



**COUNCIL MINUTES
TOWN OF CLIFTON FORGE, VIRGINIA
7:00 P.M. TUESDAY, JUNE 11, 2019
CLIFTON FORGE TOWN COUNCIL CHAMBERS
547 MAIN STREET**

INVOCATION- David Davis provided the invocation.

CALL TO ORDER-Mayor Irvine called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE-Mayor Irvine led the attendees and Council in the Pledge of Allegiance.

PRESENT: Mayor Jeff Irvine, Vice Mayor Pamela Marshall, Councilman David Oeltjen, and Councilman Ronald Goings

Councilman Umstead joined the meeting via conference call.

Also, present but not on the roll: Darlene Burcham, Town Manager, David Davis, Town Attorney, and Angela Carper, Clerk

CONSENT AGENDA

- 1. MINUTES Council Meeting May 28, 2019**

RECOMMENDATION: Approve minutes of May 28, 2019

Motion to approve minutes

Motion made by: Councilman Goings

Seconded by: Councilman Oeltjen

ROLL CALL VOTE

Councilman Umstead Aye
Councilman Oeltjen Aye
Councilman Goings Aye
Vice Mayor Marshall Aye
Mayor Jeff Irvine Aye

Motion passed: 5-0

ACTION ITEMS

2. Ordinance amending Article II of the Code of Ordinances

Amendment to the motor vehicle license section of the town code will result in the elimination of the town decal while still requiring the payment of the annual fee for each vehicle as well as the personal property taxes.

RECOMMENDATION: Waive second reading and adopt ordinance

Motion to approve minutes

Motion made by: Councilman Oeltjen

Seconded by: Councilman Umstead

ROLL CALL VOTE

Councilman Umstead Aye
Councilman Oeltjen Aye
Councilman Goings Aye
Vice Mayor Marshall Aye
Mayor Jeff Irvine Aye

Motion passed: 5-0

3. Ordinance enacting Code Section 74-79 to prohibit parking over curbs

This ordinance is necessary to prevent an ongoing issue which is creating a parking/safety hazard for travel and will allow for a penalty for parking on any portion of curb as it creates a parking/safety hazard for travel.

RECOMMENDATION: Waive second reading and adopt ordinance

Motion to waive second reading

Motion made by: Vice Mayor Marshall

Seconded by: Councilman Umstead

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

Motion to adopt ordinance

Motion made by: Councilman Goings

Seconded by: Vice Mayor Marshall

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

4. Ordinance to amend Section 4-20 (a) R-1 Residential of the Zoning Ordinance

The State Code was amended in 2015 to include group homes of less than 8 individuals with disabilities in the definition of a residential property. The attached amendment will bring our code into compliance.

RECOMMENDATION: Waive second reading and adopt ordinance

Vice Mayor Marshal posed a question regarding a difference in code sections listed on the agenda versus on the actual ordinance. Due to the question, it was decided to table this item until the next meeting.

5. Ordinance to repeal Section 34-71, Article III Mountain View Cemetery from the Code of Ordinances

During the 2015 revision of the Code of Ordinances, this section was included by mistake. The Town's code has a general section regarding cemetery fees that has been adopted which overrides these old costs.

RECOMMENDATION: Waive second reading and adopt ordinance

Motion to waive second reading

Motion made by: Councilman Goings

Seconded by: Councilman Oeltjen

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

Motion to adopt ordinance

Motion made by: Councilman Oeltjen

Seconded by: Councilman Umstead

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

6. Appropriation Resolution

To allow the funds to be included into the FY '18/'19 budget for use, it is necessary to appropriate the funds as listed.

RECOMMENDATION: Proceed to second reading

Angela Carper, Clerk, read the resolution for first reading and with no questions or comments it will appear for adoption at the next meeting.

7. Appropriation Resolution

The Town is facilitating the purchase parcel of land from CSX on behalf of Houff Corporation. The down payment of \$4,000 has been paid to the Town from Houff Corporation for a deposit on the parcel.

RECOMMENDATION: Proceed to second reading

Angela Carper, Clerk, read the resolution for first reading and with no questions or comments it will appear for adoption at the next meeting.

