

September 15, 2020 Clarke County Board of Supervisors 1:00 pm
Regular Meeting
Main Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia, conducted on Tuesday, September 15, 2020.

Board Members

Present Afternoon Session: Doug Lawrence – Russell District; Matthew E. Bass – Berryville District; David S. Weiss – Buckmarsh / Blue Ridge District; Terri T. Catlett - Millwood / Pine Grove District; Bev B. McKay – White Post District

Absent Afternoon Session: None

County Staff Present

Brenda Bennett, Chris Boies, Tiffany Kemp Cathy Kuehner, Brian Lichty, Brandon Stidham, Brianna Taylor

Constitutional / State Offices / Other Agencies

Barbara Bosserman, Matt Smith, Travis Sumption, Robert Mitchell, Maral Kalbian

Press

Mickey Powell

Others Present

Adeela Al-Khalili, Sarah Brennan, Jay Corbalis, Mary Ivie, Charles Maurer, and a few other citizens

1) Call to Order

Chair Weiss called the afternoon session to order at 1:07 pm.

2) Adoption of Agenda

- Remove Consent Agenda item: Support letter for fire companies-COVID-19 funding. Chris Boies stated that research is being done to see if there is a new possible way to provide support for the fire companies.
- Add Small Business Assistance Program discussion update under Finance Committee: item 11A: CARES Act Funding Update.

Chair Weiss emphasized that the removal of the Support Letter for fire companies-COVID-19 funding does not indicate a lack of support for the volunteer fire companies; it indicates that a source of funding may be available but more research needs to be done.

Supervisor Catlett moved to adopt the agenda as amended. The motion carried by the following vote:

| | | |
|------------------|---|-----|
| Matthew E. Bass | - | Aye |
| Terri T. Catlett | - | Aye |
| Doug M. Lawrence | - | Aye |
| Beverly B. McKay | - | Aye |
| David S. Weiss | - | Aye |

3) Citizens Comment Period

Mary Ivie, Berryville: appeared to address the Board on the Statue. She put forth the following points:

- She found one of the ancestors of the Daughters of the Confederacy, for the statue, Arthur Pope.
- Informed the Board of Supervisors that there are people who are interested and would like to be involved.

Jay Corbalis, Berryville: appeared to address the Board on the raw water intake on the river. He put forth the following points:

- Provided the Board a 27-page report.
- He has completed historical research on flood levels.
- The raw water intake may or may not be a County problem but wanted the Board of Supervisors to know that there are issues.
- He explained to the Board of Supervisors that if they are interested in reviewing the report, to let him know.

4) VDOT

The following update was provided to the Board of Supervisors by Matt Smith, Assistant Residency Engineer.

Maintenance:

- Continued surface treatment and patching for 2021 resurfacing schedule on routes 640, 674, 659, and 661.
- Continued with secondary mowing and will complete this month.
- Performed grading and stone applications on various non-hard surface roads throughout the County and will continue this month.
- Cleaned up storm debris and conducted pothole patching on various routes.
- VDOT will begin reading VDOT equipment for winter operations in the next few weeks.

Projects:

- Tree removal is complete on Janeville Rd. and the contractor has started construction. VDOT expects the project to be complete by the end of the month or shortly thereafter.
- The Frederick County project for improvements to Sulfur Springs Rd. is complete. VDOT will be performing a speed study from the end of the new road through to the intersection with Salem Church Rd.

Board Issues:

- We have received the plan for reopening the DMV office at Trip's on Rt. 340 and are meeting with DMV this week. VDOT supports the proposal and will offer whatever assistance we can.
- Checked on the spring in Millwood that Vice-Chair McKay mentioned last month, the spray used is approved for aquatic areas; therefore, it can be sprayed on and over the spring.

Supervisor Lawrence

- Provided a reminder that an engineer still needs to look at the intersection of Kimble road and Crums Church road. Southbound cars can pass before the intersection, cars turning right out of the intersection have issues. He asked if

the line painting could mimic the painting for the intersection for Withers Larue road so people cannot pass prior to the intersection.

Chris Boies

- Questioned if there is a timeframe on the Route 340 project in West Virginia, Matt Smith stated that it was awarded, and he will get back with more information.

Chair Weiss

- Asked for an update of the VA 7 safety audit in the fall.
- On the east side of VA 7, when coming down the mountain before the bridge, Parker lane, many of the trees need to be trimmed.

5) Approval of Minutes

August 18, 2020, Regular Meeting

Supervisor Bass: Book 24, Page 345, correct the spelling of judgment.

Supervisor Bass moved to approve the August 18, 2020, Regular Meeting minutes as amended. The motion carried by the following vote:

| | | |
|------------------|---|-----|
| Matthew E. Bass | - | Aye |
| Terri T. Catlett | - | Aye |
| Doug M. Lawrence | - | Aye |
| Beverly B. McKay | - | Aye |
| David S. Weiss | - | Aye |

6) Consent Agenda

Clarke County Board of Supervisors



Berryville Voting District
Matthew E. Bass
(540) 955-5175

Millwood Voting District
Terri T. Catlett
(540) 837-2328

Russell Voting District
Doug Lawrence
(540) 955-2144

Buckmarsh Voting District
David S. Weiss – Chair
(540) 955-2151

White Post Voting District
Bev B. McKay – Vice Chair
(540) 837-1331

County Administrator
Chris Boies
(540) 955-5175

**Resolution of Recognition and Appreciation of
Lora B. Walburn
2020-16R**

WHEREAS, Lora B. Walburn assumed the duties and responsibilities of Deputy Clerk to the Board of Supervisors on October 30, 2002;

WHEREAS, during her tenure, she served as the Executive Assistant in County Administration, Records Manager, Freedom of Information Officer, Conflict of Interest Officer, Clerk to the Industrial Development Authority (2002-2010; 2016-2020), Clerk to the Economic Development Advisory Committee (2002-2010; 2016-2020), Clerk to the Joint Building Committee (2009-2020), recording secretary to the Joint Administrative Services Board (2002-2017), Virginia Municipal Clerks Association Treasurer (2009-2012);



WHEREAS, Ms. Walburn self-published and maintained the Code of Clarke County, and numerous policies and procedures for the Berryville Clarke County Government Center. She guided the County Administration Office and Board of Supervisors in digitizing records. Organized the Employee Appreciation & Service Awards Luncheon beginning in 2004, and,

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that **Lora B. Walburn** be recognized and congratulated for her service and that her dedication to the Board of Supervisors, Clarke’s employees, and all citizens of Clarke County be hereby memorialized as a token of the respect and high esteem in which she is held.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled on the 15th day of September, 2020.

