



**CLIFTON TOWN COUNCIL MEETING MINUTES
TUESDAY, MAY 5, 2015, 7:30 PM
CLIFTON TOWN MEETING HALL
12641 CHAPEL ROAD
CLIFTON, VA 20124**

Town Council Present:	Mayor Bill Hollaway ¹ ; Vice Mayor Dwayne Nitz; Deborah Dillard; Jennifer Heilmann; and, Eric Hencken.	Absent: Wayne Nickum
Town Officials Present:	Town Clerk/Manager: Sandra Scales-Siwiek Treasurer: Marilyn Barton	Absent:

Summary of Motions:

1. Public Hearing#1 – Amendments to the Special Use Permit for the Main St Pub [1.1 to 1.3 no motions] 1.4 Invitation to Speak – No one stepped forward. [1.5 to 1.6.6 no motions]			
1.6.7 Motion to approve amended Special Use Permits (SUP)	Motion: D.Nitz	2nd: E.Hencken	Vote: Unanimous Aye (4/4) ¹
Motion that we approve the amendment to this Special Use Permit based on the Recommendation of the Planning Commission with the additions and clarifications made here tonight. [Amended Planning Commission Recommendations attached.] Motion remade later – see 2.3 below.			
2. Public Hearing#2 – Budget FYE 1606.			
2.1. Invitation to Speak – one speaker			
2.2. Close Public Hearing #2 Budget FYE 1606	Motion: W.Hollaway	2nd: D.Nitz	Vote: Unanimous Aye
2.3. Point of Order			
2.3.1. Close Public Hearing #1 Amend Special Use Permit (SUP) – Main Street Pub	Motion: D.Nitz	2nd: E.Hencken	Vote: Unanimous Aye
2.3.2. Remake Motion Special Use Permit (SUP) Main Street Pub	Motion: W.Hollaway	2nd: D.Nitz	Vote: Unanimous Aye
Remake Motion to accept the recommendation of the Planning Commission for the amended Special Use Permit for the Main Street Pub with the amendment to the recommendations that we had discussed. In effect, the same motion that was made earlier.			
3. Review of Outstanding 2015 Minutes: Table	Motion: W.Hollaway	2nd: J.Heilmann	Vote: Unanimous Aye

¹ Mayor arrives at 7:50 p.m.; Vice Mayor runs meeting through Close of Public Hearing#1

4. Report of Treasurer. Closing Date: April 30, 2015				
4.1. Financial Report				
4.2. Motion: Approve Treasurer's Financial Reports as presented	Motion: D.Nitz	2nd: E. Hencken	Vote: Unanimous Aye	
Mayor Bill Hollaway:	Aye	Deborah Dillard:	Aye	
Vice Mayor Dwayne Nitz:	Aye	Jennifer Heilmann:	Aye	
Wayne Nickum:	Absent	Eric Hencken:	Aye	
4.3. Motion to Approve invoice for payment to Town Attorney invoice as presented:	Motion: D.Nitz	2nd: W.Hollaway	Vote: Unanimous Aye	
Mayor Bill Hollaway:	Aye	Deborah Dillard:	Aye	
Vice Mayor Dwayne Nitz:	Aye	Jennifer Heilmann:	Aye	
Wayne Nickum:	Absent	Eric Hencken:	Aye	
5. Reports of Planning Commission, Architecture Review Board, and Standing Committees				
5.1. Planning Commission (PC) -- Two applications				
5.1.1. Special Use Permit, 7140 Main St., Main St. Pub – subject of tonight's Public Hearing – see motion at 1.6.7 above				
5.1.2. Preliminary Plat, 7184 Clifton Rd.	Motion: None	2nd:		
5.2. Architecture Review Board (ARB) - Report on five applications that were considered by ARB. Motions: None				
5.3. Committees:				
5.3.1. Clifton Business Committee (CBC): Revise CBC Co Chair, Alex Soper continues with additional Co-chairs to be determined in the future.	Motion: W.Hollaway	2nd: J.Heilmann	Vote:	Unanimous Aye
5.3.2. Homes Tour Chair – Tom McNamara resigns. Motions: None				
5.3.3. Clifton Dinner Theatre				
5.3.4. BZA Appointments – Motion to recommend the Circuit Court reappoint John Powell to term ending July 1, 2020.				
Motion to reappoint John Powell to Board of Zoning Appeals with new term expiring July 1, 2020.	Motion: W.Hollaway	2nd: E.Hencken	Vote:	Unanimous Aye
5.3.5. Haunted Trail – Approve straggling invoice for \$100 for photography.	Motion: E.Hencken	2nd: D.Dillard	Vote:	Unanimous Aye
5.3.6. Pink House Rental Motion to add to Executive Session discussion of the proposals for rental of Pink House and negotiation of them.	Motion: W.Hollaway	2nd: E.Hencken	Vote:	Unanimous Aye
5.3.7. Motion to approve the request of the Clifton Arts Council to put up a banner for the Clifton Dessert	Motion: W.Hollaway	2nd: D.Dillard	Vote:	Unanimous Aye

Theatre event the first weekend of June to go on May 15th and come down within a week after the event.