8. RAILYARD MAINTENANCE AGREEMENT

VDOT will be bidding the railyard road later this month. Once construction is complete, the new road will become the responsibility of the Town for maintenance and the Town will include the road in its calculation of VDOT maintenance funding.

RECOMMENDATION: Town Manager is authorized to execute documents for the maintenance of the Chessie site road located on Town property leased to the Houff Corporation.

Motion to authorize Town Manager to sign all necessary documents as stated

Motion made by: Councilman Goings

Seconded by: Councilman Umstead

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

9. REQUESTS FOR ANNUAL STARS AND STRIPES CELEBRATION

Clifton Forge Main Street is requesting permission to hold the annual 4th of July Parade and Stars and Stripes Celebration on Thursday, July 4, 2019 and requesting that streets be blocked from the 400 block of E. Ridgeway St. to the Clifton Forge Fire Department on D Street. The parade will line up at 10:30 and begin at 11 AM. They are also requesting that the part of Jefferson Ave. that extends from the south side of the First Citizen Bank driveway to Main Street be closed during the parade to allow for bleachers for spectators during the events. They would also like permission to hang banners on the iron railing at the intersection of A Street and Main Street, one on the front lawn of Town Hall facing Jefferson, and one under the sign across from the Kroger Store. Note: the various activities beginning at 6 PM on the C & O Heritage Center grounds, followed by fireworks at dusk.

RECOMMENDATION: Grant request

Motion to grant request

Motion made by: Councilman Oeltjen

Seconded by: Councilman Goings

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

INFORMATION

Town offices will be closed on Thursday, July 4, 2019 and Friday, July 5, 2019 for the Independence Day holiday and will reopen on Monday, July 8, 2019.

MANAGER'S COMMENTS

Mrs. Burcham stated that the Heritage Day event and the cornhole tournament were a pleasure to attend and see all the people who came out to each. There were a total of 2512 visitors attending Heritage Day with 40% of those being from outside the County and visitors attended from 10 different states. There were 80 volunteers that helped to make the event a success again this year. There were 17 teams who competed in the corn hole tournament with a total of \$640 raised that is going toward Washington Park rehabilitation. The competition was so well received that it has been decided to make it an annual event, coordinating the dates so as not to interfere with other games in the area. Mrs. Burcham stated it was a pleasure to meet some of the men competing who were high-ranking players of the game.

Mrs. Burcham advised that paving continues and that the company will be using flaggers to direct traffic while completing the balance of the project on Commercial.

Mrs. Burcham reminded everyone that the Town does have an ordinance that requires motor vehicle operators to stop when there are persons within the crosswalk and that there seems to be an increased problem with the issue, stating that the concern is for safety and allowing people to get across the road in a timely fashion as well.

Mrs. Burcham mentioned a recent housing study that was conducted by the County which is now available and that she had spent 4 hours last Friday with a potential developer who is interested in the community.

Lastly, Mrs. Burcham mentioned that the land swap between the Town and the US Forestry Department has now been completed which means that she is hopeful to be able to put the dam repair project out for bid soon. She stated that the process has been 5 years in the making and that the Town has received 3 extensions on the conditional operation permit that was granted by DCR. The repair project is estimated to cost \$4.2 million and is being funded by a low interest loan from the USDA and \$1.7 million in grant funding. It was originally thought to be completed in 2019, but now 2020. The Town is very anxious to have it completed.

