



**CLIFTON TOWN COUNCIL MEETING  
TUESDAY, DECEMBER 6, 2011, 7:30 PM  
CLIFTON TOWN MEETING HALL  
12641 CHAPEL ROAD  
CLIFTON, VA 20124**

**Town Council Members present:** Mayor Bill Hollaway, Vice Mayor Dwayne Nitz, Deborah Dillard, John Powell, Chuck Rusnak and Wayne Nickum

**Town Officials present:** Treasurer Marilyn Barton, Clerk Kathleen Barton Volonsevich

**Joint Public Hearing:**

Dwayne Nitz called to order at 7:30 p.m. the Joint Public Hearing with the Planning Commission.

Kathy Kalinowski, Chairman of the Planning Commission, introduced Normand A. Goulet, the Senior Environmental Planner/IT Manager of the Northern Virginia Regional Commission. Mr. Goulet presented an overview of the Regional Water Supply Plan for consideration for adoption by Resolution.

**Motion:** Wayne Nickum made a motion that the Public Hearing be closed. Chuck Rusnak seconded the motion and it was unanimously approved.

**Order of Business:**

- **Review of the Minutes** (last regular meeting and any subsequent special meetings).

There were a few changes presented. John Powell noted that on page five, in the first paragraph, the dollar amount should be \$15,221.10, not \$15,220. Dwayne Nitz noted on page 4 under Spring Egg Hunt, the new chair's name should be inserted as "Dariece Rau." Deborah Dillard noted that on page 3 under ARB, the motion had one abstention by Deborah Dillard.

**Motion:** Wayne Nickum made a motion to approve the November 1, 2011 Minutes as amended. Chuck Rusnak seconded the motion, and it was unanimously approved.

- **Report of the Treasurer.**

Treasurer Marilyn Barton presented the Treasurer's Report. The auditors are working to have the financials all completed by the end of January. The Cash Balance Report reflects total funds of \$491,348.50. The Profit & Loss Report reflects total revenues of \$92,239, total expenses of \$78,554, for a net of \$13,685.

**Motion:** Wayne Nickum made a motion to approve the Treasurer's Report as submitted. Chuck Rusnak seconded the motion, and it was unanimously approved.

- **Reports of Planning Commission, Architectural Review Board, and Committees:**
  - **Planning Commission:**

On behalf of the Planning Commission, Kathy Kalinowski presented the Planning Commission Report.

First, she recommended the approval of the Water Supply Plan. The Planning Commission had previously sent the resolution to be adopted and having completed the Public Hearing, Mrs. Kalinowski recommended its adoption. The vote of the Planning Commission was unanimous.

**Motion:** Wayne Nickum made a motion to approve the recommendation of the Planning Commission and adopt the resolution as presented by the Planning Commission to adopt the Water Supply Plan and authorize the Mayor to sign on behalf of the Town. Chuck Rusnak seconded the motion and it was unanimously approved.

Second, Kathy Kalinowski recommended the approval of the use permit application by Virginia Buersmeyer for a dance studio at 12644 Chapel Road, Suites 202 and 200 with hours from 6 am to 10 pm Sunday through Saturday with no more than two employees present with the allocation of 4 parking spaces.

Dwayne Nitz explained that there is an existing signage violation - a neon sign - that needs to come down. It was agreed to be taken down. Bill Hollaway noted that the ARB will be revisiting signage rules soon to make signage code more business friendly. During this process they will need people's input on how to be consistent with the Town's historical background but also to enable businesses to get their business noticed and known to be open.

**Motion:** Wayne Nickum made a motion to approve the use permit as recommended by the Planning Commission. Dwayne Nitz seconded the motion and it was unanimously approved.

Third, Kathy Kalinowski reported that the Planning Commission reviewed the finalized conservation easement for the Milne property on Dell Avenue and recommends the Town's approval so that the easement can be filed by the Milnes. The easement has been reviewed by the Town Attorney and his sole comment concerning the signature line for the Mayor has been incorporated.

**Motion:** Wayne Nickum made a motion to approve the conservation easement for the Milne property, and to authorize the Mayor to sign the easement. Deborah Dillard seconded the motion, and it was unanimously approved.

Lastly, Kathy Kalinowski recommended on behalf of the Planning Commission a review of the Use Permit for Weston's Restaurant issued by the Town on May 3, 2011, to determine whether the installation of gambling machines exceeds the parameters of the issued use permit, which allowed a full service restaurant with indoor music.

