive accounts for this fiscal year. (See attached reports for details.)

**3.1. Financial Report.**

**3.1.1. Review of Notes to Financials:**

1	Community Hall Revenues	1,450.00
2	Haunted Trail Event	60.00
3	Interest Income	1,003.76

4	<b>Tax and Permits Revenue</b>		5,175.50		
	<b>CIF Income</b>				
5	<b>Capital CIF Improvements Fund</b>	-	0.00	65,839.17	0.00
	<b>CIF Expenses</b>				
6	<b>CIF Expenses</b>		0.00	78,339.18	527.98

**NOTES:**

- 1 *Community Hall Revenues revenues are reflected for July -Sept. Funds are turned in after the close of the month, usually at the following Town Council meeting.*
- 2 *Reflects Haunted Trail Sponsorship Donations received.*
- 3 *Interest is under budget due to the timing of the IDA interest payment, anticipated in Jan & June.*
- 4 *The primary cause of the shortfall compared to the budget is the delayed payment of Sales Tax- only July & Aug has been received thus far. Once Sept & Oct is received, taxes and permits will be on target. Outstanding BPOLs remain at 2% - however communications indicate that these will be forthcoming. Vehicle tags outstanding for 2013-14 are down to 19% or 18 households - \$99 was rec'd in Oct. Vehicle tags outstanding for 2014-15 are down to 37% or 34 households. Payments were received from 10 households in Oct for \$1,021.*
- 5 *\$1,000 was received from the Commonwealth of VA for reimbursement of LPDA Streetscape expenditure - accrued to FY14.*
- 6 *Reflects July purchase of stone for the Caboose parking lot.*

**Statistical Report on BPOL Filings, Timely Filings, Non-Filter Follow-Up BPOLs (No Names of Businesses or Amounts):** We have now received filings from 98% of our businesses. Only two remain pending and based upon communications are anticipated to be received in the near future.

**3.2. Statistical Report on Town License Tag Application – Timely Filings, Non-Compliance, Household Non-Filter Follow-Up (No Names)**

**3.2.1. Vehicle Tags: 2014 –** To date during FY15 (July 1 – Oct 31) we have received 23 additional past due vehicle filings at a value of \$1,864.50. This represents a total of 80% of the households received for 2014. There are 18 households who have not responded to the past due notices, representing 19% remaining past due. One additional household responded in October for an additional \$99. Some of these have, however, responded to the current 2015 filing.

**3.2.2. Vehicle Tags: 2015-** To date we have received \$4,502.50 from 57 households representing 63% received as of the due date. The remaining yet to be received are 34 households @ 37%. Ten households filed in October for an additional \$1,021. Past due notices will be sent to those who remain past due @ 30 days – or by Nov. 15<sup>th</sup>.

**3.3. Motion: Approve Treasurer’s Financial and Statistical Reports as presented**

**Motion:** Wayne Nickum; **2<sup>nd</sup>:** Bill Hollaway. **Vote:** Approved, unanimous

**Discussion:** Nitz, P&L line 71 is that all FY14 or some of it FY15? Is it all booked under this fiscal year’s budget? Answer by Marilyn Barten, yes.

**4. Reports of Planning Commission, Architectural Review Board, and Standing Committees**

**4.1. Planning Commission: Kathy Kalinowski, Chair. Two applications**

**4.1.1. Planning Commission recommended for approval two applications submitted by Dwayne Nitz.**

**4.1.2. Two sheds:** one older shed (grandfathered but non-conforming due to set-back) will be restored and reduced in size from 8x8 to 8x5 (under 100 sqft); and new shed that meets all setbacks as indicated on the plat. Both sheds recommended for approval as designed with condition that ARB approval is obtained if required as determined by ARB interpretation of the Town Code

**Question:** Wayne Nickum, plat shows two parcels but tax map is only one lot. Does that affect set-back?

Kathy Kalinowski, PC Chair: No b/c tax map shows one lot.