6. Communications -- None				
7. Citizen's Remarks -- None				
8. Unfinished Business				
8.1. Golf Cart Designated Parking Area in Children's Park -- Tabled				
	Motion:	W.Hollaway	2nd:	D.Dillard
			Vote:	Unanimous Aye
8.2. (Agenda 8.a.) Report on Compliance Audit of Pink House – Tabled.				
8.3. (Agenda 8.c.)Policy and Code Changes for Outdoor Music and Noise Ordinance: Tabled				
8.4. (Agenda 8.d.) Policies for Rental of Community Hall – Tabled.				
8.5. Motion to table Unfinished Business agenda items 8.a., 8.c., and 8.d. (8.1, 8.3, 8.4), W.Hollaway; 2nd D.Nitz; Vote: Unanimous Aye				
	Motion:	W.Hollaway	2nd:	D.Nitz
			Vote:	Unanimous Aye
9. New Business				
9.1. Pam Wallace Memorial Planting				
Motion to authorize Village Square Quilters install memorial, boulder and plaque installed in 8 Acre Park provided it is no larger than stated in the proposal.	Motion:	W.Hollaway	2nd:	D.Nitz
			Vote:	4/5 Aye
			Abstain:	E.Hencken
9.2. Loudmouth Brewery Proposal was withdrawn. However, farm breweries remain an issue. Motion to form new Adhoc Committee composed of Don Byrne and Eric Hencken, and establish that the Town is strongly opposed to the County's interpretation of the Farm Brewery Law to include location of farm breweries in the entire down-zoned area in the Occoquan Watershed.				
	Motion:	D.Nitz	2nd:	D.Dillard
			Vote:	Unanimous Aye
9.3. Sign Ordinance. ARB enforcement. Motion: None.				
10. Executive Session – Move into Executive Session to discuss Personnel Matters, Incentive Compensation and Pink House Rental	Motion:	D.Nitz	2nd:	W.Hollaway
			Vote:	Unanimous Aye
10.1. Executive Session – Move to come out of Executive Session, confirming that only Personnel Matters, Incentive Compensation and Pink House Rental negotiations were discussed.	Motion:	D.Nitz	2nd:	W.Hollaway
			Vote:	Unanimous Aye
11. Adjournment (12:20 a.m. 5/6/2015)	Motion:	W.Hollaway	2nd:	W.Hollaway
			Vote:	Unanimous Aye

1. Public Hearing#1: Amendments to the Special Use Permit (SUP) for the Main St Pub

1.1. Introduction: Vice Mayor Nitz gave a summary of the proposed action then opened the Public Hearing, inviting Kathy Kalinowski, Planning Commission Chair to overview the application.

1.1.1. Planning Commission Public Hearing on March 31, 2015, attended by various member of the public, mostly neighbors. After reviewing it, the Planning Commission voted on a series of recommendations.

1.1.2.Summary: Total of 53 seats inside or outside; no more than six (6) employees during peak hours; allocation of 450 sqft to retail space; no more than 4 special events a per year that extend hours to 2:00 a.m.; changed hours 7:00 a.m. to Midnight (was 6:00 a.m. to Midnight) 7 days a week; continuance of previous requirements for no outdoor music and allowance for sale of wine, beer and mixed beverages.

Parking, total of 15 parking spaces needed for 53 seats plus 6 employees and one existing loading space up front. Note there are eleven (11) spaces on site and eight (8) off site at Acacia Lodge. Reviewed parking agreement with Acacia Lodge and recommend it be approved to extend off-site parking, with the new agreement to be filed with the Town Clerk and Planning Commission Chair every year. Reminds that the same sort of agreement was done for Peterson Ice Cream. Terms pretty much the same; the only difference is the Town Council stated that if the agreement terminates the Use Permit was null and void. In this case the Planning Commission required the parking agreement be submitted every year ensure it continued.

Employees park offsite, presently need 3 for employees and 2 for retail store, which are across the street. On-site parking for the Pub. Some confusion because the prior Use Permits are not fully detailed, two for 2008, one for 2010. PC Chair notes for the 2010 Use Permit meeting, more seating for a total of 42 seats was added at that time and the applicant requested to be considered under a new parking regulation at the time which was 6:1 seats to spot ratio. Ten additional seats is under the present ordinance of 4:1 seats to spot ratio. The original seats were grandfathered under that provision in the new parking ordinance that says it only applies to the extension/expansion.

1.1.3. Council Questions (E.Hencken). One space for two employees? Answer: yes. Does the Planning Commission recommend that the failure to give the Town the parking agreement make the Use Permit null and void? Answer: No, it would require the applicant come back in for an amended Use Permit for the reduced parking, fewer seats, possibly fewer employees.

1.2. Vice Mayor Wayne Nitz Opens the Public Hearing noting that state law requires that restaurants operate under Special Use Permits. And, Special Use Permits require Public Hearing. Also notes that Special Use Permits can have additional requirements, greater restrictions than the Town Code but not more provisions. Any restaurant requesting or amending a Special Use Permit will have to go through a hearing.

1.3. Vice Mayor requests comparison to current Use Permit. Amendment to total 53 seats vs 42 or 43 now, approximately 10 seats; additional employees -- 6 vs 3 before; change in hours which is less; change in number of special events from 12 to 4; use of 450 sqft of space for store, last Use Permit in 2008 it was over 700 sq ft. Adds parking spaces that are leased and all employees park off site.