**Motion:** Wayne Nickum moved that this be added to the agenda under New Business for consideration. The motion was duly seconded. Further discussion continued. Chuck Rusnak opposed the motion and the motion failed.

Kathy Kalinowski reported that the Planning Commission determined that this is a potential violation of the use permit because it was not included as an authorized use.

**Motion:** Wayne Nickum moved to place it on the agenda for the next Town Council meeting.

**Motion:** Chuck Rusnak moved that the Town Council discuss the issue of the potential violation at the Weston's Restaurant with no decision or action being taken until the owner is present. John Powell duly seconded the motion. Wayne Nickum opposed and the motion failed.

**Motion:** John Powell moved that the Planning Commission notify the business owner of the issue.

**Motion:** Chuck Rusnak made a motion to place discussion concerning the potential violation at Weston's Restaurant, without any action to be made on the Agenda for the present meeting. Also, that the Town Council notify the owner of the business that it will be on the January 2012 Town Council Meeting Agenda. John Powell seconded the motion, and Wayne Nickum voted nay. The motion failed, as a result of no unanimous vote by the Town Council.

- **Architectural Review Board:**

There was no report for New Business. Dwayne Nitz stated that there were discussions about the proposed revisions to the Town Code regarding signage. For a schedule, beginning in the December meeting the ARB will start collecting potential revisions to guidelines and code that would move to January where the CBC and ARB would meet together so they can solicit input from the business community as well. Between February and March the ARB will bring recommendations to the Town Council, and in March there will be a Public Hearing held. John Powell requested that letters be sent out by December 10<sup>th</sup> to violators who are using neon signs. Bill Hollaway agreed to send a letter to the one remaining business.

- **Committees:**

- **Special Projects – Approval of Bid Documents for Clifton Creek Park Project.**

Susan Yantis, Special Projects Committee Chair, presented an overview from the Special Projects Committee and two items for consideration: The Town Council received the bid document for construction of the Flood Plain Park. VDOT has reviewed this, provided comments, and it is ready to go to the Town Council for approval so that it can be advertised. First, however, it needs to be approved by the Town Council, formally given to VDOT, and once they give authorization, the document will be advertised for a minimum of 21 days. A contractor will be hired who has the lowest bid and is qualified. The Special Projects Committee would like to have this approved so that construction can possibly start in spring of 2012.

**Motion:** Wayne Nickum made a motion to authorize the Special Projects Committee to publicly advertise the bid document upon receipt of written authorization from VDOT to advertise the project for construction to commence spring 2012. Dwayne Nitz seconded the motion and it was unanimously approved.

- **Special Projects – Budget for Construction Management/Bid Assistance.**

**Motion:** Wayne Nickum made a motion to approve an increase in the contract amount for the Floodplain Park contract between the Town of Clifton and J2 Engineers dated April 7, 2009 relating to Task 8- Bid Assistance/Construction Management from \$3,000.00 to \$12,400. John Powell seconded the motion and it was unanimously approved.

- **Special Projects – Update on Streetscape Master Plan.**

Susan Yantis reported that the Special Projects Committee has reached out to the property owners on Main Street, and this effort will continue over the next month. There is a final committee meeting on December 13, 2011 with the consultant. They are bringing final recommendations for the plan to the committee. After this, there will be a final public information meeting on January 17, 2012, and hopefully a public hearing on February 7, 2012.

- **Candlelight Tour Committee-**

Deborah Dillard presented that the Candlelight Tour was a success. Total proceeds were \$7,670 dollars; total expenses, \$1,887.28; net income of \$5,782.72. There was a word of thanks given to Jennifer Chesley, as it was her last year doing the Candlelight Tour.

Steve Effros asked that sound systems be considered for the negative sound impact on residences.

- **Community Hall Committee:** Trish Robertson, Community Hall Manager, presented the Community Hall Report and Jeff Engle spoke regarding the oversight and management of the HVAC system.

- **Historic Preservation Committee:** Chuck Rusnak presented on behalf of the Historic Preservation Committee that they are working on Civil War Signage.

**4. Communications.**

**a. Earthquake Damage Reports for Fairfax County.**

Fairfax County will be pulling together reports of Earthquake Damage on public facilities.

**5. Citizen's Remarks:**

There were no citizen's remarks.