<p><b>4.1.3. Little Clifton Bakery home business.</b> Dwayne Nitz introduced Sarah Nitz who described her business as delivering home-baked breads and pastries to neighbors and local businesses/merchants in town.</p> <p><b>Home business at 7158 Main St.:</b> Conditions: hours 8 a.m. to 6 p.m. 7 days a week; not to exceed 200 sqft for 7% for business use; Sarah is the only employee; no more than 6 customers per day, 2 at any one time shall visit the business; no advertising sign or other identification; and the applicant further agrees to comply with section 9-19.c. (Home Business) of the code.</p>			
<p><b>4.1.4. 2Nitz – Approve Shed.</b></p>	<p><b>Motion:</b> Wayne Nickum</p>	<p><b>2<sup>nd</sup>:</b>Bill Holloway</p>	<p><b>Vote:</b> Unanimous <b>Abstain:</b> Dwayne Nitz</p>
<p><b>4.1.5. Nitz – Approve Little Clifton Kitchen bakery home business (As amended).</b></p>	<p><b>Motion:</b> Wayne Nickum</p>	<p><b>2<sup>nd</sup>:</b>Eric Hencken</p>	<p><b>Vote:</b> Unanimous <b>Abstain:</b> Dwayne Nitz</p>
<p><b>4.2. ARB: two applications – Royce Jarrendt</b></p>			
<p><b>4.2.1. Nitz Shed:</b> Drawings submitted to restore/rehab one older shed that meets all guidelines; noted approved number of windows up to six but may be reduced to 4 when constructed. Materials for gable was determined during the application -- board and batten. Meets all requirements for Certificate of Appropriateness. Recommended for approval.</p>			
<p><b>Nitz – Approve Shed.</b></p>	<p><b>Motion:</b> Wayne Nickum</p>	<p><b>2<sup>nd</sup>:</b>Bill Holloway</p>	<p><b>Vote:</b> Unanimous <b>Abstain:</b> Dwayne Nitz</p>
<p><b>4.2.2. Old Town Hall (12640 Chapel Rd) plan addition and redevelopment:</b> ARB requests amount of pavement in plan be reduced to minimum required for new use of that building. ARB advised that an amount of pavement Similar to 12642 Chapel Rd is desirable. ARB noted that VDOT entrance requirements allow more pavement but defers to ARB preference for less parking and more open space which is more appropriate in the town and works with the typical traffic pattern. Also, there was redesign of roof due to reduce visual impact. <b>No ARB vote taken, tabled pending submission of revised sight plan.</b></p>			
<p><b>4.3. Committees</b></p>			
<p><b>4.3.1. Candlelight Homes Tour – Authorize, Banner, Expenditures.</b> Tom McNamara presenter. List of home owners, Arnold, Heilmann, McDonald, Specialize and Mills. Request to go with large sign at the triangle vs an overhead banner. Noted that in prior years a stipend had been paid for Chantilly High School choir performances; instead, this year the Clifton Presbyterian Church Choral Director has generously agreed to provide three choirs – one per at the Presbyterian church, one at the Baptist Church and one wandering. No charge, but please provide a meal for the 60 youth performers, estimated not to exceed \$500. Also, printing expenses are \$ 900 for the sign and tour brochure. Total request \$1,500.</p> <p>Noted by Vice Mayor that there may be construction at the Triangle at that time.</p> <p>Mayor, should be ok for the next couple of weeks. Lot of great reports from last year and sounds like this year it will be even better. Thanks to Tom McNamara.</p> <p><b>Question:</b> Eric Hencken, do we have particular requirements for when the signage goes up / comes down at the Triangle? Yes, same as banners -- up four weeks before and taken down after within seven days.</p>			
<p><b>Approve advertising and sign display and advance \$1,500, supported by proper documentation.</b></p>	<p><b>Motion:</b> Wayne Nickum</p>	<p><b>2<sup>nd</sup>:</b> Bill Holloway</p>	<p><b>Vote:</b> Roll Call -- Unanimous</p>
<p>Mayor Bill Holloway: Aye Vice Mayor Dwayne Nitz: Aye Wayne Nickum: Aye</p>	<p>Deborah Dillard: Aye Jennifer Heilmann: Aye Eric Hencken: Aye</p>		

#### 4.3.2. Haunted Trail Committee – Report on Event

Presenter: Eric Henken. Great weather, great turnout – approximately 3,000 participants. Should be under budget but receipts still coming in. Steve Bittner ran it. Big thanks to the sponsors. There was a question about how the food was arranged -- \$250 vendor fee paid to offer product at event. Pizza was purchased from Villagio, a sponsor, for the after-party thanking volunteers.

**4.3.3. Clifton Dinner Theatre.** Mayor advised that the former Director still does not want to do the Dinner Theatre but other parties may be interested. It will require a proposal be developed and presented to the Council. Deborah Dillard reminds that it needs to be run through Council for the Arts and coordinated with Chairman Darrel Poe.

**Question:** Chuck Rusnek asked “who is on the Council for the Arts?” Not on the agenda – requested to take it off-line with Committee Chair, Darrell Poe.

**4.3.4. Committee for the Environment.** Laura McDonald, Chair presenter. First Event: planning a 100 mile Thanksgiving Dinner Challenge that is to source as much food as possible within 100 miles. Propose an event on Nov. 20, 2014 at Town Meeting Hall by Cookology and The Farm Table Co-op to do a demonstration.