ATTEST 2020-16R

David S. Weiss, Chair

www.clarkecounty.gov

101 Chalmers Court, Suite B
Berryville, VA 22611

Telephone: [540] 955-5175

Letter to Anthem and Valley Health concerning employee health insurance

Anthem of Virginia
2015 Staples Mill Road
Richmond, VA 23230

Valley Health
220 Campus Blvd.
Winchester, VA 22601

Re: Pending Agreement Deadline

Dear Leadership of Anthem of Virginia and Valley Health,

The Clarke County Board of Supervisors was recently made aware of a pending year-end deadline for your two companies to renew its contract with one another. The Board strongly encourages both parties to work together to develop and sign a fair contract before the end of the year. Almost three hundred county employees (teachers, firefighters, Sheriff Deputies, and others) participate in our health insurance program through Anthem. The majority of these employees use Valley Health services located throughout our region.

The Board is very concerned about the additional out-of-pocket costs our hard working employees could face if an agreement is not reached by year-end. The COVID-19 health pandemic has already created stress and anxiety for our employees, and any uncertainty related to their health insurance or health care options would be detrimental at this time. We appreciate your attention to this matter.

Sincerely,

David S. Weiss, Chairman
Clarke County Board of Supervisors

Support Letter for fire companies COVID-19 funding

Legislative Delegation

Re: COVID-19 Impact on Volunteer Fire Companies

Dear Delegate/Senator,

I write to address rapidly building concern over the ability of our local Fire/EMS companies to survive the economic strain brought on by the Covid-19 pandemic. Clarke County is home to three volunteer Fire/EMS companies – John H. Enders, Boyce, and Blue Ridge. The county employs 12 full-time and 9 part-time firefighters and EMTs; volunteers constitute 82% of our Fire/EMS force. Clarke County is not unique in this capacity. Many small communities across the Commonwealth and country are similarly situated.

For many years, these companies have supported themselves financially by holding fundraisers in the form of community meals, bingo nights, cash parties, and the like. However, with restrictions on such activities in place since March, these traditional fundraising events have been all but eliminated. Consequently,

each company finds itself spiraling further into economic hardship, placing even more stress on our first responders, who must answer every call and quite literally put their lives on the line, pandemic or not.

Our understanding of the various financial relief provided on both state and federal levels is that it may not be used to replace lost revenue. In the case of our Fire/EMS companies, revenue loss began as a burden, but it is now turning into a financially devastating and unsustainable circumstance. It quite literally threatens their ability to keep the lights on which, in turn, puts our community at even greater risk.

While we recognize that we are in the midst of an unprecedented crisis, we strongly feel that small, volunteer Fire/EMS companies, such as those that serve Clarke County, should be a primary focus of the next economic stimulus package whenever, and in whatever form, it may come. The brave and dedicated men and women who serve communities like Clarke County deserve at least that much from their elected representatives on the state and national level.

Sincerely,

David S. Weiss, Chairman
Clarke County Board of Supervisors

Supervisor Bass reiterated that removing the support letter for fire companies does not mean that we have decided not to support them. There may be another mechanism available to make the process quicker. Trying to get real concrete action in a timely and efficient manner to benefits all; emphasized that is why the support letter is being removed. Conveyed that the Board of Supervisors will continue to support them in any way that we can.

Vice-Chair McKay stated that all of the fire companies have had a tough time because they have not been able to fundraise during the pandemic.

Supervisor Catlett recognized Lora Walburn and expressed gratitude for all of the years of fine service she has given the County. Wished her well and thanked her for all of her hard work.

Chair Weiss voiced that Lora Walburn dedicated her life to the County, did excellent work throughout the years, and kept the Board of Supervisors straight. Wished her well and thanked her for her many years of service.

Supervisor Catlett moved to adopt the items on the Consent Agenda as amended. The motion carried by the following vote:

- Matthew E. Bass - Aye
- Terri T. Catlett - Aye
- Doug M. Lawrence - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

7) Statue Update Maral Kalbian Architectural Historian for the County.

Chair Weiss stated that in June, a citizen came before the Board of Supervisors and then Maral Kalbian was asked to research and present the information.

Maral Kalbian presentation included the following:

- Hello, for those of you who don't know me, I am Maral Kalbian, the architectural historian for the county. In June, I was asked by the BOS to research the history of the Confederate Monument on the Clarke County Courthouse Green. I will share with you my findings and describe the types of resources that were consulted.