1.4. Invitation to Speak. No speakers stepped forward.

1.5. Called Public Hearing to Order. Closed Public Hearing. Discussion by Council.

1.6. Council Questions and Comments

1.6.1. E.Hencken. Clarified number of seats on 2008 Permit should have been 42 (vs 43) so this increase is to 53, that is an increase of 11 rather than 10. D.Nitz. Clarified that number of required spaces varies by the Year / Code it came in under. Reflect this tabulation on the Use Permit: number approved at 1 at 6 in 2010; number under 1 at 4 in 2014. Required number of parking spaces is 15.

1.6.2.E.Hencken. Clarified that applicant provide annual evidence of Parking Agreement is enforce. K.Kalinowski added language that renewing parking agreement has to be delivered to Town Clerk annually. W.Hollaway will Special Use Permit lapse or will # of spots reverts to lower # of spaces. "In the event that Parking Agreement expires, seating is reduced to 36 seats, 6 employees and retail space."

1.6.3.D.Nitz. Drive aisle behind the Pub is 14 ft not 16 ft as provided in the Code. It did come up in the Public Hearing but neighbors said it has never been a problem because patrons park in designated parking spaces -- within the painted lines on the pavement. (Neighbors appreciate that the lines and no parking legend are re-painted every year by Main St Pub.)

1.6.4.D.Nitz. Drive aisle near diagonal parking spaces are 12 ft on plat – is that a problem? K.Kalinowski PC: No, it's a diagonal on pavement with painted lines, limited number of spaces and it works. D.Nitz. It should be noted on the parking permit that this is an exception. The Code requires 16 ft; however if it is usable. How do we memorialize this given the circumstances that differentiate it? Yes. Most aisles are less than 16 ft. Also,

dealing with gravel, parkers don't use the whole parking space. K.Kalinowski PC notes that the problem on Ford Lane is further along where there is a gravel lot with random parking because there is a lack of consistency.

1.6.5.D.Nitz. How do we ensure provisions carry forward from prior UP? K.Kalinowski PC: will map all existing provisions to the new Special Use Permit. D.Nitz: Please clarify in #8 the number of spaces and the parking tabulation for seat-to-spot ratio.

1.6.6.W.Hollaway. What happens if annual parking agreement with Acacia Lodge is not renewed? Added language that the agreement needs to be refilled every year with the Town Clerk. If not, then the applicant would be required to come in for an amended Use Permit for the new, lower number of seats and parking. Say it reverts to number of reduced seats associated with lower parking spaces. That is, *"in the event the parking agreement expires or is terminated, there will be 11 parking spaces, seating is reduced to 36 seats, 6 employees and the retail space."* Then at #8 it can read the way it does now changing 43 to 42, after seats add 1 parking spot for 6 seats (6:1) in Aug 2010 and spaces for the 11 seats add 1 parking spot for 4 seats (4:1).

1.6.7.Motion that we approve the amendment to this Special Use Permit based on the Recommendation of the Planning Commission with the additions and clarifications made here tonight. [Amended Planning Commission Recommendations attached.]

Motion: D.Nitz 2nd: E.Hencken. Vote: Unanimous Aye (Vote 4/4 – taken before Mayor arrives¹.)

1.6.8.Motion Remade later, see 2.3.3 below.

2. Opened Public Hearing#2 -- Budget FYE 1606, that is, Fiscal Year Ended June 30, 2016. Had a number working sessions on the budget, spent a lot of time on it. Lot of items in it. Any comments welcome. Please sign in.

2.1. Invitation to Speak

2.1.1.Local Accountant – Non Resident (Lisa Gables) (address). Question: who does the audit and about the accounting expense. \$7,500 seems a lot for a review vs a full audit. Answer: Anderson & White, Noted that the cost for the "review" of \$7,500 seems excessive; however it is a full Audit. **Do they do a tax return?** Not required for municipality. **Information-only tax return?** Answer: No. But, the audit report is available to the public once the Council approves it. Also, towns smaller than 3,500 population are not required to do audits at all. However, there was an incident and question about where funds went. So, the Town Council decided to do an audit – could be done every five years or two years, but was determined to do it every year to ensure transparency. It is publicly available once it is approved.

2.1.2.No other speakers came forward.

2.2. Motion to Close the Public Hearing#2 on the Budget for FYE 1606. W.Hollaway; 2nd D.Nitz. **Vote: Unanimous, Aye.**

2.3. Point of Order.

Vice Mayor: We closed Public Hearing#1 [on Main Street Pub]; did not take a motion. Just closed it because there were no speakers. Should we go back and close that by motion?

Mayor: So you opened it officially?

Vice Mayor: Yes.

Mayor: You asked for comments?

Vice Mayor: We did.

Mayor: No one stepped forward.

Vice Mayor: That's Correct.

Mayor: You need to close it.

2.3.1.Motion: D.Nitz. Make motion we close the Public Hearing#1 on amendments to Special Use Permit for Main Street Pub. 2nd: E.Hencken. **Vote: Unanimous Aye**

Request Clerk to read back motion. Mayor continued to remake the motion that was made earlier for the amended Special Use Permit for the Main Street Pub explaining it was done to ensure there are no procedural issues in the point of order

2.3.2.Remake Motion to accept the recommendation of the Planning Commission for the amended Special Use Permit for the Main Street Pub with the amendment to the recommendations that we had discussed. In effect, the same motion that was made earlier.

