

**CLIFTON TOWN COUNCIL MEETING
TUESDAY, May 7, 2024, 7:30 PM
WAYNE H. NICKUM COMMUNITY MEETING HALL
12641 CHAPEL ROAD
CLIFTON, VIRGINIA 20124**

Present: Mayor Tom Peterson; Vice Mayor Regan McDonald;
Councilmember Steve Effros; Councilmember Mary Hess; Councilmember Lynn
Screen.

Absent: Councilmember Jay Davis

Staff: Mary Hess, Acting Town Clerk; Lisa Wax, Town Treasurer.

The Public Hearing was called to order by Mayor Peterson at 7:33 PM.

Public Hearing Order of Business

**PUBLIC HEARING FOR CHANGES TO THE FOLLOWING TOWN OF CLIFTON
ORDINANCES:**

1. **PROPOSED AMENDMENT TO CHAPTER 8 (CIGARETTE TAX)**
 - 30 cents per pack of cigarettes to 40 cents per pack cigarettes.
 - Mayor Peterson presented the proposed amendment to increase the cigarette tax from 30 cents a pack to 40 cents a pack.
 - Public Comments: None

2. **PROPOSED AMENDMENTS TO CHAPTER 16 (MEALS TAX)**
 - Mayor Peterson presented the proposed amendment for a 2% meals tax
 - Treasurer presented what the meal tax covers.
 - Public Comments:
 - Are scouts excluded - Councilmember Effros stated “yes”

PUBLIC HEARING ON TOWN OF CLIFTON ANNUAL BUDGET FOR FY2025

- Public Comments: None

Councilmember Effros moved to end the close public hearing, seconded by Councilmember Screen. The motion was approved by poll: 5-0

Mayor Peterson closed the public hearing at 7:50 PM

The Regular Meeting was called to order by Mayor Peterson at 7:50 PM

Regular Meeting Order of Business

1. Apply Policy for Remote Participation by Electronic Means for Town of Clifton (if needed).

- None

2. Report of the Town Clerk:

a. Approval of the Minutes (previous meetings, special meetings, and work sessions).

- ***Councilmember Effros moved to approve the the April 2, 2024 meeting minutes as presented and the budget meetings held on April 15, 2024 and April 22, 2024 , seconded by Councilmember Screen. The motion was approved by poll, 5-0.***

3. Report of the Treasurer: (ask for names of the bills)

See attached report.

- ***Councilmember Effros moved to approve the payment of \$700 for legal services, seconded by Councilmember Screen. The motion was approved by roll-call: McDonald: Aye; Screen: Aye; Hess: Ayre; Peterson: Aye; Effros: Aye.***
- Received several bills for the Town Hall. Treasurer Wax is going to work with Darryl Poe, Town Hall Manager to better understand the charges. Mayor Peterson asked the Treasurer to push back on the invoice for \$625.
- Cares Act Covid Relief:
 - Town received \$50,000; this amount was used for wages, zoom accounts, grants to town businesses etc. and this amount was closed out.
 - Town subsequently received ~\$303,000, a portion of these funds was used to purchase Ayre Square and the Harrison Park Extension. The rest of the funds were received by the town and have not been used. These funds need to be obligated by December 31, 2024 or the town will need to pay back the remaining balance of \$138,354.50. Required to spend on projects that are within the scope allowed by the Cares Act. Treasurer recommended that the council review our proposed FY2025 capital budget for areas where we can apply these funds. Treasurer recommended we consult with the town legal council to ensure that any proposed projects are covered under the Cares Act Covid Relief. Councilmember Screen recommended updating the Town Park. Councilmemembr Effros stated we need to identify Town improvements and stated we cannot use these funds for Streetscape; recommended painting the Caboose and other town improvement projects. Councilmember Effros suggested doing a modification of the approved FY2025 budget once approved.
- FY2024 Budget is running a surplus.
- FY2025 Budget vote for adoption will occur during the June 4, 2024 Town Council Meeting.
- ***Councilmember Effros moved to approve the Report of the Treasurer as presented, seconded by Mayor Peterson. The motion was approved by poll, 5-0.***

4. Citizen's Remarks - Suggestions or complaints of citizens and taxpayers, and other persons authorized by the Mayor to address the Council.