FINDINGS OF RESEARCH

Acts of General Assembly March 1, 1886 CC Deed Book Z:244 - June 19, 1900

| | |
|---|--|
| <p>CHAP. 357.—An ACT to incorporate the association of the survivors of the Clarke cavalry. Approved March 1, 1886.</p> <p>Corporators. 1. Be it enacted by the general assembly of Virginia, That Jos. McK. Kennerly, R. O. Allen, Nathaniel Willis, Wm. A. Rieley, Wm. T. Milton, J. S. Ware, M. R. P. Castleman, Province McCormick, Cyrus McCormick, A. Moore, Jr., and such other surviving members of Company "D," Sixth Virginia Cavalry Confederate States army, as may be associated with them, be and they hereby are constituted a body corporate, under the name and style of the Association of the Survivors of the Clarke Cavalry, and by that name may sue and be sued, contract and be contracted with, and do every act necessary to enjoy the powers conferred by this charter.</p> <p>CHAP. 358.—An ACT to authorize the board of supervisors of Clarke county to sell and convey to the association of the survivors of the Clarke cavalry a part of the public square in Berryville in said county. Approved March 1, 1886.</p> <p>1. Be it enacted by the general assembly of Virginia, That the board of supervisors of Clarke county be and it is hereby authorized to sell or donate and convey to the association of the survivors of the Clarke cavalry a part of the public square in Berryville in said county, not to exceed twenty-five feet in diameter, for the purpose of erecting thereon a memorial monument to their deceased comrades in arms.</p> <p>2. This act shall be in force from its passage.</p> | <p style="font-family: cursive;">The Board of Supervisors of Clarke County do hereby certify that The Association of the Survivors of the Clarke Cavalry This deed made this 19th day of June 1900, between the Board of Supervisors of the County of Clarke in the State of Va. of the first part, and the Association of the Survivors of the Clarke Cavalry a body politic under the laws of the State of Virginia of the second part Witness my hand and seal of office at the County Seat of the County of Virginia apparel March 1st 1886, to be found in the Common Acts of 1885-86 of the 388, page 393. The said Board of Supervisors was duly and to sell or donate and convey to the said Association a part of the public square in Berryville in said County, not to exceed twenty-five feet in diameter, for the purpose of erecting thereon a memorial monument to their deceased comrades in arms, and whereas the said Board of Super- visors at a meeting held on the 28th day of April 1900, adopted a resolution authorizing its Chairman to execute a deed under the hand with the seal of the Board, and attested by the Clerk of the said Board, and and to convey to the Association of the Survivors of the Clarke Cavalry a part of the public square in Berryville in said County, not to exceed twenty-five feet in diameter, for the purpose of erecting thereon a memorial monument to their deceased comrades in arms, in the year</p> |
|---|--|

- I start with the Bottom Line Up Front: My research revealed that the County does not own the monument nor the land on which it sits. This was a surprise.
- What you see on the left are two Acts of the General Assembly, both dated March 1, 1886- the top one is an act to Incorporate the Association of the

Survivors of the Clarke Cavalry. Among other things, the charter gave them the authority to hold up to one acre of real estate, that would be tax exempt, and erect on it memorial monuments.

- The second Act just beneath it is dated the same day and authorizes the Board of Supervisors in Clarke County to sell and convey to the Association of the Survivors of the Clarke Cavalry a part of the public square in Berryville- not to exceed twenty-five feet in diameter for the purpose of erecting “a memorial monument to their deceased comrades in arms.”
- On the right side is a deed dated June 19, 1900 (14 years later than the two acts of the General Assembly) between the Clarke County Board of Supervisors and the Association of the Survivors of the Clarke Cavalry. The deed references the General Assembly acts of 1886 authorizing the county to sell or donate to the Association a part of the “public square. At a BOS meeting on April 28, 1900, the Board adopted a resolution authorizing their chairman to execute a deed on their behalf conveying the “lot in the form of a circle, with a diameter of 25’ in said public square. The deed states that the lot is to be used solely for the purpose of a monument.

THE MONUMENT:

- Dedicated July 21, 1900
- Association of the Survivors of the Clarke Cavalry (1884)
 - Donations with help from the Stonewall Chapter of UDC (1897) and JEB Stuart Camp of Confederate Veterans (1891)
- Manufactured by Burns & Campbell in Petersburg, Va.
- Cost was approximately \$1,000
- Six granite pieces
- Dedication on front of base
- Inscriptions on other three sides contain name of those soldiers who died along with their companies



- The Monument: In summary, the monument was dedicated on July 21, 1900 with a huge ceremony held in Berryville. It was erected by the Association of the Survivors of the Clarke Cavalry who had formed in 16 years earlier in 1884. The funds to pay for the monument were raised primarily through donations solicited by the Association and later on with the help of the Stonewall Chapter

of the United Daughters of the Confederacy (formed in 1897) and the JEB Stuart Camp of Confederate Veterans (formed in 1891).

- The cost for the monument was approximately \$1,000 --about \$31, 000 in today's dollars. It was manufactured in Petersburg, Virginia, by Burns & Campbell of the Petersburg Granite Company.
- The monument arrived to Berryville in six pieces. According to newspaper accounts, the granite was quarried from a battlefield near Petersburg, Va. The monument has a base of three stacked rectangular rusticated pieces that support a tapered square shaft inscribed on its four sides. This is capped by a wide cornice on which the statue rests that bears the inscription "1861-1865". On top of that is the statue of a confederate soldier.
- The dedication of the monument is inscribed on the front of the base.
- On the other three sides of the pedestal are inscribed names of approximately 100 Confederate soldiers from Clarke who lost their lives in battle. They are organized according to their company.

Statue

- Painting, sculpture, and statue are known as "Appomattox"
- Painting by John Adams Elder of Fredericksburg, Va., 1888
- Bronze sculpture by M. Caspar Buberl of NYC 1889
- Burns & Campbell in Petersburg, Va., 1900
- Most of the Confederate monuments in the Commonwealth that depict soldiers are of bronze with the soldier carrying a rifle
- Many were mass produced



- The statue in Berryville is shown on the image on the right. It is no one specific person- and it is not Benjamin Berry, founder of Berryville, that many people mistake him for. The male figure is an unarmed Confederate soldier in uniform, standing in a contrapposto pose, where his left foot is forward and his weight shifted. His head is downcast, his arms are crossed and he clutches his hat in his right hand. His belt buckle bears the inscription "CS." A water canteen rests on top of his haversack. Both straps are draped across his body. He bears a moustache and wavy hair and stands approximately 8 feet tall.

- According to a newspaper article of the period, the figure is of “Appomattox,” which represents “a Confederate soldier when there dawns upon him a realization that all for which he had fought for four long years is irretrievably lost.” This was a popular image during the late 19th and early 20th century and was based on a painting of the same name completed in 1888 by John Adams Elder, an artist from Fredericksburg, that is shown in the image on the top left. It shows a lone Confederate soldier viewing the aftermath of the Battle of Appomattox Court House where Lee ultimately surrendered to Ulysses S. Grant. That in turn was the basis for the bronze statue commissioned by the Robert E. Lee Camp, No. 2 United Confederate Veterans of Alexandria that same year and completed in May 24, 1889 by sculptor, M. Casper Buberl of New York City that is shown on the bottom left. Buberl is best well-known for his sculptures at Gettysburg. That statue in Alexandria from 1899 and owned by the United Daughters of the Confederacy was taken down in June 2020.
- I looked at other Confederate monuments in the Commonwealth and the Clarke County monument appears to be the only in Virginia on a courthouse green that depicts an unarmed soldier. All others that depict a soldier show him with a rifle. The bronze one in Alexandria that was removed in June was not located on a courthouse green.
- The “Appomattox” statue exists in other states. But I only found one other Virginia- it is in Mount Jackson in the “Our Soldiers Cemetery” (erected in 1903). But he is armed, like the vast majority of other Confederate monuments depicting soldiers. Other common types of Confederate monuments include tablets and obelisks.
- Most of these statues were mass produced and could be ordered by catalogue. The one in Clarke as I mentioned was manufactured by the firm of Burns & Campbell in Petersburg, VA, they are well known for their stone monuments- especially in cemeteries in southern Virginia.



