



**CLIFTON TOWN COUNCIL MEETING MINUTES
TUESDAY, MAY 3, 7:30PM
CLIFTON TOWN MEETING HALL
12641 CHAPEL ROAD
CLIFTON, VA 20124**

Town Council Members Present: Mayor William Hollaway, Chuck Rusnak, Deborah Dillard, Wayne Nickum, Dwayne Nitz, John Powell

Town Officials Present: Marilyn Barton, Treasurer; Kathleen Barton, Clerk

Mayor Bill Hollaway called the meeting to order at 7:39 pm.

The Town Hall held a moment of silence in remembrance of Nick Franca, who recently passed after battling cancer for six years, as well as thoughts and prayers for Raymond Van Lienden and Barry Bittner.

Appreciation: Chuck Rusnak called previous Mayor Tom Peterson to the front of the hall, holding up a beautiful painting of his business, Peterson's Ice Cream Depot. "Clifton," Mr. Rusnak began, "is very appreciative for all the work you have done. In particular, you have been a friend of businesses and of the citizens, and you have had an open ear any time we came through the door. You were always ready to help. The citizen's mattered, and we thank you for that. Most of all, you brought new ideas to the Town: the Wine Festival, ice-cream (the best ice-cream the town has had!), and I think above all, you supported the youth. Any time the Girl Scouts, the Cub Scouts, or the Eagle Scouts came in to Town, you were always getting them, and us, involved. And of course, if it wasn't for you, Clifton never would've had the youngest Town Clerk ever, starting at age 16. In our appreciation, we'd like to give you this painting of your ice-cream shop – thanks and appreciation from the businesses and citizens in Clifton." The entire hall echoed with applause, as Mr. Peterson walked around the council table shaking each Town Council Members' hand, as well as the Treasurer's and the Clerk's.

Order of Business:

1. Review of the Minutes (last regular meeting and any subsequent special meetings).
Bill Hollaway noted the necessary changes for the April 2011 Town Council meeting Minutes:
 - On page 2, concerning the Planning Commission recommendation for Anthony Reid: the Minutes read that the council unanimously approved. This should be reworded to indicate that Bill Hollaway had abstained the motion, as he was the owner of the Community Hall property that was in the permit.
 - On page 3, it reads "review use permit for Red Bird Ridge Court," for Robyn Heather Clark. It reads, "New garage," but should be changed to "new building." Secondly, Red Bird Ridge Court is the incorrect address. The correct address should be inserted as: 7169 Clifton Road.
 - In the ARB section on page 3, concerning the property at 7241 Dell Avenue, it reads that "the application was drawn." This should be eliminated, and in its place it should read that the application was approved.
 - On the bottom of page 3, Mayor Hollaway's last name needs to be inserted after his first name, Bill.
 - On page 4, concerning railroad siding about four sentences down, Dwayne Nitz adds that the council approved an expenditure of up to \$9,000 dollars for the iron fence that was approved.
 - At the top of page 4, what should read "Mayor Hollaway" reads "Major Hollaway."
 - On the top of page 4, must change wording of "corrected" to "stated... that this is not the issue."

- At the bottom of page 4, second line down: it reads "he added." Strike "added" and correct to "stated."
- At the top of page 5, the Minutes read "within the next several months," however it should indicate that "it should be in the next several months after the streetscape project is completed."
- Under item D on page 5, concerning the storage of Haunted Trail items, it reads "special thanks to John Powell" however "and others" should be added after John Powell's name.
- Under 7A still on page 5, the third motion down, it reads, "motion to authorize the Mayor" – "or vice Mayor" should be inserted.
- At the top of page 6, under item letter C, it reads, "John Powell made an amendment," however it should read that he simply "made a motion."

Motion: Wayne Nickum made a motion to accept the Minutes with changes. Bill Hollaway seconded the motion, and it was unanimously approved.

2. Report of the Treasurer.

Treasurer Marilyn Barton presented. Draft audited financial statements from Anderson White, CPA auditing firm had been received and were emailed out recently. She reported that the auditors conduct an in depth review of the accounting records and the Town's activities each year. To allow adequate time for the Town Council's review, Marilyn Barton recommended that the Audited Financial Statements be placed on the agenda for the June meeting. The Town Council concurred. The Treasurer's Report for the period ended April 30, 2011 was highlighted: the security deposits account \$1,742, the money market savings 114,109, the CDs \$306,013, checking \$31,164 and the LGIP savings \$914, for a total of \$453,943. The total income year to date was \$166,286, year to date expenses were \$92,983, for a net income of \$73,303. A supplemental comparative Community Hall Report provided showing a year to date net income of \$424. Bill Hollaway inquired as to where the Cox/Verizon information was. Mrs. Barton responded that it was under General Maintenance. It was recommended that in the future, the Cox/Verizon information be placed as a separate item.