Each person wishing to address the Council shall, when recognized by the Mayor:

- *Give their name and address;*
 - *Direct their remarks to the Council and not to other citizens present;*
 - *Be limited to one period of not over three (3) minutes, unless granted additional time by unanimous consent of the Council.*
 - *Persons requesting to speak must have registered with the Town Clerk by no later than Noon of the day of the meeting. Priority to speak shall be given to persons in order registered with the Town Clerk.*
- Therapeutic Riding Center, Kelsey Gallagher
 - Request for the Town of Clifton to help celebrate the birthday of one of the miniature horses, Teddy (Theodore the Rough Rider). Teddy has served more than 1,000 people in a therapeutic way in the last 10 years. The Riding Center would like to proclaim July 27th as "Teddy Day" to celebrate as well as announcing the proclamation using the Elementary School sign. Councilmember Effros requested time for extra help with how the Town will communicate the proclamation and use of signs or banners.
 - ***Mayor Peterson moved to approve the Therapeutic Riding Center's request to proclaim July 27th as "Teddy Day," seconded by Councilmember Screen. The motion was approved by poll, 5-0.***
 - Second Baptist Church of Clifton, Donna Netchert.
 - Request for the Town of Clifton to help celebrate the 140th anniversary for the Second Baptist Church of Clifton. The church would like a celebration proclamation for the anniversary on the weekend of October 4th, 5th, and 6th as well as announcing the proclamation using the Elementary School sign. Councilmember Effros requested time for extra help with how the Town will communicate the proclamation and use of signs or banners.
 - Donna Netchert will return to a future Town Council meeting to request approvals.

6. Reports of Committees:

- Mayor Peterson requested to move the Committee on the Environment report to go first.
 - a. Committee on the Environment
 - COTE and Plant NOVA: Requested the Town of Clifton support the new organization, COTE, to sign on in support of the Fairfax Invasive Removal Alliance. Councilmember Effros requested material for review via email and once received the Town Council will vote virtually for approval to support. Councilmember Screen asked if there was an urgency and the committee needs approval by the next Town Council meeting.
 - b. Planning Commission.
 - ***Councilmember Effros moved to accept the recommendation of the Planning Commission and ARB to approve the preliminary Use Permit for the***

construction of a deck and porch extension to the existing deck and porch at 6311 Water Street as set forth in the plans and in accordance with the ARB's certificate of appropriateness under the condition that the applicant provide copies of all building permits, the applicant apply within 2 years of the issued preliminary use permit for the final use permit, and that construction is done in accordance with the use permit, seconded by Mayor Peterson. The motion was approved by poll, 5-0.

- *Mayor Peterson moved to accept the recommendation of the Planning Commission and ARB to approve the preliminary Use Permit for the construction of an addition to the residence for an elevator at 12847 Redwood Ridge in accordance with the plans, the issued COA, and under the condition the applicant apply within 2 years of the issued preliminary use permit for the final use permit and showing at that time that construction was in accordance with the approved plans, seconded by Councilmember Screen. The motion was approved by poll, 5-0.*

c. Zoning Administrator.

- Nothing to report.

d. Architectural Review Board.

- Nothing to report.

e. Finance Committee

- **Town Funds:** Kevin Huto reported on the progress of money Town funds into a money market account that the Treasurer reported on earlier in the meeting that should generate ~\$70,000-\$75,000 a year and is liquid.
- **Pink House:** Mr. Huto also reported on the Pink House and the committee worked with the county to resolve the correct square footage for the house. The county measured and the actual square footage is 2196 and the county is not going to reassess it because the deadline has passed. The committee is recommending the Town, prior to selling the property, have the house rezoned for Commercial/Residential, it is currently zoned as industrial. The Planning Commission took action to review the state code. Such an action would require an amendment to the ordinance, which would be preceded by publicly advertising and holding a public hearing. Vice Mayor McDonald spoke with the town attorney regarding the sale, since it is a publicly owned property, a request for proposal process is needed for sale.
- **Food establishments input on the Meal's Tax:** Mayor Peterson discussed that he is in support of the meals tax as an establishment owner. This will generate needed income for the Town of Clifton. Councilmember Effros clarified the establishments are simply collecting the meals tax from their customers. This is not a quid pro quo, if there is a good reason the establishments feel there should be a change in the code or their use permits with regard to parking for example, owners of establishments should come to the Town Council and go through required processes. Councilmember Screen appreciates the feedback from the establishments and welcomes additional feedback. Mayor Peterson discussed the

upcoming StreetScape construction and impact to street parking; suggested the possibility of using the Clifton Elementary School parking lot for any overflow.

f. Special Projects Committee (Streetscape).