- Shown here are examples of how you could order these from catalogues. They were ubiquitous during this era. To the left is an ad by the American Bronze Foundry Co in Chicago for the “At Ready” Confederate statue, which is cast bronze. It is identical to the one that was taken down on September 12 in Charlottesville, and is being transported to the Shenandoah Valley Battlefields Foundation here in the Valley.
- On the right you see another ad by the Monumental Bronze Company in Connecticut for a Union soldier- in fact you could order these as either - they just had different versions of the uniform and belt buckles. These type of companies produced monuments in granite, marble, and also zinc.

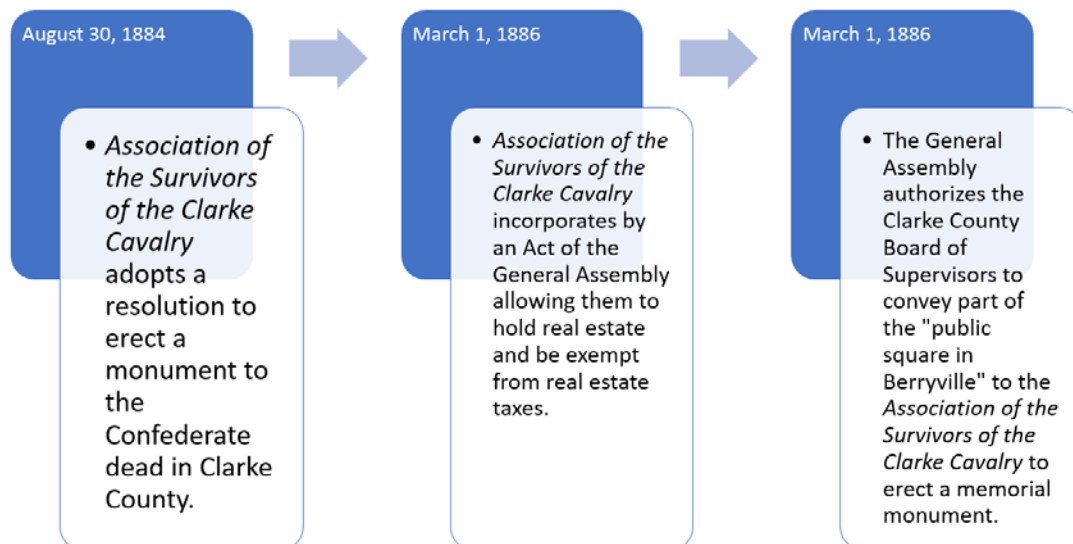
The Association of the Survivors of the Clarke Cavalry

- Surviving members of the “Clarke Cavalry” Company D, 6th Regiment
- Society was formed on Aug. 30, 1884, with the name “the Association of the Survivors of the Clarke Cavalry” (64 members)
- March 1, 1886: Act by the General Assembly to incorporate
 - Hold real estate
 - Erect a monument
 - Real estate and funds tax exempt
- Last annual meeting recorded 1918



- Who were the Association of the Survivors of the Clarke Cavalry? They were surviving members of the Clarke Cavalry (which means they fought on horseback) of Company D, 6th regiment.

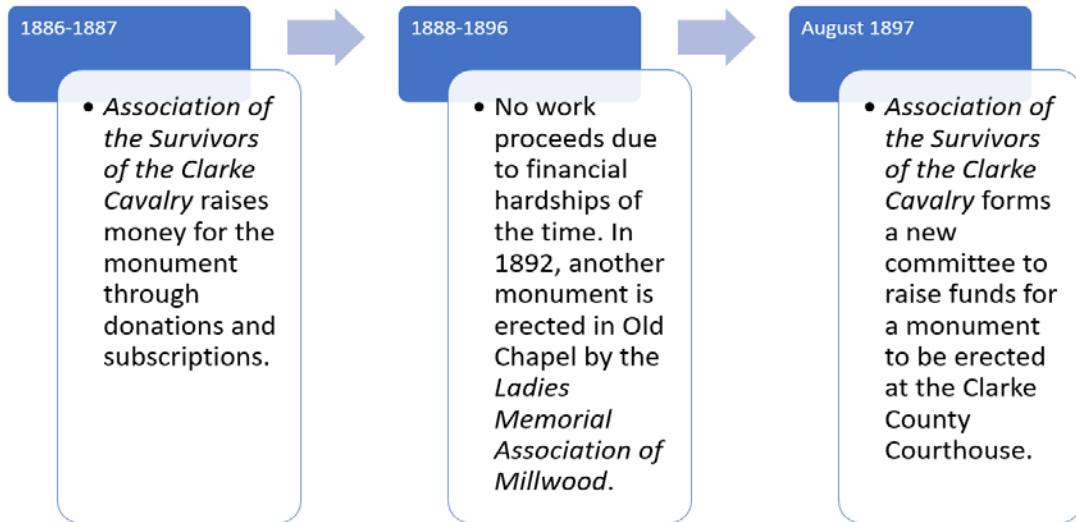
- They formed on August 30, 1884 with 64 members. This is about 23 years after the beginning of the Civil War so these men were probably in their early to mid-40s at the youngest. In the late 1870s, after the end of Reconstruction, these types of veterans groups began to spring up. During Reconstruction it was illegal for former Confederate soldiers to congregate.
- The Clarke County Historical Association has the Association’s Minute Book which runs from 1884 to 1918 and provided valuable first-hand information on the subject. Along with listing the names of the members - many of whom were prominent citizens of the county, and when they died- the minute book records their plans. At their first meeting in 1884 they named themselves, and they agreed they would meet annually with \$1 initiation fees and dues to be determined. They also adopted a resolution to form a 10-member committee to look into the “question of the erection of a suitable monument at some convenient point in this county and to raise money and receive contributions for it.”
- The Association of the Survivors of the Clarke Cavalry continued to meet until 1918 – this was 57 years after the Civil War so the survivors would be in their mid-70s- the average life expectancy for men at that time was 53.
- The photograph on the right is from the Clarke County Historical Association’s collection and it is thought to be them taken at a reunion in the late 1880s or early 1890s.