Motion: Wayne Nickum made a motion to approve the Treasurer's Report. Dwayne Nitz seconded the motion, and it was unanimously approved.

3. Reports of Planning Commission, Architectural Review Board, and Committees:

a. Planning Commission; Kathy Baber presented the Planning Commission report, making the following recommendations:

1. Recommended the approval of the request for an amended use permit for La Bella Luce at 7137 Main Street to allow a special event flea market on May 21 and May 22, 2011 from 10-4 pm in their parking lot, pending the applicant check with neighbors, the Acacia Lodge and Tim Hugo, to ascertain that this event will not cause problems with their parking on those dates.

Motion: Wayne Nickum made a motion to approve the recommendation by the Planning Commission. Chuck Rusnak seconded the motion, and it was unanimously approved.

2. The Planning Commission as Administrator of the Subdivision Ordinance in Section 10-3 of the Code approved the proposed boundary line adjustment with respect to the two lots located at tax map reference numbers: 075-4-02-0099 A and 075-4-02-0084A, owned by the Clarks, as shown on the General Site and Grading Plan dated March 15, 2011 for 7169 Clifton Road. The proposed boundary line adjustment was reviewed and recommended for approval by the Town Consultant, Joe McClellan, and the Planning Commission determined that the boundary line adjustment was in accordance with the requirements of the Town Code, Section 10-57, and that notice had been given to adjoining landowners in accordance with Section 10-27 of the Code.
3. Recommended for approval the use permit application by Weston's Restaurant LLC at 7145 Main Street, with certain conditions, set forth below. The applicant is proposing a full services restaurant with indoor music to operate in Space B and the rear patio, from 7am to midnight seven days a week with expanded hours to 2 am on 12 occasions per year, no more than 4 such occasions in any one month. Mr. Norman Bray Wilson indicated that he was the owner operator of the proposed restaurant. Parking: After a discussion of available parking it was determined that the premises of 7145 Main Street had 26 parking spaces allocated completely to 7145 Main Street with no restrictions. One parking space houses a dumpster and one space is for loading, and presently 11

spaces are allocated to existing tenants (The Wine Shop – 2; the Consignment Shop – 4; Fairfax Capital – 3; The Nicholas Diffenbaugh – 2). The Planning Commission did not include any of the railroad right of way parking which parking allocation was disallowed by the Town Council at its January 2011 meeting with respect to its consideration of another restaurant owner in this site. While the applicant has an easement for 9 parking spaces with an adjoining property owner for the hours of 6 pm to midnight, the easement states that such spaces shall be credited for use permit purposes to the owner of 12704 Chapel Road. Therefore, the Planning Commission could not and did not allocate these spaces to the owner of 7145 Main Street, or any of his tenants, for use permit purposes. In addition, the Planning Commission believed that it was unworkable and unenforceable to include the easement parking spaces only for certain hours for a business that is operating from 7 am thru midnight and then longer on 12 occasions. Therefore, since there were 13 available spaces, the Planning Commission upon being advised by the applicant that there would be a maximum of 6 employees at any one time; and upon being advised that the Fire Marshal has authorized a maximum of 88 persons on the restaurant site; approved the allocation of 13 spaces: 3 for 6 employees and 10 spaces for a total of sixty seats in the restaurant area.

The Planning Commission also conditioned its recommendation upon the following, most of which were included in the Town Council's previous requirements in January 2011 with respect to a previous restaurant applicant in this location.

1. The applicant notify the Town Clerk of those occasions when the premises was open for expanded hours, so a record of the number of times in a year when that occurred could be kept.
2. No outdoor music, including on the patio.
3. Noise from the business should not have an unreasonable effect on surrounding residences.
4. No flashing signs, neon or otherwise, or any signs not approved in advance by the ARB.
5. The dumpster should be placed as indicated on the first parking spot in the back of the building, adjacent to the building, and that the dumpster be screened with fencing on four sides.
6. The patio area should not be used for ingress into the restaurant.