- See attached report.
- ***Councilmember Screen moved to approve the estimate and to expend the funds for the Verizon invoice received in the amount of \$39,369.43 and to authorize use of Mayor Peterson's signature if needed, seconded by Councilmember Effros. The motion was approved by roll-call: McDonald: Aye; Screen: Aye, Hess: Aye; Peterson: Aye; Effros: Aye.***

g. Park Signage Proposal.

- Deferred to June.

h. "Wayne and Donna Nickum Community Service" Committee

- ***Mayor Peterson moved to approve the recommendation of Michelle and Jeff Stein to be the next recipient of the award, seconded by Councilmember Screen. The motion was approved by poll, 5-0.***
- Councilmember Screen inquired about the process for frequency. Mayor Peterson stated the initial plan was to choose awardees quarterly for the first year and semiannually for the following years.

7. Unfinished Business:

a. Dominion Energy Tree Work – Update.

- Councilmember Effros suggested using the Care Act funds to clean up the trees in 8-Acre park. Councilmember Effros took the action to reach out for an estimate.

b. Town Hall HVAC system

- Treasurer stated that Darryl Poe, Town Hall Manager, is still waiting on an estimate.

c. COTE.

- See above notes under the Committee on the Environment report.

8. New Business:

a. Town Clerk Search

- Mayor Peterson stated this is to be discussed in depth in the closed session.
- Councilmember Hess stated the job requisition has not been posted and needs to discuss requirements prior to posting.
- Mayor Peterson suggested adding some requirements to the Town Director's roles and responsibilities.
- Councilmember Effros discussed reviewing the roles and responsibilities across the Town Clerk and the Town Director's positions.
- Councilmember Hess stated that all Councilmembers will cover the Town Clerk duties in the interim while searching for candidates.

b. Town Attorney clarification and update

- Mayor Peterson clarified that no staff changes have been made. Mayor Peterson only asked the Town Attorney to stop work while reviewing staff changes with the resignation of the Clerk.

c. FOIA request

- Vice Mayor McDonald sent the response today ahead of the May 8, 2024 deadline and is waiting on confirmation from the requestor.

d. Clifton Fire Station tank replacement

- Mayor Peterson reported the Clifton Fire Station needs a fuel tank replacement. The Fire Department will need to bring in heavy equipment that may damage nearby trees. The Fire Department asked if any approvals are needed by the Planning Commission or ARB. The Planning Commission will review and provide updates on any required processes for approvals (DEQ requirements etc.).

e. Approval for Haunted Trail October 26 th

- ***Mayor Peterson moved to approve the date of Tuesday, October 26, 2024, for the Haunted Trail, seconded by Councilmember Screen. The motion was approved by poll, 5-0.***
- Mayor Peterson reported that the committee will need a new chair and might have a volunteer.

f. 8-Acre Park

i. Entrance Concerns

- Nothing to report.

ii. Dominion Energy Tree Work.

- Vice Mayor McDonald reported the tree work is complete, the Town is due reimbursement, and took the action to follow-up.

e. Barn Construction for Storage.

- Mayor Peterson recommended using Patrick Wood for a design plan. Might need a stamp from an architect and Geri Yantis agreed to review.
- The Town will follow all processes and request needed approvals.

9. Adjournment.

- ***Mayor Peterson moved to adjourn the open meeting and move to a Closed Session to discuss legal issues and needed Town personnel, seconded Councilmember Screen. The motion was approved by poll, 5-0.***

The open session meeting adjourned at 9:08 PM

Adopted by the Town Council on 6/4/2024 as presented or revised

Closed Session called to order at 9:08 PM

Motion to leave Closed Session

- *Mayor Peterson moved to adjourn the closed session and reconvene the open session, seconded by Councilmember Hess. The motion was approved by roll-call: McDonald: Aye; Screen: Aye, Hess: Aye; Peterson: Aye; Effros: Aye.*

Closed session adjourned at 9:28 PM

Open session reconvened at 9:28 PM

Councilmember Effros moved to adopt the changes to the Town of Clifton ordinances for the Proposed Amendment to Chapter 8 (Cigarette Tax) and the Proposed Amendment to Chapter 16 (Meals Tax), seconded by Vice Mayor McDonald. The motion was approved by roll-call: McDonald: Aye; Screen: Aye, Hess: Aye; Peterson: Aye; Effros: Aye.

Councilmember Effros moved to adjourn the Open Session, seconded by Councilmember Hess, the motion was approved by poll: 5-0.

Open Session adjourned at 9:30 PM

MOTION TO CERTIFY COMPLIANCE WITH VIRGINIA CODE SECTION 2.2-3712D:

“Each member of the Council hereby certifies that, to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under VIRGINIA CODE SECTION 2.2-3712D and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting.”

