



CLIFTON TOWN COUNCIL MEETING MINUTES
TUESDAY, JUNE 2, 2015, 7:30 PM *(Draft 9/7/15)*
CLIFTON TOWN MEETING HALL
12641 CHAPEL ROAD
CLIFTON, VA 20124

Town Council Present: Open: 7:41 p.m. Adjourn: 10:35 p.m.	Mayor Bill Hollaway; Vice Mayor Dwayne Nitzl (8:52 p.m.); Jennifer Heilmann; Eric Hencken; and, Wayne Nickum.	Absent: Deborah Dillard
Town Officials Present:	Town Clerk/Manager: Sandra Scales-Siwiek Treasurer: Marilyn Barton	Absent:

Summary of Motions:

1. Review of Prior Minutes: Table	Motion: W.Nickum	2nd: E.Hencken	Vote:	Approved Unanimous ¹ (4/4)
2. Report of Treasurer.				
2.1. Financial Report				
2.2. Statistical Report on BPOL Filings				
2.3. Statistical Report on Town License Tags. Bill 2014 & 2015 Delinquent Accounts	Motion: W.Nickum	2nd: E.Hencken	Vote:	Approved Unanimous ¹ (4/4)
2.4. Adopt Treasurer's Report as presented	Motion: W.Nickum	2nd: W.Hollaway	Vote:	Approved Unanimous ¹ (4/4)
3. Reports of Planning Commission, Architectural Review Board and Committees:				
3.1. Planning Commission (PC) Report & Recommendations -- 2 applications considered, no recommendations				
3.1.1. Clifton Café	Motion: none	2nd:	Vote:	
3.1.2. Steve Bittner Garage	Motion: None	2nd:	Vote:	
3.2. Architecture Review Board (ARB) Report - No ARB Meeting / No Report				
3.3. Committees:				
3.3.1. Wine Festival – Move VIP Hospitality Suite to Ayre Square & Obtain ABC Permit	Motion: W.Nickum	2nd: E.Hencken	Vote:	Approved Unanimous ¹ (4/4)
3.3.2. Brewery Committee Approve Farm Brewery Resolution with recommended changes.	Motion: E.Hencken	2nd: W.Hollaway	Vote:	Approved Unanimous ¹ (4/4)

3.3.3. Parks Reports of Drinking in Town Parks	Motion: none	2nd:	Vote:
3.3.4. Clifton Arts Council Shakespeare in the Park July 18, 4 - 9 p.m., Approve use of Park.	Motion: W.Hollaway	2nd: W.Nickum	Vote: Approved Unanimous
4. Communications	None		
5. Citizen's Remarks	None		
6. Unfinished Business			
6.1. Town of Clifton Budget FYE1606	Motion: W.Nickum	2nd: E.Hencken	Vote: Rollcall Approved Unanimous
Approve FYE1606 budget as advertised and execute the three resolutions, rates, taxes and appropriation.			
<ul style="list-style-type: none"> • Mayor Bill Hollaway: Aye • Vice Mayor Dwayne Nitz: Absent • Wayne Nickum: Aye 		<ul style="list-style-type: none"> • Deborah Dillard: Absent • Jennifer Heilmann: Aye • Eric Hencken: Aye 	
6.2. Verizon-Milestone Proposed Cell Tower – pole style	Motion: W.Nickum	2nd: W.Hollaway	Vote: Approved Unanimous ¹ (4/4)
Town of Clifton prefers 140 foot flat top tree pole without the 15 foot extension for conical tree top.			
6.3. Compliance Audit: Pink House Results (Business owner with open issues left meeting.)	Motion: none	2nd:	Vote:
6.4. Update on Pink House Rental	Motion: W.Hollaway	2nd: D.Nitz	Vote: Approved Unanimous (5/5)
Designate Council members J.Heilmann & E.Hencken representing Council to work with leasing agent to rent property.			
6.5. Maintenance: Contract to Paint Pink House Roof.	Motion: D.Nitz	2nd: W.Hollaway	Vote: Approved Unanimous (5/5)
Accept proposal and approve work provided certificate of insurance for Nuance, Inc naming the Town of Clifton and this property, and giving a 2-year guarantee for workmanship.			
<ul style="list-style-type: none"> • Mayor Bill Hollaway: Aye • Vice Mayor Dwayne Nitz: Aye • Wayne Nickum: Aye 		<ul style="list-style-type: none"> • Deborah Dillard: Absent • Jennifer Heilmann: Aye • Eric Hencken: Aye 	
6.6. Golf Cart Parking Area – Children's Park.	Motion: E, Hencken	2nd: W.Nickum	Vote: Approved Unanimous (5/5)
Designated Golf Cart parking in Children's Park along the inside of the fence in the designated area on the drawing that will be handed out to Golf Cart owners.			
6.7. Community Rental Hall Policy. Sponsoring Council member is absent.	Motion: Defer	2nd:	Vote:
7. New Business			