UPCOMING EVENTS

CLIFTON FORGE MAIN STREET

STARS & STRIPES CELEBRATION—THURSDAY, JULY 4, 2019

CLIFTON FORGE PUBLIC LIBRARY

**SUMMER READING PROGRAM--WEDNESDAY, JULY 10, 17, & 31 2019,
10:30-11:30 AM**

CLIFTON FORGE SCHOOL OF THE ARTS

JAMMIN AT THE MILL—FRIDAY, JULY 19, 2019, 7 PM

MASONIC THEATRE

FLAG DAY CELEBRATION, FRIDAY, JUNE 14, 2019, 5:30 PM

**“THEY SHALL NOT GROW OLD” A FLAG DAY FREE EVENT—FRIDAY,
JUNE 14, 2019, 7 PM**

“WONDER WOMAN” BENEFIT MOVIE SCREENING—FRIDAY, JUNE 21, 2019, 7 PM

HISTORIC MASONIC THEATRE TOUR—SATURDAY, JUNE 22, 2019, 11 AM

“ALL AMERICAN STARS”—SATURDAY, JUNE 22, 2019, 7 PM

“CASH—UNCHAINED”—SATURDAY, JUNE 29, 2019, 7 PM

PUBLIC COMMENTS

Shorty Wolfe addressed Council on his dislike of a barrier that was erected on Town property across from his home on Prospect in an area that many people had been using as a turn-around spot. Mr. Wolfe had asked Council if the Public Works department would form the area and let him provide concrete and gravel to make the turn around area better and more appealing, but after review of the area by the Town Manager, Public Works Director, and the Chief of Police, it was decided that it was not a good use of the Town property as there are drains there and it was not meant to be a turn around spot as the road is a through road and not a dead end. After that decision, the barrier was installed and painted to be visible so no one would damage their vehicle. Mr. Wolfe mentioned all the property he has purchased within the Town and many he remodeled, the work he helped perform for the Roxbury Rehabilitation Project, and other things, stating that other than this, he has never asked the Town for anything and that he is very upset it did not go as he had requested. He also invited everyone to an open house for a new business on Ridgeway Street where his wife plans to open a small coffee shop and they will house an outreach center with games and other activities. The open house is planned for the first or second week of July.

Beverly Little, owner of the Little Smoke Shop, appeared before Council to ask if there is any way to address the loitering from an individual in town who is seeming to create issues with other patrons of her store. She stated that she is losing customers because of the panhandling and loitering from this individual and have been told by some if he is there they are not stopping in the store and stated that something needs to be done. Vice Mayor Marshall asked if she had been calling the Police Department as was mentioned to her previously and Ms. Little stated she has and that it is only a temporary fix. Mayor Irvine asked David Davis, Town Attorney, if there is anything that the Town can do, or any new ordinance that could be adopted to address the issue. Mr. Davis stated that the courts have ruled that people’s rights are protected under the 1st Amendment and that localities cannot prohibit people from gathering as they would like. Mrs. Little asked then what she could do. Mrs. Burcham replied that as hard as it

is, the real answer lies with people needing not to respond and give in to the situation and provide the person with whatever he is asking for, be it cigarettes, food, or whatever. Eventually if nothing is given, the situation will stop. Mrs. Burcham stated that it had been observed that it seemed to be the same people that this person approached in the parking lot and the same people who typically respond to him and give in, giving him what he asks for and that she understands it's a very tough situation, but the Town's hands are tied as far as legal recourse.

Bruce Hyler thanked Mayor Irvine and Vice Mayor Marshall for voting the way they had regarding the water increase and stated that the rate is too high in Clifton Forge. He then stated that Staunton has many more people than are here in Town and their rate is only \$102 per three months. He stated that the Town should be charging more to the County because they are still making a profit from the water we sell them and that the citizens aren't getting anything in return. He stated that the dam repair project is stupid and can't understand why when the Federal Government owns the property on both sides of the dam and he pays to be able to fish, he isn't paying the Town since they own the dam. He stated that all of the water used comes from the upper dam and not the reservoir and that there have been cracks since he was a child. He stated that it takes 100 years for concrete to cure, that there will always be cracks, and that there isn't enough water there to cause a flood or any damage and if the Federal Government owns land on both sides, they should be paying for the repairs.

John Moser of Church Street stated that he had seen where one citizen had blasted members of Council and he was appalled. He stated that he knows exactly what to do to solve the problem with the cost of utilities and that would be to tax cigarettes and alcohol, tax the hardware store, tax all the businesses in Town, the hair salons, and to install parking meters in the downtown area. He stated that he sees no problems with the dam and noticed that there is a new road leading up there and that has been the only thing done. He again stated that applying extra taxes on cigarettes and alcohol, all the businesses, and installing the parking meters will solve the whole problem. He stated that the Town should do like other places and purchase the meters that take fees for several different parking spots and that they didn't need to purchase one for each spot. Lastly, he stated that he had seen 5 guys from the Public Works department walking up and down the street working during the last weekend and that it didn't require that many people and was a waste of money and that when they repaired the leak they don't flush the line unlike everywhere else.