Must be seconded and a roll call vote of the Council is required

TREASURER MONTHLY REPORT

April 2024

COUNCIL MEETING – May 7, 2024

Invoices

- Request approval from Council to pay bill for \$700 from Maureen Gilmore for April legal support
- Request approval from Council to pay bill from Service Mechanical for Town Hall in amount of \$625 from 12/8/23 service call for diagnosis of blower issue in heat pump unit (bill just received last week)

CARES Act (COVID Funding)

- Received First Notice of Non-Submission with Treasury's State and Local Fiscal Recovery Funds; submitted report closing out purchase of Ayre Square and Harris Park extension.
- Town received \$303,992.00 in total obligations; only \$165,637.50 has been expended.
- Remaining obligation of \$138,354.50 will be lost (i.e., must be returned) if not reported obligated by December 31, 2024.
 - **Need to confirm if funds were used and how** so report can be filed
 - If funds were not used, recommend Council identify projects and add funds in FY25 budget so obligation can be reported to U.S. Treasury. (Consider outdoor spaces and ventilation improvements)

Budget – Current FY24

- Town continues to run a significant surplus due to higher-than-budgeted BPOL and permit income and lower-than-budgeted Streetscape expenses in the current year

Accounts

- United and John Marshall CDs matured
- Moved \$1.25M to LGIP; LGIP effective monthly yield for April was 5.57%

Budget – FY25

- Next steps: Incorporate any public hearing feedback; update Gala estimates
- Final budget vote: June 4 at Council Meeting

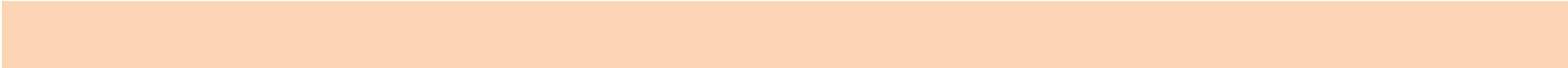
Town of Clifton Profit & Loss Budget Performance April 2024 (as of 5/5/24)

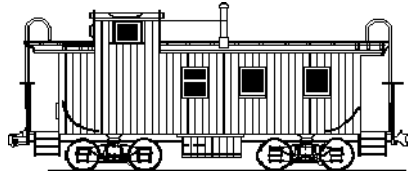
	April	Month Budget	Jul '23 - June '24	YTD Budget	Annual Budget	
Income						
1	Committees Fundraising (Homes Tour, Park)	4,423	250	9,377	2,500	3,000
	Community Hall Revenues	569	958	7,088	9,583	11,500
	General Donations	0	0	0	0	0
	American Rescue Plan	0	0	0	0	0
	Haunted Trail Event	0	3,125	67,287	31,250	37,500
	Interest Income	8,550	4,583	48,836	45,833	55,000
	Other Income	0	13	1,154	125	150
	Pink House Rental	2,900	2,900	34,650	29,000	34,800
	S.R. - Litter Control Grant	0	111	14,990	1,108	1,329
	State Funding	0	1,250	15,000	12,500	15,000
	Tax and Permits Revenue - BPOL & Permits	4,583	3,417	66,963	34,167	41,000
	Tax and Permits Revenue - Other	2,724	4,308	39,967	43,083	51,700
	Total Income	23,749	20,915	305,312	209,149	250,979
	Gross Profit	23,749	20,915	305,312	209,149	250,979
Expense						
	Bank Service Charges	0	0	15	0	0
	Citizens' Recognition Expense	0	63	0	625	750
	Commodities	32	394	4,174	3,942	4,730
	Contractual	5,684	12,879	75,382	128,792	154,550
	Haunted Trail Expenses	186	175	19,460	1,750	2,100
	OTHER - TC approval req'd +\$500	0	1,250	0	12,500	15,000
2	Special Revenue Expenses	1,040	0	5,318	0	0
	Other Expenses	0	525	0	5,250	6,300
	Payroll Expenses	7,816	6,192	63,069	61,917	74,300
	Town Assoc of NoVA Event	0	0	0	0	0
	Total Expense	14,758	21,478	167,418	214,776	257,731
	Net Income	8,991	(563)	137,894	(5,626)	(6,752)
CIF FUNDS:						
CIF Income						
	CIF - Capital Improvements Fund	0	6,667	2,547	66,667	80,000
CIF Expenses						
	CIF -Streetscape Phase 2 Constr	0	0	0	0	0
	Processing Easements	0	3,500	0	35,000	42,000
	Streetscape 2A - Construction	0	4,833	0	48,333	58,000
	CIF -Streetscape Phase 2 Design	10,446	0	27,735	0	0
	CIF Expenses	0	32,500	0	325,000	390,000
	Total CIF Expenses	10,446	40,833	27,735	408,333	490,000
	Net Income - CIF Funds	(10,446)	(34,167)	(25,187)	(341,667)	(410,000)
	Consolidated Net Income	(1,455)	(34,729)	112,706	(347,293)	(416,752)

NOTES & Highlights: Only major items are highlighted.