Motion: W.Hollaway 2nd D.Nitz: Vote: Unanimous Aye

3. Review of Outstanding 2015 Minutes- Table approval of those minutes to next month. Motion: W.Hollaway 2nd: J.Heilmann Vote: Unanimous Aye

Mayor noted draft minutes for four months were distributed. Some members have not had a chance to go through them all. Vice Mayor noted he had gone through most of them and had comments but he too would like more time.

4. Report of Treasurer. Closing Date: April 30, 2015 Presenter: Marilyn Barton, Treasurer

4.1. Financial Reports. Financial Reports for the period ended April 30, 2015 are attached. The March 2015 reports include a Summary of Cash Balances, the Profit & Loss Summary by Fund, and the Profit & Loss Detail Export Report. The Treasurer has included notes on the Profit & Loss Summary report which highlight items of interest.

4.1.1. Summary of Cash Balances:

	Apr 30, 15
ASSETS	
Current Assets	
Checking/Savings	
C.D. - Cardinal Bank 1	347,282.95
Cardinal - Events Acct	100.00
Checking-Cardinal	61,670.44
Investments-LGIP	916.90
Money Market Savings-Cardinal	527,375.44
Security Deposit - Cardinal	2,231.18
Total Checking/Savings	939,576.91

4.1.2. Profit & Loss Summary by Fund

	Apr 15	Budget	Jul '14 - Apr 15	YTD Budget	Annual Budget
Income					
1	500.00		500.00	500.00	500.00
2	1,069.00	283.32	5,242.00	16,833.36	65,400.00
3	1,527.50	833.33	8,560.00	8,333.34	10,000.00
4	70.00	0.00	45,834.05	15,000.00	15,000.00
	992.74	816.67	14,237.19	16,916.66	18,550.00
	0.00	4.17	0.00	41.66	50.00
	2,500.00	2,500.00	24,800.00	25,000.00	30,000.00
	0.00	0.00	0.00	0.00	0.00
5	3,814.74	3,575.00	75,685.80	88,550.00	95,700.00
	10,473.98	8,012.49	174,859.04	171,175.02	235,200.00
	10,473.98	8,012.49	174,859.04	171,175.02	235,200.00
Expense					
	0.00		10.00		

6	Commodities	291.42	499.99	2,246.31	5,000.02	6,000.00
	Contractual	2,355.42	12,766.69	57,479.07	116,666.62	133,000.00
4	Haunted Trail Expenses	520.00	0.00	10,698.05	8,000.00	8,000.00
	OTHER - TC approval req'd +\$500	0.00	625.00	0.00	6,250.00	7,500.00
7	Payroll Expenses	4,674.16	4,218.34	40,634.20	45,087.64	54,492.43
	Town Assoc of NoVA Event	0.00	0.00	0.00	0.00	0.00
	Total Expense	7,841.00	18,110.02	111,067.63	181,004.28	208,992.43
	Net Income	2,632.98	(10,097.53)	63,791.41	(9,829.26)	26,207.57
	<u>CIF FUNDS:</u>					
	CIF Income					
	CIF - Capital Improvements Fund	0.00	65,839.17	9,000.00	697,391.66	829,070.00
8	CIF Expenses - Less Bond Held for Special Projects:			(10,000.00)		
	CIF Expenses	0.00	87,339.18	20,616.36	833,391.64	990,070.00
	Net Income - Operating Funds	0.00	(21,500.01)	(1,616.36)	(135,999.98)	(161,000.00)
	Consolidated Net Income	2,632.98	(31,597.54)	62,175.05	(145,829.24)	(134,792.43)
	<u>NOTES:</u>					
1	<i>Car Show Income received at the end of March.</i>					
2	<i>Income received from the Calendars \$980, and the Egg Hunt \$89.</i>					
3	<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>					
4	<i>Efforts continue in collection of Haunted Trail IOU commitments. To date 13 IOUs have been paid. 15 remain outstanding for a total of \$415. \$520 H.T. expense reflects payment to K-2 Contracting.</i>					
5	<ul style="list-style-type: none"> a. <i>The primary cause of the shortfall compared to the budget is the delayed payment of Sales Tax- only July - Feb. has been received thus far. In April \$262.03 was received bringing the total for FY15 BPOL filings to \$33,618.08, 73% of the budgeted projection. Follow up is in process - an additional \$25 was received in May.</i> b. <i>Outstanding BPOLs for FY14 remain at 1.7% - This will also be addressed in the follow up communications.</i> c. <i>No additional vehicle tag fees were received in April - one for \$33 was received and deposited in May.</i> 					
6	<i>Computer expenses of \$169 for renewing software and office supplies of \$122 for printer cartridges & stationary for BPOLs.</i>					
7	<i>Payroll expenses for the month of April reflect the payment of quarterly taxes for the first quarter of 2015.</i>					
8	<i>Reflects July purchase of stone for the Caboose parking lot. Also reflected is the \$10,000 bond issuance - 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.</i>					

D.Nitz noted Community Hall Revenues were up. Was it a particularly good month? Darrell Poe responds: part of it is we collect the payment for the entire term for regular monthly classes at the end. Also, we have a local theatre using the space to rehearse so that has been an unanticipated plus. Dwayne Nitz, it took us above our YTD budget, so that is good.