- This time line summarizes how things transpired from when the idea was developed by the Association to when the monument was realized. I have

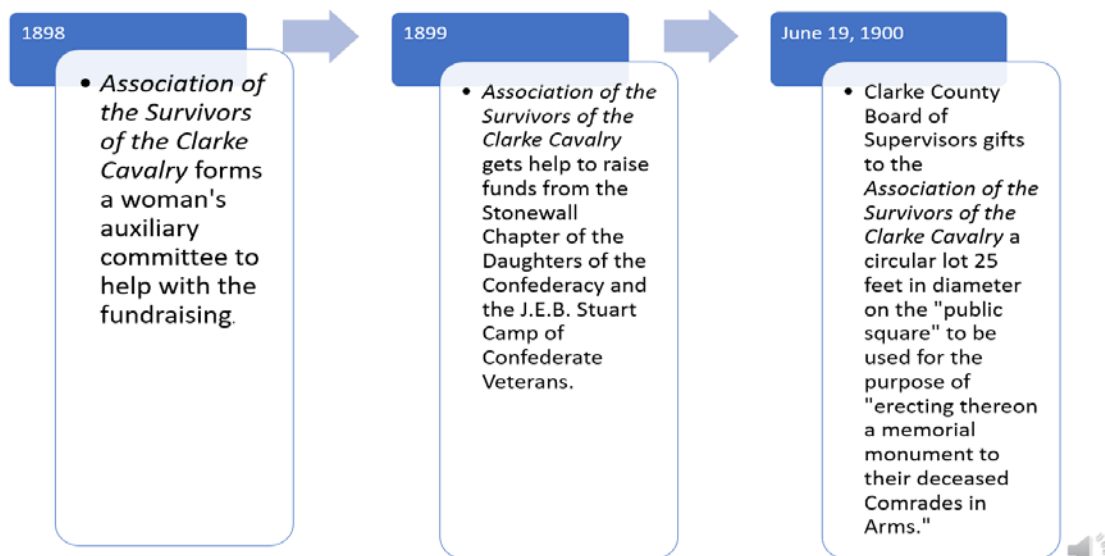
completed a very detailed time line that provides much more information as well lists the sources- but here I am just listing the highlights.

- August 30, 1884- first meeting of the Association of the survivors of the Clarke Cavalry where they decide that they want to erect a monument to the confederate dead. The minutes show that they considered several locations including Old Chapel, Green Hill cemetery, and the cemetery at Grace Episcopal church. By their meeting on February 13, 1886 they decided they wanted it in Berryville on the courthouse yard. They communicated with Senator Marshall McCormick, who had been the Clarke County Commonwealth’s Attorney, to request that he introduce enabling legislation so they could receive title to the site of the monument. Two weeks later the two acts were passed by the General Assembly.
- March 1, 1886- they are incorporated by the General Assembly and allowed to hold real estate and be tax exempt- same day the General Assembly authorizes the Clarke County BOS to convey part of the public square (25 feet in diameter) to the Association for the erection of a monument.
- I was unable to find much about how the request between the Association and the Board of Supervisors transpired- but obviously there were conversations between the two bodies and maybe some cross over in membership.



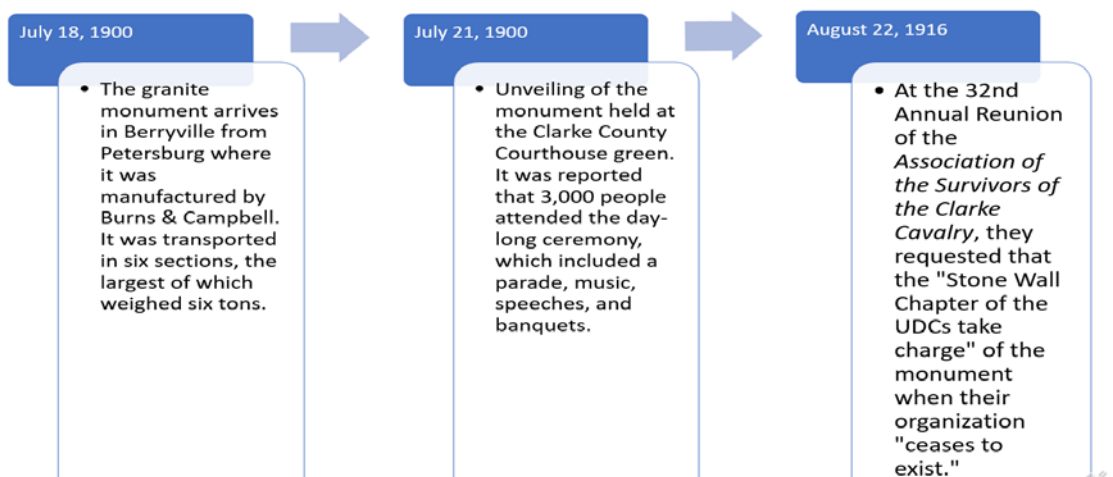
- Between the years of 1886 and 1887, the Association’s meeting minutes reflects their attempts to raise money through donations and subscriptions. In 1886 they had about \$850 in subscriptions- by 1887 \$1,000 had been raised but they didn’t think this was enough to commence the work.