**6. Unfinished Business:**

**a. Funding of Third-Party Legal Fees Related to Clifton Elementary School.**

There were a few comments from the Town Council members. Dwayne Nitz began that the close of Clifton Elementary by Fairfax County was a terrible loss to the Town of Clifton - it ends a tradition of over 100 years of public education in this Town and he believes that after the board made the decision it became clear that their rationale for the decision was no longer applicable. Within weeks, their decision was baseless. He believes that it was appropriate for the people to readdress the body and the courts were their only recourse. It is important, he continued, that people in the Town of Clifton stepped up to take an issue with the decision, and although the Town itself was not in itself involved in mounting the lawsuit, given ramifications of the closing of Clifton Elementary, the Town is in full support of it. Bill Hollaway expressed that citizens of the Town and community felt very strongly about this effort, and the Council wants to stand with the community. There is nothing more important to this community at this time than having an education institution in the great Clifton community and for that reason he supports the funding of this effort.

Wayne Nickum reported that the Town has the ability to contribute and also has the ability to provide in-kind contributions to non-profit organizations (not contributing to political campaigns), in accordance with the Virginia Code under 15.2-953(A). Documentation should be provided, and the check should be written directly to the Law Firm and applied to the law suit in satisfaction for legal fees applicable only to the Armondaris Law Suit. Bill Hollaway added that Virginia State Code allows the Town Council to support non-profit organizations that are benefitting residents of the Town.

**Motion:** Wayne Nickum moved that the approved payment be restricted only to the Armondaris Law Suit and that the organization provide their IRS determination letter upon receipt. Deborah Dillard seconded the motion, discussion followed.

**Motion:** John Powell made a motion that the Town Council appropriate \$25,000 to the Friends of Community Schools for legal fees incurred in support of Clifton Elementary School. Chuck Rusnak seconded the motion. John Powell withdrew the motion.

**Motion:** Wayne Nickum made a motion to start an auction at \$5,000. Bill Hollaway seconded the motion, and it was unanimously approved.

**Motion:** Wayne Nickum made a motion to raise the auction from \$5,000 to \$10,000. Bill Hollaway seconded the motion; the motion was opposed by Chuck Rusnak.

**Motion:** Wayne Nickum made a motion to raise the auction from \$10,000 to \$15,000. Bill Hollaway seconded, the motion was opposed by Chuck Rusnak.

**Motion:** Wayne Nickum made a motion to raise the auction from \$15,000 to \$17,500. Bill Hollaway seconded, the motion was opposed by Chuck Rusnak.

**Motion:** Wayne Nickum made a motion to raise the auction from \$17,500 to \$20,000. Deborah Dillard seconded the motion, John Powell and Chuck Rusnak apposed.

**Motion:** Dwayne Nitz made a motion to raise the auction from \$20,000 to \$22,500. Bill Hollaway seconded the motion, Chuck Rusnak and Wayne Nickum apposed.

**Motion:** Chuck Rusnak made a motion to raise the auction from \$22,500 to \$25,000. Bill Hollaway seconded the motion, Wayne Nickum opposed the motion, however the motion passed.

## **7. New Business:**

### **a. Request to Use Community Hall for Fundraising for Clifton Elementary School-Related Legal Fees.**

**Motion:** Wayne Nickum made a motion to provide in accordance to section 15.2-953 of the Code, use of the Community Hall for fundraising - provided it doesn't conflict with rentals. Bill Hollaway seconded the motion and it was unanimously approved.

### **b. Community Hall Lease Agreement.**

Wayne Nickum noted that some language needs to be changed in the Community Hall Lease agreement.

### **c. Community Hall HVAC.**

Trish Robertson and Jeff Engle reported that there were some struggles with the old systems. There were a couple of relays, and fuses had blown. Neither Trish nor Deborah could access the system; the software was not allowing anyone to change the overall temperature, it was either on or off. Deborah Dillard warned that this was a repeating pattern at the change of seasons: Geoff could set the heat to come on, it would work fine for awhile and then when cooling was needed, the HVAC would continue to pump heat until money was lost due to refunds. It was physically changed by Geoff or Joe. It was decided Geoff would put a thermostat on the wall with a 10 degree swing so renters could change the temperature that much if they were uncomfortable. Two long time renters are needing refunds for December because of the HVAC not working: Cotillion and Creative Memories.

## **8. Adjournment.**

**Motion:** Wayne Nickum made a motion to adjourn. Bill Hollaway seconded the motion and it was unanimously approved.

Minutes were prepared by Kathleen Barton Volonsevich, Town Clerk.