BA / Get Fit Clifton will cover the cost of Cookology to do the demonstration; but The Farm Table Co-op will donate the food for the demonstration. Interested patrons may order Thanksgiving boxes. Even non-co-op members can purchase the box of food and turkeys to be delivered Tuesday of Thanksgiving week. The Farm Table sources fresh fruit and vegetables for co-op members who subscribe and delivers it to a drop-off point in Clifton – the Town Meeting Hall parking lot. Request is to rent the Town Hall for the event, attendance is free.

Discussion ensued and it was determined that the demo was going to involve sales of products in the form of the orders to purchase the Thanksgiving box of food from a for-profit business. As proposed, the demonstration dinner involves two for-profit businesses that are soliciting orders rather than offering just an educational series on organic foods.

The Town cannot run events where businesses sell their wares – it violates our lease with the County for the facility. Instead, either one of the businesses or the CBA can rent the facility as host for the businesses to hold the event. Rent would be \$100.

<b>Allow the Committee for the Environment to hold the demonstration in the Town Meeting Hall, waive facility rental fee of \$100 for two hours.</b>	<b>Motion:</b> Eric Hencken	<b>2<sup>nd</sup>:</b> Not Seconded	<b>Vote:</b> No Vote
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#### 4.3.5. Triangle/Gateway Project –Citizen Comment.

Marilyn Stoney sent a letter to the Mayor that was forwarded to the Town Council recognizing a safety issue with the proposed atheistic solution that maintains the island configuration. Southbound traffic coming off Clifton Road and merging into Main Street has sight-line challenges looking back over their shoulder. If the southbound car does stop, it may be rear-ended. Also, Northbound Main Street traffic turns left onto Clifton Road without regard to Newman Road traffic having the right-of-way. A number of accidents have occurred. These concerns have been raised to the Project Lead and past Town Council members. Concern that the new design will add trees to the triangle and hide traffic or motorcycle/bicycles to be in a blind spot for a moment and be endangered. Statistics are available from the Police. Noted that the VDOT Strategic Highway Plan provides for Intersection Safety Analysis for intersections with a high number of accidents. Requests that analysis be done by those professionals. It is referred to the Special Projects Committee for the Triangle Island.

#### 5. 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.

**5.1. Change in Personnel.** The Mayor recognized that Kathleen Barton Volonsevich, Town Clerk has tendered her resignation effective December 31, 2014. Kathleen served eight years and is recognized as a great asset to the Town and brought a lot of energy and vitality to the Council. Certainly a bright a light in the community. And, the youngest Town Clerk in the Commonwealth of Virginia when she started. The Mayor accepts the resignation. The Mayor went on to thank Kathleen for all her wonderful years of service, how much we care about her and enjoy having her as part of the team. Discussion of how the Town moves forward will be a topic at the next meeting.

**5.2. Proposal: Re: Process for Handling Complaints** – Steve Effros, Chair Board of Zoning Appeals developed and distributed a proposal to define a process to address general code enforcement and complaint procedures. This proposal reverses the current process where it starts at the Town Council and is then referred to either a related official committee or a designated investigator. Instead, it is proposed that the complaint start with the related committee who would assign the complaint to a designated compliance facilitator 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 complaint requiring political action.

Discussion recommended a first stopping point – a focal point to serve as clearing house to route the complaint to the right committee. Steve will amend the process to add this first step. Also, in each committee the designated Compliance Facilitator may not be the Town Council representative.

**Motion by Deborah Dillard to add under New Business. Withdrawn.**

**Vice Mayor requests a written process be developed and distributed to the Council by November 24, 2014 to be considered.**

**5.3. Complaint Re: Permit and Certificate Violations** – email received alleging Use Permit and Certificate of Appropriateness violations at the Main Street Pub. Discussion if the Town Council should wait for the new complaint process to be finalized or simply refer it to the Town Manager now.

Question: Eric Hencken: why can't we just handle it the way the other complaint was handled?.

Answer: It is a Communication – not an agenda item and so it is not actionable now.

Council agreed to table it.