There was much discussion concerning this use permit application. It was noted that having music in the morning was the owner of the property, Mr. Hofferma's, idea. It has been successful for other restaurants, he stated, and as long as it is not outside, it is appropriate. Sheldon stated that he is asking for the same treatment that he received last time; he was told initially by the Fire Marshal that the restaurant will be approved for at least 88 seats. There may end up being more, because there's fire suppression equipment that is being brought in that was not there before. Steve Effros brought up a few important points for discussion, that he felt needed to be put out on the table:

1. In discussions the Town has had to date, and the paperwork Mr. Effros had sent out in last two months, there has been a general consensus that the credit on 11 spaces that has existed for Buckley's Store for the last 30 years was something that they thought was appropriate and that there was good reason to do what the Mayor had proposed, which was figuring out a way to put this in writing. We have preliminary draft of either an easement or resolution that deals with that subject based on the fact that the Clifton and Buckley Store use the same egress areas; therefore, both are benefiting. The point being, what has been done for at least the past 30 years makes sense, and it doesn't make any sense to suddenly change that. There's no language being brought to the Council this meeting, but in terms of whether they should have that extra space? They have always had it and so far nobody has said to Mr. Effros why they shouldn't. Dwayne Nickum responded that he would like the building under consideration to be buyable. The travel lane is predominantly on Suffolk Southern Easement. In terms of the number of spaces, he would like to see the Buckley Store have the rights or credits to some, if not all, the spaces. However, what if the Buckley store can't use 11 spaces, why have credits for spaces that the business can't actually use on its application? He thought that at the Planning Commission meeting there would be a tally of all the spaces, and that

it was determined that perhaps 11 was going to exceed what the Fire Marshal would recommend for the restaurant. Sheldon Hofferma responded, "As I explained there are two more spaces in the building that need parking. The Planning Commission recommended 60 seats and 6 employees. If more spaces were available, the restaurant would have more seats, and have more employees too, maybe. If you want the restaurant to be buyable, then you want it to be able to operate the way it should. So between the restaurant and the other spaces, all those spaces are actually needed. I can tell you for sure that if you park on the railroad siding property, and you want to back out, you are going to be using the Buckley Store property. You can't get in and out without using it." John Powell re-centered the discussion, stating, "Let's address what is in front of us right now, which is how to make this business work." Steve Effros continued, leading into his second point: "As usual, when anything out of ordinary happens I get calls. There are rumors flying all over the place, and very few of them are supportable. We really, as a town, have got to stop doing this stuff. Let's get the rumors on the table so we can get rid of them, alright? The short hand is," Mr. Effros directed at Mr. Wilson, "is there a plan to basically create a Hooters in town?" Mr. Wilson responded that he, his fiancé, and his little boy, Weston, plan to open a casual, American-food restaurant that is family friendly and that will meet all the town code property requirements. Steve Effros continued to another subject matter needing attention: those concerned about the character of the applicant. However, the State does a background check, and Mr. Wilson is listed as the applicant, therefore that issue is off the table. Lastly, there is a hitching post that was put up in front of the building. It is a historical mark, as there used to be a horse hitching post there in the past. Bill Hollaway explained however that the post was not allowed to be put up before approval of the ARB. John Powell concluded the discussion, saying, "I want to agree that this is a great opportunity for Mr. Wilson to address all the things that Steve Effros brought up, and I'm glad it's done. I took time to walk down to the property and speak with Mr. Wilson, and indeed, the kitchen looks nothing like it used to in regards to cleanliness. The place looks really nice in there."

Motion: Wayne Nickum made a motion to approve the recommendation of the Planning Commission with the other condition that it meet all Fairfax County code, building code, and fire code, and that the Town Council receive evidence to that effect. Also, under the condition that the hitching post be approved by the Town or otherwise removed. John Powell seconded the motion, and it was unanimously approved.

Motion: Wayne Nickum made a motion that the Heart of Clifton, the previous applicant, be terminated. Deborah Dillard seconded the motion, and it was unanimously approved.

4. The Planning Commission reviewed and recommended for approval the parking plat and fencing in the setback area as proposed in the application by the Town of Clifton, provided that there be no more than 10 parking spaces; the fence is iron and no more than 6 feet, less than 2500 square feet is disturbed in the creation of the parking area, that gravel be used, that headers denote the parking spaces, that the parking spaces meet the required size of 8.5 by 18 feet, that any lighting used shall be low impact lighting, that signs approved by the ARB be set up indicating the available parking and specifically stating no parking from 2 am thru 6 am, that a barrier be placed on the east side, and that screening of the parking lot be addressed by the town with the adjoining landowners and implemented.

Motion: Wayne Nickum made a motion to approve the recommendation of the Planning Commission. John Powell seconded the motion, and it was unanimously approved.