7.1. 2015 Lion's Club Labor Day Car Show – Resoluton to use Town property, close streets, hang banner. Adopt resolution as presented.	Motion:	W.Nickum	2nd:	W.Hollaway	Vote:	Approved Unanimous ¹ (4/4)												
7.2. Grand Opening Ceremony for Triangle	Motion:	None	2nd:		Vote:													
7.3. Flood Plain Parking Lot Signage	Motion:	None	2nd:		Vote:													
7.4. Main Street Parking – preserving access to residential driveways	Motion:	None	2nd:		Vote:													
7.5. Incentive Pay for Town Staff.	Motion:	W.Hollaway	2nd:	D.Nitz	Vote:	Failed (3 aye/1 nay) Abstain: W.Nickum												
<p>7.5.1. Provide incentive pay to Sandra Scales-Siwiek, Town Manager, in the amount of \$1,500 for stepping up to do the Clerk duties when Clerk was unable, beyond the call of duty of the Manager position. Also, provide incentive pay to Marilyn Barton, Treasurer, in the amount of \$1,000 for stepping up her efforts and doing a terrific job recently.</p> <p>Amended by J.Heilmann to make award amounts equal at \$1,500 to recognize Treasurer Marilyn Barton's many years of dedicated service. Motion and 2nd amended.</p> <table border="0"> <tr> <td>• Mayor Bill Hollaway:</td> <td>Aye</td> <td>• Deborah Dillard:</td> <td>Absent</td> </tr> <tr> <td>• Vice Mayor Dwayne Nitz:</td> <td>Aye</td> <td>• Jennifer Heilmann</td> <td>Aye</td> </tr> <tr> <td>• Wayne Nickum</td> <td>Abstain</td> <td>• Eric Hencken</td> <td>Nay</td> </tr> </table>							• Mayor Bill Hollaway:	Aye	• Deborah Dillard:	Absent	• Vice Mayor Dwayne Nitz:	Aye	• Jennifer Heilmann	Aye	• Wayne Nickum	Abstain	• Eric Hencken	Nay
• Mayor Bill Hollaway:	Aye	• Deborah Dillard:	Absent															
• Vice Mayor Dwayne Nitz:	Aye	• Jennifer Heilmann	Aye															
• Wayne Nickum	Abstain	• Eric Hencken	Nay															
	Motion:	W.Hollaway	2nd:	D.Nitz	Vote:	Approved (4 Aye) Abstain: W.Nickum												
<p>7.5.2. Award Sandra Scales-Siwiek incentive pay of \$1,500 for what she has done in filling in as the Clerk, above and beyond the call of duty; and Marilyn Barton incentive pay for \$1,000 for stepping up her efforts.</p> <table border="0"> <tr> <td>• Mayor Bill Hollaway:</td> <td>Aye</td> <td>• Deborah Dillard:</td> <td>Absent</td> </tr> <tr> <td>• Vice Mayor Dwayne Nitz:</td> <td>Aye</td> <td>• Jennifer Heilmann</td> <td>Aye</td> </tr> <tr> <td>• Wayne Nickum</td> <td>Abstain</td> <td>• Eric Hencken</td> <td>Aye</td> </tr> </table>							• Mayor Bill Hollaway:	Aye	• Deborah Dillard:	Absent	• Vice Mayor Dwayne Nitz:	Aye	• Jennifer Heilmann	Aye	• Wayne Nickum	Abstain	• Eric Hencken	Aye
• Mayor Bill Hollaway:	Aye	• Deborah Dillard:	Absent															
• Vice Mayor Dwayne Nitz:	Aye	• Jennifer Heilmann	Aye															
• Wayne Nickum	Abstain	• Eric Hencken	Aye															
7.6. Appointment of Town Treasurer through 06/30/2016	Motion:	W.Nickum	2nd:	W.Hollaway	Vote:	Approved (5/5) Unanimous												
7.7. Appointment of Town Clerk. Not required because present term ends 06/30/2016.	Motion:	Not Applicable	2nd:		Vote:													
8. Adjournment	Motion:	W.Nickum	2nd:	D.Nitz	Vote:	Approve – Unanimous (5/5)												