Jennifer Heilmann noted that Line 2 Committees Fund Raising YTD Budget is \$16.8K and Annual Budget is \$65.4K. Also, see Detail export line 53. Answer: Gala is at zero due to moving to September puts it in the next fiscal year and is reflected as difference in this fiscal year's budget. Also, the Wine Festival is at zero because it is in June and has not happened yet.

Deborah Dillard notes in the detail for Community Hall expenses at Line 122 is \$75 but should be \$150 for Town Hall Cleaning payments. Timing difference is that every invoice is held pending approval. Deborah Dillard agreed to send an email authorizing pre-approval up to two cleanings a month at \$75 each; only the extra third cleaning necessary for some special events would require separate confirmation / authorization.

4.2. Motion to approve Treasurer's Report as presented: D.Nitz. 2nd E.Hencken; **Vote:** Unanimous Aye

Roll Call: W.Hollaway – Aye, J.Heilmann - Aye, D.Dillard - Aye, E.Hencken - Aye, D.Nitz - Aye

4.3. Invoice from Town Attorney for \$5,050 for February 2015, was discussed last month but sent back for confirmation by the Town Attorney: Mayor recapped why it was necessary to consult Town Attorney, including: Two investigations regarding Main ST Pub and Outdoor Music; work on Noise Ordinance; drafting Virginia Storm Water Management (VSWM) MOU with Fairfax County; Zoning considerations and requirements for Brew Pub.

Don't call Town Attorney and ask for new work to be reviewed without approval from the Mayor.

4.4. Vice Mayor notes that VSWM was done six months after the Council adopted it. Town Manager and PC Chair Kathy Kalinowski notes that the MOU was drafted and her modifications were accepted by FFX County. It was signed and language changes were this year – later in the lifecycle. She is a very good attorney; she has a lot of small towns in her practice so her answers are on point and has the information at her fingertips.

Motion to Approve invoice for payment to Town Attorney invoice as presented: D.Nitz. 2nd E.Hencken; **Vote:** Unanimous Aye

Roll Call: W.Hollaway – Aye, J.Heilmann - Aye, D.Dillard - Aye, E.Hencken - Aye, D.Nitz - Aye

5. Reports of Planning Commission, Architecture Review Board, and Standing Committees

5.1. Planning Commission: Kathy Kalinowski, Chair, presenting. Two applications were considered at March 31, 2015 Planning Commission Meeting.

5.1.1. Special Use Permit, 7140 Main St., Main St. Pub – subject of tonight's Public Hearing

5.1.2. Preliminary Plat, home at 7184 Clifton Rd. Preliminary Plat Approval. Metropolitan Investment Group. Preliminary Plat, approved by Planning Commission on March 31, 2015 with recommendation that applicant get ARB approval before going to the Town Council for approval of preliminary plat and Mayor to sign Building Permit. (See ARB item 5.3 below.) Council determined to hold off considering application for Preliminary Plat approval until ARB conditions have been removed. (See also PC item 5.1.2 below).

5.1.3. Discussion of Process: Considered two options:

1) Council Acts on Planning Commission recommendation to approve Preliminary Plat after ARB Final Approval and has issued the Certificate of Appropriateness. That is, wait until the ARB has finished its work then the Council considers it all together at the next Town Council meeting.

2) Council Acts on ARB Conditional Approval. Town Council would approve the Planning Commission to approve the Preliminary Plat Conditioned upon the ARB Chair notifying the Mayor all ARB issues have been cleared and certificate is issued so he can sign-off on the Building Permit.

Process-wise option #1 is the more conservative and the reasonable approach. Usually not an issue, but can happen when there are revisions requiring engineering review.

Decision: Our process will be that we need the ARB approval to be final and the certificate of appropriateness to be issued for the Town Council to approve the preliminary plat or anything else that

requires the Town to sign a Building Permit.

5.1.4. Special Use Permit (SUP), 7144 Main St, Clifton Café, LLC. Kathy Kalinowski, Planning Commission Chair gave notice that Clifton Café has applied to amend their SUP for seats and parking, which will require a Public Hearing. To contain advertising costs, the Council prefers a Joint Public Hearing. The Planning Commission will look at the application first at its May meeting, then come to the Town Council to propose a Joint Public Hearing be held. Note: application was received by the Clerk on April 24, 2015, after the deadline established by the Town Code to be considered at the April Planning Commission meeting. Note: the deadline is the 15th of the month.

5.1.5. New fees will be considered by Planning Commission at the May Planning Commission meeting and want to deal with other administrative rules that need update that do not have to be in the zoning ordinance. The fees are out of sync with the amount of work required. A draft set of zoning fees have been circulated to the Town Council and the Planning Chair.

Also, Town Attorney suggested we pull all fees out of the Code to do as a schedule. Then only the schedule needs to be revised periodically. But we have to pay the Town Attorney to do it.

5.1.6. Jennifer Heilmann. How are the reviews by the Town Engineer paid? Generally if it has to do with construction, in the Sub Division and CBLAD ordinances. Not in the flood plain ordinance but should be.

5.1.7. Process Question: D.Dillard. How are the Planning Commission and ARB checks submitted? ARB chair collects and deposits with Treasurer once a month; PC fees come in with the application on Clerk's set of copies.