- Between 1888 and 1896 no work on the monument progressed- they continued to meet annually and in 1890 they decided that “owing to the stringency of the times” they wouldn’t be able to raise the necessary funds. There was a financial downturn in the country during this time that included a crash in wheat prices- so there was an effect locally.
- In 1891, Captain William Nelson of Millwood who had led “Nelsons Rifles” approached the Association and asked them to provide funding to the Ladies Memorial Association of Millwood as they wanted to erect a monument to the Confederate dead at Old Chapel. The Association said no because they wanted the monument to be in Berryville -either at the courthouse or an adjacent cemetery.
- On June 18, 1892, the monument at Old Chapel was dedicated. The Association members attended the ceremony but provided no funding. The monument at Old Chapel is also of granite like the one in Berryville, but it is simple a shaft with inscriptions on the sides and topped by a pile of cannonballs. It was produced by Deahl and Bros in Charles Town, WV.
- It was not until the Association’s August 1897 meeting that the monument is mentioned again - this time they decided to discharge the old committee and create a new one- they had about \$283 in cash- presumably many of the subscriptions were unable to be paid.



- A year later in 1898 the Association had raised an additional \$220 and decided that they needed a women’s auxiliary committee to help them raise funds.

- By April 1899 they had \$625 and needed \$375 more so they appealed to the Stonewall Chapter of the United Daughters of the Confederacy and the JEB Stuart Camp of Confederate Veterans for help in raising the additional funds. They were able to raise the money quickly and conferred with the two other organizations regarding the proposed design.
- In looking at the JEB Stuart Camp of Confederate Veterans meeting notes (also held at the Clarke County Historical Association Archives), they resolved to cooperate with the Association of the Survivors of the Clarke Cavalry and the UDC to help raise funds for the monument. During this time, the Clarke Courier advertises different lectures, musical events, and other entertainment that were being sponsored by the UDC to help raise funds for the monument- one of them was for a speech about Jefferson Davis where admission was 10 cents.
- Nothing is mentioned in the Association minutes about getting the deed for the land from the county, but the September 20, 1899 minutes of the Board of Supervisors reflect a motion was adopted to donate a circular lot to the Association not more than 25' in diameter for the erection of a monument to the Confederate dead – the resolution stated they were acting in accordance with the General Assembly Acts passed in 1886.
- In January 1900- the Clarke Courier announced the monument manufacturer, that the design of "Appomattox" had been chosen, and that the unveiling would occur in July of that year. Many newspaper articles followed concerning planning about the dedication ceremonies.
- Finally, on June 19, 1900, less than a month before the dedication, the Clarke County Board of Supervisors gifted the Association that circular plot of land 25 feet in diameter that had been talked about since 1886, 14 years earlier.

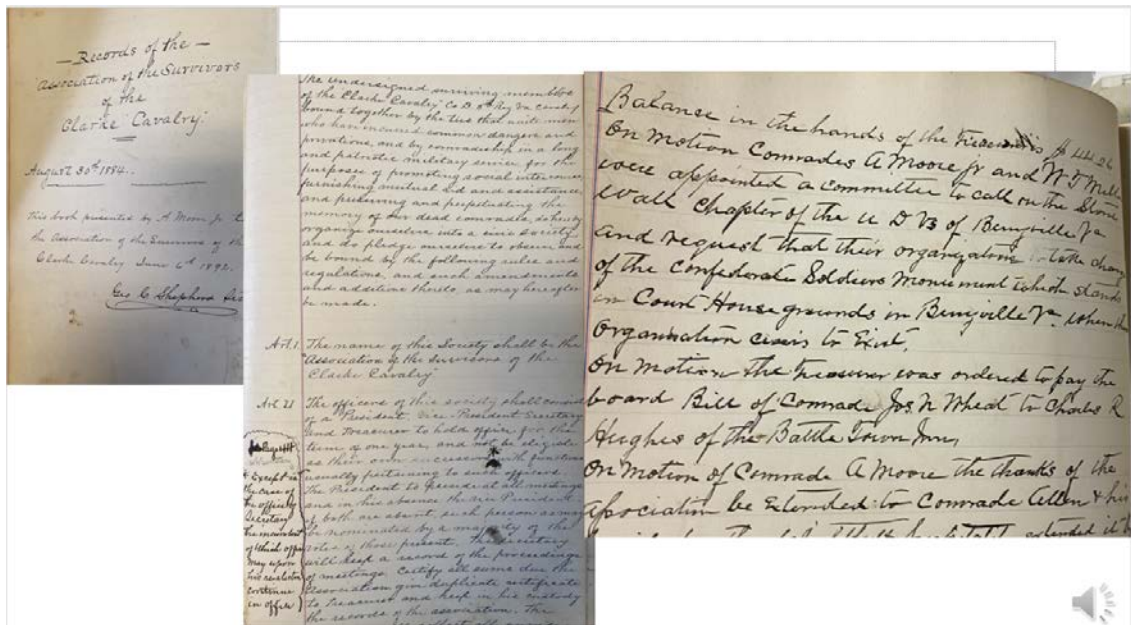


- In the weeks leading up to the dedication, the newspaper described what the day would hold and encouraged people to attend. The N&W railroad offered special excursion rates from points south so that people could come from afar by train. The monument arrived in Berryville on July 18th- in six sections with the largest piece weighing 6 tons.
- The unveiling occurred on July 21, 1900. The date was the 39th anniversary of the First Battle of Manassas or Bull Run, the first major battle of the Civil War. According to newspaper accounts 3,000 people attended and the program began at 10 AM with flag presentations to the Survivors of the Clarke Cavalry. It was a spectacle with many events throughout the day including a parade up Main Street; the local UDC women arriving in six carriages; other camps of Confederate veterans marching, and 200 men on horseback from throughout the county. The dedication was at 11:45 at the monument and the oration was given by James W. Marshall, a judge from Augusta county who spoke for over an hour.
- There were choirs, bands, red and white bunting and intense heat- After the ceremony there was a banquet (for over 1,000) held at Winston Hall on East Main Street.
- The next thing of interest I found was in the minutes of the 32nd Annual Reunion of the Association of the Survivors of the Clarke Cavalry, in August 1916 – they wanted to approach the Stonewall Chapter of the UDC to take charge of the “Confederate Soldiers Monument” which stands in Court House grounds in Berryville, VA “when this organization ceases to exist.”
- I consulted the UDC records that were available locally, and at the UDC headquarters in Richmond, and I also checked the deed indexes to see if the Association ever officially conveyed the monument to the UDC or any other entity- including back to the Board of Supervisors- I found nothing to indicate that they had. The Association’s last meeting was in 1918 according to the minute book.
- The Stonewall Chapter of the United Daughters of the Confederacy ceased to exist in 1932. I also looked in the Board of Supervisors minutes up through 1959 to see if there was a mention of the monument reverting back to them- nothing was found- which lines up with the fact that only one deed was found giving land for the monument to the Association in 1900.