**6. Citizen's Remarks – None.**

**7. Unfinished Business**

**7.1. Report on Investigation re: Complaint regarding Alleged Noise Violations**

**Vice Mayor requested a formal written report before discussing the results of the investigation in a public meeting.**

**Motion to Table until December 2014 Town Council Meeting when there is a formal written report.**

**Motion:** Dwayne Nitz

**2<sup>nd</sup>:** Wayne Nickum

**Vote:** Approve -- Unanimous

**7.2. Discussion on Investment Plan for Town Funds** – discussed the presentation that recommended setting laddered renewal dates for a set of CDs is an attractive concept. That is, set terms so that a portion of the money renews each year. But, use traditional FDIC-insured bank-issued CDs available through US national banks rather than a broker-

dealer. Table for future discussion.			
<b>Motion to Table until December 2014 Town Council Meeting.</b>	<b>Motion:</b> Wayne Nickum	<b>2<sup>nd</sup>:</b> Eric Hencken	<b>Vote:</b> Approve -- Unanimous
<p><b>7.3. Resolution: re: Generator sized to support the Fire Station and Town Community / Meeting Hall.</b> Noted we will need a transfer switch to move from main source to the back-up source. Also, noted that last year the Town Council approved an enclosure for a generator for the Fire Department last year and it should be sufficient to handle the Town's emergency, too. The Town would want it to have sufficient capacity to power the Town Meeting / Community Hall as a shelter and the wiring to support that capability. The understanding of the PC and ARB last year was that proposed generator was large enough to also support our needs but not necessarily an authorized use or connectivity to support it. Asked Town Manager to write the resolution. Tabled</p>			
<p><b>7.4. VML Insurance Coverage for Council Members</b>—Need to develop an implied earnings but our population is under the minimum threshold so the premium won't change. Should supply a list of volunteers for each event. VML doesn't cover any incident resulting from unsafe conditions inside homes on the homes tour – that's the home-owners insurance.</p>			
<p><b>7.4.1. Eagle Scout 8-Acre Park Project</b> – Increase / amend allocation from \$600 to \$700 – hundred dollar delta.</p>			
<b>Motion:</b> Wayne Nickum	<b>2<sup>nd</sup>:</b> Bill Holloway	<b>Vote:</b> Approved - Unanimous	
<p><b>8. New Business</b></p>			
<p><b>8.1. Railroad Siding Parking Lot Condition and Improvements</b> – there is ponding that is creating unsafe icy conditions in the parking lot. Propose to fill and pave that depression and extend the apron. The question is the timing due to weather. And, there are concerns that grading of the gravel is required to disperse the water. Probably need a annual maintenance of the gravel lot to manage the grade, distribution of gravel and realign parking stops. Vice Mayor will notify the business that there is a safety issue. It would be necessary to sole-source it given the onset of weather. It is a safety issue. There is money in the budget for Norfolk-Southern parking area improvements. Estimate that this could be done for \$4,000 to \$5,000. Dwayne Nitz to identify a paving contractor and coordinate project.</p>			
<b>Motion to authorize up to \$5,000 to repair pavement and maintain lot adjacent to Norfolk Southern siding.</b>	<b>Motion:</b> Wayne Nickum	<b>2<sup>nd</sup>:</b> Deborah Dillard	<b>Vote:</b> Approve – Unanimous (Roll Call)
<p>Mayor Bill Holloway: Aye</p> <p>Vice Mayor Dwayne Nitz: Aye</p> <p>Wayne Nickum: Aye</p>	<p>Deborah Dillard: Aye</p> <p>Jennifer Heilmann: Aye</p> <p>Eric Hencken: Aye</p>		
<p><b>9. Report of Town Manager</b></p>			
<p><b>9.1. Town Compliance Audits – Status.</b> In-process. In trying to assemble this information, discovered that the Use Permits are stored by date not by address. Same is true for ARB. Requires retrieving and re-organizing archived permits. Directed to start the project of organizing projects.</p> <p>Comment: Dwayne Nitz: should we start with the businesses who are new enough to have Use Permits in the local files versus the archive?</p>			

Response: It would be better have all the Use Permits in-house files because some uses date back to original uses – grandfathered as a continuous use. Kathy Kalinowski offers to assist with scanning Use Permits.

**9.2. Set Town Manager Priorities.** Question: Eric Hencken: should the Noise Complaint be tabled until the new process is in place? It was clarified that the noise complaint actually followed the arc proposed in the new process. That is, it started in May 2014 with a Planning Commission (PC) letter to the subject businesses noting they were advertising non-conforming events per their Use Permits. The PC action was reported at the June 2014 Town Council Meeting. The October complaint letter was merely a call to action nearly six months later. Eric Hencken then asked if he was the only member to feel it was unfair to treat the two complaints differently. Response: the complaints originated differently – only the first one was initiated by an official Town Commission. Moreover, it was pending from June to October 2014 awaiting Council Action – five months later the Town Council opened an investigation. The Town Manager was directed to proceed with assembling the written report.

**10. Adjournment**

**Motion:**  
Wayne Nickum

**2nd:** Deborah  
Dillard

**Vote:** Approved -  
Unanimous