5.2. Architectural Review Board (ARB): Royce Jarrendt, Chair, presenting. Five Applications.

5.2.1. Home at 7184 Clifton Rd. ARB gave conditional approval at this month's meeting. Six or seven open items that need to be cleared before the ARB will issue a Certificate of Appropriateness and recommend the Mayor sign the Building Permit.

5.2.2. Signs:

5.2.3. Town Signs – new parking signs for Chapel Street near the park;

5.2.4. Main Street Pub – sandwich board and cleared other ARB requirements from several months ago, approved.

5.2.5. T&K Treasures – new sign for new location approved

5.2.6. Garage – 12746 Chapel St, Steve Bittner had a design for construction of a detached garage approved.

5.2.7. ARB Fees require revision

Royce will send redline of revisions in through Council representative Dwayne Nitz.

ARB related fees for Town Engineer review are always higher than Fairfax County but those are passed back to the applicant.

Mayor: The Code should include provisions to recover such construction-related fees from applicants. The applicant has to pay the fee associated with these required reviews.

Mayor: do we want to seek out a more affordable provider? Answer: No, there are firms that have a lower rates but he has the specialized knowledge to make the number of hours involved lower than someone less informed. Also, the Town Engineer has been invaluable when dealing with the State DEQ.

5.3. Committees

5.3.1. Clifton Business Committee (CBC): Presenter Jennifer Heilmann. Met and plan to meet monthly. Committee list updates: Tom Van Blaricom resigned 3 years ago and Victoria Trummer resigned recently. One Co-chair is Alex Soper.

Motion to revise CBC Co Chairs, Alex Soper continues with additional Co-chairs to be determined in the future, W.Hollaway, 2nd D.Nitz, Vote: Unanimous Aye

5.3.2. Homes Tour Chair Tom McNamara has stepped down. Need a new chair. Potential candidates:

D.Nitz's wife may be interested but is seeking a Co-chair. If it ends up not going that way, Dwayne will make an active search for other candidates.

5.3.3. BZA Appointments -- John Powell BZA term ends June 30, 2015, needs recommendation to reappointment for another five year term ending July 1, 2020. Town Attorney needs to draft the letter to the Court. Packet includes a motion and written certificate under a cover letter by the Town Attorney.

Motion to recommend the Circuit Court reappoint John Powell to Board of Zoning Appeals with new term expiring July 1, 2020, W.Hollaway, 2nd E.Hencken. Vote: Unanimous Aye.

5.3.4. Haunted Trail -- Stragging Invoice for \$100 for photography, Motion to approve, E.Hencken; 2nd D.Dillard, Vote: Unanimous Aye. Note: Photos can be used on website.

5.3.5. Pink House Rental Motion to add to Executive Session discussion of the proposals for rental of Pink House and negotiation of them, W.Hollaway; 2nd E.Hencken Vote: Unanimous Aye

5.3.6. Clifton Arts Council requests permission to display banner for Clifton Dessert Theatre. It's a modifiable format usable for several events, saying: "Clifton's Got _____," ticket sale locations and dates. Try to have reusable banner. First weekend in June to go up the 15th of May and come down within 1 week after. Motion to approve the request of the Clifton Arts Council to put up a banner for the Clifton Dessert Theatre event the first weekend of June to go on May 15th and come down within a week after the event, W.Hollaway; 2nd D.Dillard; Vote: Unanimous.

5.3.7. Town Hall Manager's Report. Renter reports finding a big mess in Town Meeting Hall upon arrival on Friday to setup for an event. It appears the last user prior to this discovery was a Town Committee sponsored event hosted by the History Committee. \$100 was refunded to the renter making the discovery because they used their own funds to purchase cleaning supplies and paper goods to clean up the hall prior to their own event.

Proposal that going forward, all Town Committees that choose to use the Clifton Town Meeting Hall for an event, the proponent of the event has to personally post a security deposit. In the event of a problem, that security deposit will be used to resolve the issue. Although the Mayor is willing to put the Security Deposit for the Town Council meetings; however, Council did make a distinction between meetings required in the Code and events hosted by Committee.

Dwayne Nitz asks is there a minimum standard of care? Yes, on the application the renter completes. Also, a check-out check list is being drafted.

Basically two ways to go for Town committee meetings: 1) require a security deposit and apply it when the hall is left in poor condition; or, 2) just understand there will be times that Town Committees leave the hall in poor condition. Does not have to be decided tonight.

Also, Treasurer noted that the Town Hall Manager had reduced his Commission for the event to compensate for the amount refunded. Council agreed that was not necessary – it is a Town issue not something under the control of the Town Hall Manager.

Mayor apologizes on behalf of the Committee he was named Council liaison to last month.

6. Communications – None.

Clarified that "Communications" means someone communicated something to the Mayor that he will share to the Council and at the meeting.

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.

7. Citizen's Remarks – None.

Clarified that Citizen's Remarks provides a three (3) minute opportunity for citizens to get-up and speak, to provide input to the Council. For twenty years it was rare but has come into vogue since the last election. Priority is given to citizens who register in advance with the Town Clerk. It was noted Fairfax County does a similar thing but requires advance registration and it happens at the very end of the meeting.