Methodology and Sources

- Newspaper articles of the period
- Records of the Association of the Survivors of the Clarke Cavalry (1884-1918)
- General Assembly Legislative Acts
- Clarke County Land Records
 - Indexes; Deed Books
- Clarke County Board of Supervisors Minutes
- Minute book of the J.E.B. Camp of Confederate Veterans
- Loose papers of the Stonewall Chapter of the U.D.C.
- Archives of the U.D.C. (Richmond)
- Other: Thomas Gold's *History of Clarke*, 1914; other monuments in Va.; Timothy Sedore's book on confederate monuments in Va.

– This is the list of the resources I consulted- I used mainly primary resources from the period available in public repositories or local historical associations. I was unable to find private papers that are not held in public libraries or archives. But the official records I found show that the county does not own the monument or the property on which it stands.



– Here are images of some of the sources I consulted- this is the minute book of the Association of the Survivors of the Clarke Cavalry- the center image shows the acts from their organization and the one on the right is from 1916 where they wanted a committee to contact the UDC to see if they would take over the monument.

County Attorney, Robert Mitchell gave the following legal opinion. Based on Maral Kalbian's research, which lays out the history and the property on which the memorial is located. Since it was deeded to an association, it becomes a question of what authority the Board of Supervisor has with respect to that property and that statue. Prior to the last legislator session, the statute of Virginia prevented a local government from removing, altering, or relocating statues that commemorate members or in memory of any previous wars engaged by the United States. However, the Legislator amended that statute in 2020 and gave the locality authority to remove, relocate, contextualizing, or cover any monument or memorial on the localities public property. The problem here is that the monument is not on the locality's public property. It is on the property that was deeded to the Association of the Survivors of the Clarke Calvary. Consequentially, my determination and opinion to the Board of Supervisors is that you do not have the authority, absent taking any other legal action to be able to remove that statue, relocate it, or cover it because it is not on County property.

Supervisor Lawrence asked when it states survivors if that means the cavalrymen or their ancestors. Robert Mitchell opined that the difficulty is that the property was not deeded to the individual members of the association. Adding that the State Legislator established the association as a corporation, consequently the property was titled in the corporation, not in the members of the corporation. Therefore, in my opinion, you would not be able to determine that the descendants of the association own the property. Adding that there is a process by which a corporation if it dissolves the directors than become trustees of liquidation, to expose of the property of the corporation. Explaining that acting in that capacity, upon their dissolution, they would have been able to give it to the County or another association but that did not occur.

Supervisor Bass asked if it was reasonable to assume that there will be litigation over the new statute that went into effect on July 1, 2020. Robert Mitchell opined that he has not heard of any litigation contesting the validity of the statute. Adding that the situation that Clarke County is in is an unusual one, as Maral Kalbian's report indicated, there are memorials located throughout Virginia and almost all of them are located on public property. Clarke County is somewhat rare because the actual land was deeded to an association.

Chair Weiss stated that six (6) weeks ago the County Administrator, Chris Boies, gave the Board a synopsis of what was known at the time. The Board was made aware and were surprised that the County does not own the statue. The Board believes that these men regardless of their personal valor for the statue and the South were on the wrong side of history. Adding that none of these discussion reflect the

denial or justification of slavery, segregation, or any of the ills that effected the people of our County or Country. That being said, the Board is in a position that we are not sure what to do at this point. Further explained to the audience that following this there will be a closed session, seeking legal advice in reference to the statue and what steps the Board may or may not be able to take.

Chair Weiss expressed that the job of the Board is to bring unity to our County, this has the great potential to be a very divisive issue as it is throughout the Country. Personally, believe that this Board needs to think seriously on how to bring the community together and to move forward.

At the October 20, 2020 Regular Meeting, for clarification, Chair Weiss stated that he was not certain that he stated emphatically that the cause of the Civil War and the reason of what it was fought over was slavery. Initially it was the expansion of slavery in the new states and territories, then after the Emancipation Proclamation, it was indeed solely about the abolition of slavery. Adding that what he said about the individual reasons that people fought is true, do not believe anyone of us will know, for any war, why an individual soldier fights and under what circumstances does he/she commit acts of valor or cowardice, either way.

Supervisor Lawrence opined that education is important and this research has helped. Adding that we are in a different period and it will be good to educate ourselves and the community.

The Board allowed Adeela Al-Khalili to speak in regard to the statue, she put forth the following points:

- Stated that there is an article in the *Smithsonian Magazine* by Kevin Levin who has done extensive research on if there were black confederate soldiers.
- Quoted the comment in the article: “By the beginning of the 20th century, Confederate monuments blanketed prominent public spaces in cities and towns throughout the South and even beyond. They celebrated the Christian virtue and bravery of the Confederate soldier, as well as generals such as Robert E. Lee and Stonewall Jackson. And denied the fact that the war had anything to do with the preservation of slavery and white supremacy.”
- Reiterated that that was what the Civil War was about.
- Continued quoting the article, “Although these monuments ignored the steps that African Americans took to undermine the Confederacy by fighting

against it and as a result denied they had any interest or agency in attaining their freedom.”

- Noted that at the time, the General Assembly probably had no African Americans on the assembly, and there were probably none on the Board of Supervisors. Adding that we are talking about a situation of representation that did not exist to make decisions for people who have to come to the area and pay taxes at a place where there is this monument that is supporting and reminding us that we are not equal citizens.

The Board allowed Charles Maurer to speak in regard to the statue, he put forth the following points:

- Thanked Chair Weiss for asking for the inscription on the statue. Adding that the inscription of the monument is clearly an in your face lost cause.
- Suggested that the Board ask the Attorney; since we have ownership issues, can you legally put up contextual signage beyond the 25 feet parameter, so when you see the monument, it can explain the proper context.