Jeffrey Moore addressed Council regarding street signs and the adopt a road program. He stated that he had found a site online that he could purchase signs for around \$9.88 per sign and that the signs could be purchased to look like the historic signs that have recently been refurbished to improve the appearance and that he could provide samples if needed. He mentioned the adopt-a-road program and stated that he wanted to extend

the area to the new rescue squad, including the Hickory Run Trail and Jungle area. He stated that he has talked to both Lowes and Home Depot and they are willing to donate all of their left over flower bulbs at the end of the season and he would like to plant them in those areas and that the Boy Scout Troops in both Clifton Forge and Covington have said that they would plant them. Mrs. Burcham advised that he would need to come into the office and provide more detail and that she is unaware of any adopt-a-road interest within the Town and would need to know of the interest and plans being suggested before they proceed. She stated that with the plantings there is always the concern of upkeep and that it would need to be consistent but asked again for Mr. Moore to come into the office with his plan and she would see what can be done.

Karen Swoope presented a copy of a news article she had obtained pertaining to the over-billing for treatment in hospitals and emergency rooms often caused by later finding out the provider billing the services is not within the persons insurance network. The article stated that the State Corporation Commission is accepting comments regarding a proposed bill to help regulate those type charges and asked that people write to them, providing the address and website.

Mayor Irvine then asked if anyone in the audience who had not signed up to speak had anything they would like to add or address. The following comments resulted:

Jenny Oeltjen, owner of Livy's Closet mentioned that she and many other businesses within the Town are now remaining open until 7 PM on Thursday evenings and encouraged everyone to visit the businesses.

John Moser again mentioned what he considers an issue with the alleyway near his residence, stating someone needs to fix the problem because water is going under the home. He mentioned the comments regarding loitering and stated that in Richmond people could obtain a panhandler's license and that they were made to hold folded signs and that there must be something that can be done, offering to contact Richmond himself.

COUNCIL COMMENTS

Councilman Umstead wished everyone well and stated he is going to have a wonderful vacation and will see everyone on Monday when he returns!

Councilman Oeltjen thanked everyone for coming and thanked Mrs. Burcham on the update on the Heritage Day Festival and the corn hole tournament, stated he is glad to see the event growing and people taking advantage of the nice things in our Town. He

stated that the amount raised from the tournament to him speaks of it being a raging success! He stated that the paving that has been completed looks great and commented on the housing study stating that we need to work on growing our area and that it cannot be done by taxing people out of town. He thanked Mr. Wolfe and stated he appreciates him coming before Council and that his concerns will be discussed. Councilman Oeltjen stated that he wishes the Town could do more to stop the loitering, but cannot and stated that he agrees with the Town Manager in respect to people not contributing to the cause. Councilman Oeltjen stated that the dam repair project is not stupid and is required of the Town and must be done. Lastly, Councilman Oeltjen commented on the statement made to increase taxes to businesses and stated that you cannot tax people to death, it is not the Town's water rate that is high, but it is the sewer portion of the bill that is high, which is a County issue and not a decision made by the Town. He added that we need more people to help cover the costs so that they are divided more instead of taxing people to the extreme and running them out of town which would equal higher rates.

Councilman Goings addressed the comments made by Mr. Moser, stating that all of the taxes he mentioned would do nothing to help with the water or sewer rate because those would all go into the General Fund and not water or sewer, which are specific accounts that cannot be used for any other purpose. He then addressed comments by Mr. Hyler and stated that Councilman Oeltjen is correct, the Town has been watched for years and the repairs are required explaining that the Town is only receiving the conditional operating permit with the understanding that the repairs are going to be made and if the requirements are not met, the Town could be required to shut down the Dam or even demo it if it is deemed unsafe. He stated that the increase is only \$1 and again reiterated that the biggest problem is the sewer rate, which he would love to solve, but cannot. During Councilman Goings comments, Mayor Irvine had to reprimand Mr. Hyler and Mr. Moser for being out of order several times.