8. Unfinished Business

8.1. (Agenda 8.a.) Golf-Cart Designated Parking Area in Children's Park. Tabled. Move to table W.Hollaway;

2nd D.Dillard; Vote: Unanimous Aye

- 8.2. (Agenda 8.b.) Report on Compliance Audit of Pink House Businesses.** Tabled. Mayor summary: a. Been asking about this since Time immemorial; b. Now have the reports; c. As best I can tell Tim Hugo looks like he is doing a good job; d. Aly Rohling has numerous signs and is now leaving. D.Nitz question on report: do we have code language prohibiting selling wares on the porch. Answer: It is about permanently installed open-air markets. We have provision for farmers markets “on occasion.” But, it was not specifically in-scope because it was not on the Use Permit.

Also, important to say that delaying the final report until after we worked through the two complaints informed the understanding about the Use Permit and COA requirements. Mayor notes the Town Council can have a more fulsome discussion about process but need not tonight.

- 8.3. (Agenda 8.c.) Policy and Code Changes for Outdoor Music and Noise Ordinance.** Tabled. Discussed at Special Meeting that the Council is not interested in lifting the restriction on Outdoor Music in Special Use Permits. The Council does need to work on the Noise Ordinance.

- 8.4. (Agenda 8.d.) Policies for Rental of Community Hall.** Tabled.

- 8.5. Motion to table Unfinished Business agenda items 8.a., 8.c., and 8.d. (8.1, 8.3, 8.4), W.Hollaway; 2nd D.Nitz; Vote: Unanimous Aye**

9. New Business

- 9.1. (Agenda 9.a.) Pam Wallace Memorial Planting by the Village Square Quilters in 8 Acre Park –** Blue Bell wildflower Garden with a boulder with a plaque. “In loving memory of Pam Wallace.” E.Hencken asked will the garden and boulder be in way of Haunted Trail skits. Please coordinate with Haunted Trail Project Manager and flag it so they can evaluate it.

W.Hollaway Motion to authorize the Village Square Quilters install memorial, boulder and plaque in 8 Acre Park provided it is no larger than stated on the proposal / plat. 2nd D.Nitz. Vote: 4/5 Aye E.Hencken Abstain. Passed 4/5.

Note: Pam Wallace was the Clerk for years and made an enormous contribution. This is a simple memorial in 8 Acre park where Pam walked her dog Brandy.

- 9.2. (Agenda 9.b.) Loudmouth Brewery proposal has been withdrawn.** E.Hencken wants to discuss the impacts of anyone opening a farm brewery outside the Town based on the way the County interprets the State Law. Clifton resident Don Byrne presented a summary of the power point to the Fairfax Board of Supervisors. D.Nitz believes the County would entertain some input from the Town on this. Potential impacts of such industrial farms locating on the edge of Town of Clifton include traffic, roads, and environmental impacts. The Town of Clifton has taken great care to manage the zoning within Town and of course the Town would be concerned about zoning on the edge of Town.

The problem comes in that that Residential Conservation (RC) includes Agriculture sub-zone as a permitted use. Tim Hugo wrote a letter that addresses this point. Planning Commission Chair Kathy Kalinowski reminded that down zoning was done for the preservation of the Occoquan Watershed and water quality. Brewery operations take a tremendous amount of water and generate vast amounts of waste water. The impacts to water quality – Town residents all have well water as do residents on the edge of Town. That is, at least exclude areas that have been specifically down-zoned to protect water quality.

Pat Herry’s office is weighing the potential impacts. [See excerpt from Herry Report in Supplemental Information below.]

At present, conversations by citizens with the Fairfax Zoning Commissioner appear to indicate that the County believes is no different than a Winery. If the Town is interested in affecting change, there are two vectors or approaches – one is the State Legislature and the other is Fairfax County Government. The Town should work to engender support from the County or State Legislature.

Suggestion from local resident that the law be amended to add a waiver “except Fairfax County.” Asking Council to take a position that the Town is “for or against.”

Town is not against “micro breweries” per se but the objection is that these industrial facilities could drop into

residential RC areas. It turns out that the reported 20 acre requirement was not part of the final law. The problem is the County's interpretation of RC as agricultural.

Deborah Dillard asked if the Town has the same concerns for future farm wineries as well? Don Byrne responds that the County has to address this new trend in defining non-farm uses "farms." That is, they are event centers, restaurants, bars, and manufacturing facilities – not working farms. Mayor suggests putting aside wineries for the moment. This farm brewery issue came out of the law passed about a year ago. The theme here is we have a residential area with a rural character down-zoned to protect the water shed, and we'd like to keep it that way. And, we don't want back doors created that allow industrial or commercial facilities dropped in.

Planning Commission Chair asks is there a committee working on this? That makes sense given the need to work with the county and interface with the various state legislators. The committee can investigate what was supposed to be done in the down-zoning and the lag between what is being done in a brewery vs the down-zoning. For example, as a citizen the concerns about water quality are key because breweries use a tremendous amount of water and in this area that all comes directly out of the ground. We all have well water.

Vice Mayor proposes an adhoc committee, chaired by Don Byrne and including Eric Hencken. PC Chair Kathy Kalinowski to advise on issues of water quality.

PC Chair recommends the Town Council authorize funds to ask Joe McClellan to take a look and comment, especially since he worked on the storm water management regs that establish very stringent requirements for water quality. Mayor agrees this should happen once a clear plan for what requires Town Engineer review has been identified. E.Hencken notes that a go-fund me was established by the grass-roots community organization that may also be willing to support required engineering studies.