Order of Business

1. Review of Prior Minutes, Jan through May 2015 –Table (See Motion Summary.)	Motion:	2nd:	Vote:	Approve -- Unanimous
2. Report of Treasurer (attached)	Closing Date:		Presenter:	Marilyn Barton, Treasurer
<p>Attached are the Financial Reports for the period ended May 31, 2015. The May 31, 2015 reports include a Summary of Cash Balances, the Profit & Loss Summary by Fund, and the Profit & Loss Detail Export Report. I have included notes on the Profit & Loss Summary report which highlight items of interest.</p> <p>I will also be distributing your issued bound copy of the Audited Financial Statements for the fiscal year ended June 30, 2014. You were provided an electronic copy of the final report as well last month.</p>				
2.1. Financial Report. (Attached)				
2.1.1. Review of Notes to Financials:				
<u>NOTES</u>				
1	<i>Community Hall Revenues are reflected for July - March. Funds are turned in after the close of the month, usually at the following Town Council meeting.</i>			
2	<i>Efforts continue in collection of Haunted Trail IOU commitments. To date 115 IOUs have been paid. 13 remain outstanding for a total of \$370.</i>			
3	<i>The primary cause of the shortfall compared to the budget is the delayed payment of Sales Tax which lags by 2 months - only July - March has been received thus far. In May \$8,570.99 was received bringing the total for FY15 BPOL filings to \$42,189.07, 92% of the budgeted projection. Follow up letters were completed and five remain pending - timing is related to completion of tax reporting. BPOLs for FY14 are now completed. \$66 in additional vehicle tag fees was received in May.</i>			
4	<i>The primary contractual expenses in May were Professional Fees in the amounts of \$3,250 for the remaining balance due for the Town's FY14 Audit and \$5,050 for Legal Fees.</i>			
5	<i>Reflects July purchase of stone for the Caboose parking lot. Reflects the reclassification of the \$10,000 bond issuance to the balance sheet account - this will be refunded at the completion of the project. In March, \$746 was paid to the Land, Planning & Development Association for the Clifton Triangle Project. An additional \$626.50 was paid in May.</i>			
2.2. Statistical Report on BPOL Filings, Timely Filings, Non-Filter Follow-Up BPOLs (No Business Names or Amounts): In May \$8,570.99 was received bringing the total for FY15 BPOL filings to \$42,189.07, 92% of the budgeted projection. Follow up letters were completed and five remain pending - timing is related to completion of tax reporting. BPOLs for FY14 are now completed.				
2.3. Statistical Report on Town License Tag Application – Timely Filings, Non-Compliance, Household Non-Filter Follow-Up (No Names)				
2.3.1. Vehicle Tags Past Due Period: 2014				
<ul style="list-style-type: none">No additional collections for past due 2014 renewals in May.				
2.3.2. Vehicle Tags Current Period: 2015				
<ul style="list-style-type: none">Collected \$66 for 2015 renewals in May.				
Bill 2014 & 2015 Delinquent Accounts. (See Motion Summary.)				