Vice Mayor Marshall commented on the housing study and stated that in the comparison of six rentals, four of them only had one bedroom. She thanked Mrs. Burcham for the Hickory Avenue extension road and the area being provided for potential development, stating that development can help. She stated that another comparison in the study was related to the average household income being between \$40K - \$80K that we need to raise incomes within the area and offer more jobs. She mentioned the Roanoke Youth Summit and stated that some of the concerns mentioned by the youth involved were income, jobs, and ways to build a better future. She stated that this area had previously had a summer youth program and her wish that it could return to the area. Lastly, she mentioned the water rate and that the cost of the rate is directly tied to the number of accounts and that Clifton Forge is one of the only areas showing growth within the area and that she just could not support an increase knowing how difficult it is on some of the citizens.

Mayor Irvine stated that maybe he wasn't clear previously and read a prepared statement. A copy of the statement is below:

I would like to begin my comments with a brief statement

I have been in local politics long enough to understand that you can never make everyone happy.

Therefore I choose to base my decisions not on what might be popular or politically correct but on what is best for the people of Clifton Forge.

The promises I made in my campaign I keep that's called honesty. I stand by them in the face of criticism, that's called integrity. And I take full responsibility for their results, that's called honor.

I am not perfect, no one is. I'm not brilliant, never claimed to be. And I may not solve all the problems facing our town but I will give this town my best and when I leave this council it will be with a clear conscience and the satisfaction of knowing that I answered every call, responded to every question, personally attempted to resolve every complaint and treated every resident in our community with equal respect. If some people think that voting No is the popular route and is easy

I just wish that you could stand in my shoes on ~~our~~ council and go through what I have, ~~you~~ Believe me its a long way from easy.

~~any~~ It was said that the facts are clear yes they are, it was said I had no alternative that is not true if you attended the meetings you ~~would~~ ^{should} have heard my alternative it was to fix the leaks ~~and~~ and leave out the rest ~~that~~ that is not a safety issue the grant for 1.7 million should have covered this, and no increase in our rate. I will close by saying if you want to sit down and talk about the facts that I have and my concerns feel free to contact me and ~~we~~ we can do so. Thanks. for your support.

***CLOSED SESSION – PURSUANT TO SECTION CHAPTER 2.2-3711 A-1
PERSONNEL: APPOINTMENT TO BOARDS AND COMMISSIONS***

Motion made by: Vice Mayor Marshall **Time: 8:05 PM**

Seconded by: Councilman Goings

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

Motion to return to open session **Time: 8:13 PM**

Motion made by: Councilman Oeltjen

Seconded by: Vice Mayor Marshall

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

Motion to appoint Jennifer Morris to RVARC

Motion made by: Vice Mayor Marshall

Seconded by: Councilman Goings

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	No
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 4-1

Motion to certify only indicated items were discussed during closed session

Motion made by: Councilman Umstead

Seconded by: Councilman Oeltjen

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0

Council asked for clarification on the guardrail on Prospect. When it was explained that it was a thru street and the turn-a-round was on Town property and should not be used for that purpose, no additional comments were made.

Council also inquired about the leak Mr. Hyler mentioned and the Town Manager explained the it had been seen by DEQ, but no action was required. Mayor Irvine indicated there was another leak in the area, which the Town Manager said would be checked.

The Town Manager also reported that staff is already investigating replacing street signs with a uniform design.

The Town Manager mentioned several items under discussion with the County and the increased level of cooperation she is experiencing.

Motion to adjourn

TIME: 9:14 PM

Motion made by: Councilman Umstead

Seconded by: Councilman Oeltjen

ROLL CALL VOTE

Councilman Umstead	Aye
Councilman Oeltjen	Aye
Councilman Goings	Aye
Vice Mayor Marshall	Aye
Mayor Jeff Irvine	Aye

Motion passed: 5-0