Next steps. Establish the Committee; let County know the Town is strongly opposed to the County's interpretation of the Farm Brewery law to include location of farm breweries in the entire down-zoned area in the Occoquan Watershed. D.Nitz, E.Hencken voice they are strongly opposed. D.Dillard and J.Heilmann agree. Don Byrne notes that County will be discussing it in a meeting next month.

Motion to form new Adhoc Committee and establish that the Town is s is strongly opposed to the County's interpretation of the Farm Brewery law to include location of farm breweries in the entire down-zoned area in the Occoquan Watershed." D.Nitz; 2nd: D.Dillard; Vote: Unanimous Aye. .

9.3. (Agenda 9.c.) Sign Ordinance. ARB is the enforcement agent and will send letters to all businesses for signs not documented on a Certificate of Appropriateness (COA) approved and on file with the ARB. Five days to respond and come to ARB. Five days to remove the sign or file an application. Prohibited signs will be identified and notice given to take it down within five days and continuing infractions will be brought to the Council for direction on fines or removal.

10. Executive Session --- Personnel Matters, Incentive Compensation and Pink House Rental

10.1. Motion to move into Executive Session to discuss Personnel Matters, Incentive Compensation and Pink House Rental proposals and negotiations. D.Nitz; 2nd: W.Hollaway; **Vote:** Unanimous Aye

10.2. Motion to come out of Executive Session, noting only personnel matters, incentive compensation and Pink House Rental were discussed. D.Nitz; 2nd: W.Hollaway; **Vote:** Unanimous Aye

11. Adjournment (12:20 a.m. 5/6/2015)

Motion:
W.Hollaway

2nd: D.Nitz

Vote: Unanimous
Aye

PLANNING COMMISSION REPORT FOR March 31, 2015

Present: Kathy Kalinowski, Susan Yantis, Judy McNamara, Pat Layden, Mac Arnold, Jennifer Heilmann; Absent: Patrick Pline

The Planning Commission held a public hearing on the application for a revised special use permit for the Main Street Pub at 7140 Main Street with respect to additional seating and shared parking, took public comments and questions and agreed on certain recommendations with respect to this matter. The recommendation of the Planning Commission is to approve the application subject to the following:

- 1: A total of 53 seats, either inside or outside;
- 2: No more than 6 employees on site during peak hours;
- 3: The use of 450 square feet of the premises as retail space for a store;
- 4: No more than four special events per year, to extend the hours for the special events until 2 AM and no more than one such special event in any one month;
- 5: General hours of 7AM until midnight seven days a week (except for special events);
- 6: The continuance of the previous requirements for no outdoor music;
- 7: The continuance of the previous allowance for the sale of wine, beer and mixed beverages;
- 8: The continued allocation of 7 parking spaces, at 6 seats per space, for the previously allowed seating of 42 seats in August of 2010; the allocation of 3 parking spaces, at 4 seats per space, for the 11 additional seats; the allocation of 3 parking spaces for employee parking; the allocation of 2 parking spaces for the retail store, for a total of 15 parking spaces, plus one loading space in the front of the building (there are presently 11 parking spaces on site and 8 offsite for a total of 19);
- 9: The parking agreement between the Acacia Lodge and the applicant, allowing the use of 8 parking spaces, with the requirement that parking agreement indicating the same number of allowable spaces be filed each year with the Town Clerk and Chair of the Planning Commission. In the event, such agreement is not filed as set forth above, and the applicant does not submit a request for an amended special use permit, the existing special use permit will be deemed to only allow 36 seats, 6 employees at peak times, and retail space of 450 square feet.
- 10: All employees need to park off site.

Herrity Report Newsletter -- Excerpt

April 2015, Part 2: Lyme Disease, Farm Brewery, and Rolling Road Widening Update

Farm Breweries

Recently, an application was made to the Virginia Department of Alcoholic Beverage Control for the first farm brewery in Fairfax County. The farm brewery is proposed to be located on approximately 20 acres of land zoned to the Residential Conservation (RC) District, located at the corner of Yates Ford and Clifton Road in the Clifton community. Last year the General Assembly passed (almost unanimously) and the Governor signed into law Senate Bill (SB) 430, known as the Farm Brewery Bill, with an effective date of July 1, 2014. This bill created a new limited brewery license for breweries that limits local regulation of farm breweries, similar to the farm winery bill that was passed by the Virginia Legislature and signed into law in 2006. You can read the approved law (Virginia Code § 15.2-2288.3:1) here: <https://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+15.2-2288.3C1>

In response to this Farm Brewery proposal, a number of citizens in the Clifton community have expressed concerns regarding the proposed brewery, ranging from whether the use is permitted in the R-C District to environmental issues with regard to water usage, water quality, and septic controls, to other land use impacts such as traffic, noise and frequency of events which may impact the surrounding properties. It appears that the Farm Brewery would be deemed an agriculture use under our Zoning Ordinance, and agriculture is a permitted use in the R-C District as well as other zoning districts available in several of our magisterial districts.

In light of this legislation and the concerns expressed by members of the Clifton community in response to the proposed farm brewery, I have directed the County Executive to prepare a memo for the Board on currently available and potential regulatory options to address farm breweries.

Farm breweries have also been added to the agenda for the next Development Process Committee meeting. Within the authority provided by state law, I will work with County staff, residents and the landowners to protect the sensitive Occoquan Watershed which is the source of much of our drinking water and home to many County residents.