- 1 Gala ticket sales (net of processing fees); park rental
- 2 Resource Recovery - SR Litter Control Grant

ASSETS	4/30/2024	CD Term	Maturity Date	APR %	<u>Notes</u>
Current Assets					
Checking/Savings					
John Marshall Bank CDs	0.00		4/2/2024		
United Bank - Haunted Trail Account	5,088.76				
United Bank - Events Acct	12,685.40				
United Bank - Checking	19,482.39	Min Bal \$2,500			"Chairman's Club"
Untied Bank - Security Deposit	4,415.71				
United Bank - Money Market Savings	297,227.20	Min Bal \$15,000			
United Bank - CD	0.00		4/3/2024		
Investments-LGIP	1,255,164.68			5.57%	
Total Checking/Savings	1,594,064.14				





Town of Clifton, Virginia
P.O. Box 309
Clifton, VA 20124

May 6, 2024

TOWN OF CLIFTON STREETSCAPE PROJECT FOR MAIN STREET - Phase II
VDOT Project: CLFT-029-101, P102, R201, C502
(UPC 109949)

PROJECT UPDATE

1. A Kick-off Meeting was held on April 16th with CES (Utility Consultant), NOVEC and Verizon (Cox could not attend). During the meeting a rough draft of the Pathway Design was created and there was discussion on various alternatives to create the most efficient solution for all utilities. On May 2nd the initial design of the pathways was received from CES. We provided comments along with J2 engineers on the initial pathway design. It is expected to have revisions soon to be able to meet with all of the utility companies so they can provide their comments.
2. As a result of the Utility Kick-off Meeting, it was determined and agreed that Verizon should create an initial phase of their relocation work. This phase would include removing existing copper wire in the existing conduits that run under the railroad tracks and turn up at their first pole in front of Peterson's Ice Cream. They would also install a manhole in the street adjacent to this pole in preparation for the pathway construction. Thus, please find attached the Verizon Estimate for this work. This work was included in the updated estimate provided by Verizon back in January.

On May 2nd, an email was sent to the Verizon team discussing the responsibility of the relocation costs for their utility. In consultation with VDOT and CES, it is our opinion the responsibility for the relocation costs is with Verizon. Their existing utilities are located in the right-of-way (ROW) and the relocation of the utilities will be in the ROW. VDOT projects with these conditions require the utility to be responsible for the relocation costs unless there is language provided in a franchise agreement with the locality stating otherwise. The Verizon Franchise Agreement with the Town is currently expired, but the previous agreement does not address relocation of utilities. A response has not been received by Verizon yet.

3. Meetings were held with representatives of the Clifton Baptist Church, Clifton Café, and the Main Street Pub to discuss the location of the new meters that will be required for these three properties due to the relocation of the utilities for the Project.
4. The VDOT Submission for Reimbursement Request #16 was submitted on April 26th.

5. A meeting was held on May 2nd to discuss the engineering drawings for the Project. The storm water calculations have been completed and it is determined that there will not be any additional load created to the existing storm water pipes at the railroad or beyond. The Project design is now incorporating a 4-inch curb in lieu of the 2" valley gutter. This was at the request of VDOT in our previous meeting with them. This design change was vetted out and it was concluded it could be successfully executed. The goal is to have the revised engineering drawings submitted to VDOT for site plan review by the end of May.
6. A comprehensive summary detailing all of the Project expenditures, reimbursement requests, reimbursement allocated by VDOT, reimbursement received by the Town, in-kind match allocations, and federal/state/locality share amounts/percentages has been created. As a result, a number of discrepancies have been uncovered. The committee will reconcile these discrepancies and provide a report once this has been completed. Once resolved, this summary will be made available over the course of the Project for review.
7. The Project Management Plan for the Streetscape Project presented to the TC last month was discussed in the Streetscape Committee meeting. The Committee will bring a revised Project Management Plan to the TC next month.

Susan Yantis & Geri Yantis
Streetscape Project - Project Managers