<p>2.4. Approve Treasurer’s Financial and Statistical Reports as presented. (See Motion Summary.)</p>
<p>3. Reports of Planning Commission, Architectural Review Board and Committees:</p>
<p>3.1. Planning Commission: Kathy Kalinowski, Chair. applications</p>
<p>3.1.1. Planning Commission recommendations: 2 applications considered but no recommendations. Clifton Café Parking application has open request for additional information with regard to amount of total parking spots and number allocated to other businesses at the Weaver House and number of employees; Steve Bittner garage was held until applicant is present at the meeting.</p> <p>3.1.2. Proposed fee structure: Clarification that only commercial fees are applied when the use is “commercial” because there residences on commercial parcels.</p> <p>3.1.3. Proposed Use Permit Application Changes: the Planning Commission recommends changing the Use Permit Application to include all types of uses outlined in the Town Code.</p>
<p>3.2. Architectural Review Board – No Meeting this month, so no report.</p>
<p>3.3. Committees</p>
<p>3.3.1. Wine Festival – Move to Town-owned property from private property (Peterson’s). Need an ABC permit. Motion to use Ayre Sq for the Wine Fest VIP Tent/Hospitality Suite and obtain ABC permit. (See Motion Summary.)</p>
<p>3.3.2. Brewery Committee Update -- Farm Brewery Resolution. The Mayor returned a set of recommend changes. Jim Chesley has a letter from Attorney General that will be useful. (See Motion Summary.)</p>
<p>3.3.3. Town Parks – Reports of public drinking in Town parks. Parks are public property, so drinking in them is against the law. Specific complaint received by the Alcohol Control Board (ABC), including a bottle-opener attached to structure (since removed) (owner is welcome to claim it from Councilman W. Nickum); and, wine and beer bottles in park. Town should change signage. ABC is notifying Sully Station to patrol for it. Town is not responsible for enforcement. Add reminder on website that this is a matter of state law. No Motions.</p>
<p>3.3.4. Clifton Arts Council</p> <p>Proposed Dessert Theatre Dates revised because talent busy with other local companies. Post-poned the Town of Clifton event to Fall FY2016. There is money in the budget for a FY2016 event.</p> <p>Also, Town sponsored “Shakespeare in the Park” requests use of the Park July 18, 4:30 – 8:30; it is available. If revenue (donations) are collected during the performance, it will be split 50% with the Town / 50% to the theater company. Council is approving the use of the park for the event. Motion to approve the Shakespeare in the Children’s Park 4 – 9 p.m., W.Hollaway; 2nd; W. Nickum; Approved Unanimous.</p>
<p>4. Communications.</p> <p>Note: Communications are information items that may be discussed but that are not actionable at this time if they are new items. To be actionable, a Motion to add it to the Agenda under new business has to be made, seconded and unanimously approved.</p>
<p>5. Citizen’s Remarks – None.</p>
<p>6. Unfinished Business</p>
<p>6.1. Town of Clifton Budget FYE1606 – Approved. (See Motion Summary.)</p>

6.2. Verizon-Milestone Proposed Cell Tower – pole style

Frank Stern representing Verizon Wireless clarified that the tree features must be higher than the antennae if the tree is to have a conical top. The conical top on the tree pole adds 15 feet and presents a larger profile. The Mayor summarized the three alternatives as: 1) unadorned monopole of 140 feet; 2) making it look like a tree that goes up to a conical top to 155 feet; and, 3) a combination of the two, tree shape but flat top because it stops at 140 feet. Discussion and review the images showing the crown/conical top vs flat top vs unadorned monopole. Noted that the tree poll in simulations was very noticeable at 160 feet but not as much at 140 feet. Council determines it is preferable to go with the flat top like Stone Middle School at 140 feet.

Reminder that the Planning Commission meets June 17 and the Board of Supervisors at June 23. Verizon-Milestone will propose the 140 foot flat top tree pole, as the Clifton Town Council requests. Any Fairfax County staff questions should be directed to the Town Manager.

Mayor agrees that the Town Manager/Clerk will send an email to the Planning Commission Chair Murphy advising the Council motion is for 140 foot flat-top tree pole. (See Motion Summary.)

6.3. Compliance Audit: Pink House Results. Tim Hugo no findings; La Bella Luce had findings but deferred, business owner with open issues left meeting.) No motion.

6.4. Update on Pink House Rental.

6.4.1. Back building: Tim Hugo wants to continue renting the back building. Mayor is working with him to renegotiate a newer market rate representing four years since last lease was signed.

6.4.2. Front building: vacated as of June 1, looked fine. Several interested parties but not at the higher rate. Jennifer Heilmann and Eric Hencken designated to work with the rental agent to set market rate rent and review applications. (See Motion Summary.)

There is feedback on what the market rate should be.

Aly Rohling, the lessor that is departing, spoke, thanking the Town for a great experience. Only leaving because her husband has orders to Upstate NY. Government Orders – Military Orders. Provided copy of the law that allegedly permits military to terminate leases with change of military orders. Aly Rohling asserted that she had signed a two year lease that it had expired. There was an error in the dates, when she claimed the lease expired, did not re-sign but allegedly made it very clear we will not go into two year lease. She did not, however, vacate the leased property and contrived to stay in the space for another 17 months.

Aly Rohling requests the \$1,600 security deposit back, but it may be \$1,500 – needs to be clarified. Wayne Nickum indicates a copy of the military orders should be provided. Aly Rohling agrees to provide the orders.

Discussion clarifies that the lease is actually in force through December 2016 – vacating the lease loses seven months' rent. The lease expressively says that the security deposit can be used to offset the loss of rent. The lease gives the Council 60 days after the end of the lease to determine what action to take on the deposit. Needs Council action and discussion in executive session to clearly understand the requirements.