- b. Architectural Review Board;
The ARB did not hold a meeting.

- c. Committees.

Clifton CBC:

Judy McNamara presented an update on the May 15 Clifton Gala (VIP tickets are from 6pm – 10, regular admission is from 7-10 pm). There are five sponsors. There are 11 auction items: a student desk from Clifton Elementary School, as well as a teacher's desk. The Town had a few proposals of items to contribute: such as copy of Brigadoon, four tickets for the Wine Festival, a private guided tour by a Town Council through the Clifton Haunted Trail, lead the Fourth of July parade with the Mayor and Wayne Nickum, breakfast with the Mayor at Weston's.

Motion: Bill Hollaway made a motion that the Town Council contribute these donations to the Clifton Gala. Deborah Dillard seconded the motion, and it was unanimously approved.

Town Hall Committee Meeting- Deborah Dillard wished to simply touch on the fact that the air conditioning/heat hardware in the Town Hall is alright, however it's the controls that need to be fixed.

Motion: Bill Hollaway made a motion to establish a special committee date, where all interested parties will be invited, and all committees will have a chance to come forward with proposals and concerns. Wayne Nickum seconded the motion, and amended that the date be Wednesday at 7pm on May 17, 2011. John Powell seconded Mr. Nickum's amendment, and the motion was unanimously approved.

Wine Festival Committee: Markus presented, "this is my last Wine Festival. I'd like to propose that John Powell take over next year. Mr. Peterson and I have been working on ways to raise sponsorship levels." Mr. Peterson had presented the Town Council with a list of ideas. "The economy," Mr. Peterson stated, "is such that businesses are not coming up with the money they used to. We have to come up with creative ideas to get their sponsorships. If we have bad weather, we can lose a lot of money."

Motion: Bill Hollaway made a motion to allow the Wine Festival sponsorship with the following ideas, under the condition that there be no political nature, and that the signs be reviewed and approved by the ARB. The approved ideas were: placement of a sign in the park naming it for the month of June and a slightly bigger logo on the town's website for three months, until the next event. Chuck Rusnak also added to the motion that the sponsors must be family friendly. Wayne Nickum seconded the motion, and it was unanimously approved.

Pink House:

Motion: Bill Hollaway made a motion that he be authorized to move forward and sign a lease with the potential businesses for the pink house. Dwayne Nitz seconded the motion. Chuck Rusnak added as an amendment to the motion that the Town Council be given the opportunity to review and approve the lease before it is signed at a special meeting, on or before June 1st. Wayne Nickum seconded the amendment, as well as the motion. The motion passed.

5. Communications.
There were no communications.

6. Citizen's Remarks:

There were no citizen's remarks.

6. Unfinished Business:

- a. Budget FY2012 – Schedule Work Sessions and Public Hearing.

Motion: Wayne Nickum made a motion to schedule the following special meetings: May 14, 15, and 22nd, at 2 pm, either on Tom Peterson's patio (if approved by Mr. Peterson), or at the Town Park gazebo. Deborah Dillard seconded the motion, and it was unanimously approved.

7. New Business:

- a. Art Participation and Education Committee;

Motion: Bill Hollaway made a motion that

Merle Engel had expressed that she would love to have a place for people in the Town to come together to create art. Bill Hollaway expressed full support.

Motion: Bill Hollaway made a motion to create a committee titled the Art Participation and Education Committee. The motion was duly seconded and approved. Chuck Rusnak abstained.

b. Boy Scouts Annual Lock-In;

Motion: Bill Hollaway made a motion that the Boy Scouts be approved to use the Town hall for their Boy Scout lock-in on March 10, 2012, and be vacated on Sunday in advance of the church services, whose members are expected to be arriving around 6 am. Lastly, he so moved that payment for use of the hall be in services offset done by Boy Scouts painting this very facility which we estimated to be \$5,000. Deborah Dillard seconded the motion, Wayne Nickum voted against it, however the motion passed.

Motion: Deborah Dillard made a motion that she work with Trish to develop a policy for a similarly situated organization and bring it forward to the Town Council. Dwayne Nitz seconded. There was an amendment to have the entire Town Hall Committee work on this. Bill Hollaway accepted the amendment. Wayne Nickum abstained. The motion passed.

8. Adjournment.

Motion: Wayne Nickum made a motion to adjourn. Dwayne Nitz seconded the motion, and it was unanimously approved.

Minutes prepared by Kathleen L. Barton, Town Clerk