6.5. Contract for Painting the Pink House. Pink House Roof is metal and rust is showing through. One bid received, Nuance Inc. Out of several RFQ circulated. Included in new fiscal year budget for up to \$10,000.

Specs include three coats of designated paint/color.

Motion to accept proposal and approve work provided we get a certificate of insurance (from Nuance, Inc.) that specifically names the Town as additional insured and specifies the property. Also, request two-year guarantee on workmanship. (See Motion Summary.)

6.6. Golf Card Designated Parking Areas in Children's Park. Sent proposal to Town Council. Spoke to adjacent property owners Bittner, Anton – no problem.

Motion to allow golf cart parking along the fence line of Chaple Street in the designated areas as specified in drawing that will be handed out to golf cart owners at registration. (See Motion Summary.)

6.7. Community Hall Rental Policy. Deferred, Deborah Dillard absent.

7. New Business

7.1. Clifton Lions' Club / Acacia Lodge sponsored 2015 Labor Day Car Show – Request to use property, close streets, hang banner, resolution provided. Use Main Street, Popes Head Creek to Dell avenue; donation of \$500 to be provided; no alcohol on public property; designated parking for residents; and clarification this is not a Town of Clifton sponsored event. This clarification relates to a prior year issue related to a legal action taken by sub-contractor of another event occurring at the same time on private property. Council is making it clear this is not a Town Sponsored. The Lions' Club representative notes that Clifton Betterment Association (CBA) hosted events on CBA property at the same time as the car show are always completely separate from the Lions' Car Show. CBA has been notified and reminded of that separation. (See Motion Summary.)

7.2. Grand Opening Ceremony for the Triangle. Sign will go in as soon as weather breaks. No motion.

7.3. Flood Plain Parking Lot Signage. Dwayne Nitz presents. No formal proposal. Flood plain, while it is open for parking, it is not in common use. Need signage to inform public that the parking lot there is open and available for parking. Dwayne Nitz will work with CBA and go through ARB for approval. Discussion as to whether overnight parking is permitted. Town Council is recommending no parking longer than 24 hours. There has been one case when someone left a car for days on that lot. Same stipulation should be posted at the Railroad Siding parking lot. Dwayne will continue to work on it for next Council Meeting. No motions.

7.4. Parking on Main Street and Preserve Access to Residential Driveways and Private / Public roads. This is ongoing problem where visitors park in the roadway or block access to the driveway. Need either lines, physical barriers, possibly signs. There is a parking problem in Town. Restricting parking to residential permit parking has been suggested by some residents has not been approved in part because enforcement requires County Police action. Lack of handicap parking was discussed. There are two marked handicap spots – one near the Town Hall and one near the Post Office. None in the Commercial district. Consider designating a spot near cross-walk at Chapel Street. Commercial district businesses may need brochures to hand patrons. Wayne Nickum notes businesses' employee parking needs to be in spots designated on the issued Use Permit. Also, discussed that putting a tent in the parking lot precludes the use of the required spots allocated to a business and these should be used only for parking cars, except on Clifton Day. No motion.

7.5. Incentive Pay for Town Staff. Wayne Nickum is abstaining from this vote because he was not present at the Closed Session where performance incentives were discussed. D.Nitz and E.Hencken recognize that the Town Manager stepped up to support the Town Clerk position when the Town Clerk was unavailable in the Fall and Winter. It was not in the Town Manager job description but it was something she stepped up to do.

Wayne Nickum and Dwayne Nitz recognize that Treasurer pay increased about \$3,000, that is, \$15,000 to \$18,000 -- \$3,000. And, only a tiny round-up to the Town Clerk pay. Treasurer notes that it is unclear how incentive awards for this year are related to pay increases for the next year. Jennifer Heilmann requests to amend the motion to recognize the many long years of service the Town Treasurer has provided and give the same amount to both positions. The amended motion fails; new motion that purposes the original amount of \$1,500 for Town Manager and \$1,000 for Town Treasurer is made and passes. (See Motion Summary.)

7.6. Appointment of Town Treasurer. (See Motion Summary.)

7.7. Appointment of Town Clerk. Not necessary as appointment in December runs through June 2016.

8. Adjournment

ⁱ Dwayn Nitz joined the meeting at 8:52 p.m. so votes before his arrival are based on a count of 4, after his arrival are on a count of 5.