- 8) Closed Session pursuant to §2.2-3711-A8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel

At 2:00 pm, Supervisor Catlett moved to enter closed session pursuant to §2.2-3711-A8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried by the following vote:

| | | |
|------------------|---|-----|
| Matthew E. Bass | - | Aye |
| Terri T. Catlett | | Aye |
| Doug M. Lawrence | - | Aye |
| Beverly B. McKay | - | Aye |
| David S. Weiss | - | Aye |

At 2:38 pm, The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Bass moved to; reconvene in open session. The motion carried as follows:

| | | |
|------------------|---|-----|
| Matthew E. Bass | - | Aye |
| Terri T. Catlett | | Aye |

Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

Supervisor Bass further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia. The motion was approved by the following roll-call vote:

Matthew E. Bass - Aye
Terri T. Catlett - Aye
Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

No action was taken following Closed Session.

Chair Weiss emphasized that he has thought about these statues and what it means to different people. Expressed that as the elected leaders we are supposed to look at information and make decisions. In this particular case it is difficult to make a decision based on the fact that the County does not own the property or the statue. Personally, the methodology that could be used to find a solution is to form

a citizen's committee, over the next several months, to work through the options that the County has. The committee could review legal options regarding ownership, how we may contextualize, and tell other people's stories in our history. It is important that the committee be a cross section of the community, so the Board can realize the many different views on how to proceed, so the Board can move forward in a way that will bring this community together.

Supervisor Bass stated that the reason he loved growing up in this County was that people always talked to one another and always helped each other. Personally supports Chair Weiss's proposition, that we have complete faith in the residents of Clarke County and that they will treat each other with respect, listen to each other, and come together even when presented with various options; to make the decision that is best for the County as a whole.

Supervisor Catlett expressed that the research that was done did surprise the Board and it told the story of what was happening with one part of the County during that time. Hope that a committee will help get in touch with other stories in our community at that time. One of the goals of the committee would be to unify the County and make the Board of Supervisors aware of everything that was happening during that timeframe.

Supervisor Lawrence stated that he is in favor of a committee to get more research done and figure out the options.

Vice-Chair McKay expressed that he supports a committee adding that education is important and more research will assist in the process.

By Consensus, it was decided to form a committee to focus on the statue and options.

Chair Weiss asked for patience from the community while we figure out the details.

9) Board of Supervisors Personnel Committee Items

A. Expiration of Term for appointments expiring through November 2020.

2020-09-08 Summary: The Personnel Committee recommends the following:

- Appoint Robin York to the Board of Social Services to fill the unexpired term of Alan Melusen, expiring July 15, 2022.
- Appoint Matt Peterson to People Inc. as the Citizen Representative, to fill the unexpired term of Coleen Hillerson, expiring July 31, 2022.

- Reappoint Rodney Pierce to the Industrial Development Authority, to a four-year term expiring October 30, 2024.

2020-09-15 Action: Chris Boies reviewed the Personnel Committee recommendations.

Vice-Chair McKay moved to accept the appointments. The motion carried by the following vote:

| | | |
|------------------|---|-----|
| Matthew E. Bass | - | Aye |
| Terri T. Catlett | - | Aye |
| Doug M. Lawrence | - | Aye |
| Beverly B. McKay | - | Aye |
| David S. Weiss | - | Aye |

10) Board of Supervisors Work Session Items

Board of Supervisors Work Session Agenda
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611

September 8, 2020, 10:00 AM, Main Meeting Room

Board Members Present: Matthew E. Bass, Terri T. Catlett, Doug M. Lawrence, Beverly B. McKay

Board Members Absent: David S. Weiss

Officers / Staff Present: Chris Boies, Barbara Bosserman, Cathy Kuehner, Brian Lichty, Sheriff Anthony "Tony" Roper, Alison Teetor

Others Present: None

Press Present: Mickey Powell

09-08-2020 Summary: At 10:00 am, Vice-Chair McKay called the meeting to order.

A. Update from Barbara Bosserman on the November election

The Board heard an update from Registrar Barbara Bosserman on the upcoming November election. Barbara explained how the early voting and mail-in voting would work. Early voting will take place at the Berryville-Clarke County Joint Government Center and a drop box will be placed in the parking lot for voters to drop off their mail-in ballots. Barbara explained how she intended to manage the traffic flow through the building during the early voting period. There were also discussions about how to clean common spaces in the building because of the increased traffic and COVID concerns.

B. Discussion and planning for the fall legislative priorities meeting

The Board discussed the fall legislative priorities meeting. It was decided due to social distancing requirements to hold the meeting in the Board meeting room this year. The County Administrator was asked to survey the legislators to see if they preferred to meet before or after the November election. Staff was also asked to update the previous legislative priority list to reflect changes made in the last legislative session for review at the October Work Session.

C. Discussion on a proposed use for the Kohn Property

A discussion was held on potentially leasing the Kohn property to the Potomac Appalachian Trail Club as a cabin rental and for outdoor recreation. Staff recommended several changes to the proposed lease including changing the ten-year lease to two five-year terms, adding a cancellation clause, and including language that Parks and Recreation could use the property for 15 days a year for outdoor recreation activities. It was explained that the installation of a well and improvements to the septic system would be the responsibility of the County (the Easement Authority plans to use stewardship funds to pay for these improvements) and the cabin repairs would be the responsibility of the trail club.

Supervisor Lawrence mentioned it would be nice local groups like the 4-H club could be given the right to use the property and that it would be nice if some of the fields could be planted in wildflowers instead of the current mowing practices. Supervisor Bass said he would like the County to have the right to inspect the property at any time when the cabin was not occupied. There was also a discussion on the prohibition of hunting and discharging a firearm in accordance with the easement and gift restrictions. There was general support of the concept moving forward for legal review for the Board to potentially take action on this fall on a final agreement/lease.

D. Census Update

The Board heard an update from staff on the 2020 Census. The Clarke County response rate is 70.6% compared to the statewide response rate of 69.8%. The response rate in 2010 was 64.8% for Clarke County. The Census schedule was altered due to COVID-19. The self-response phase was scheduled to end on July 31 but has been extended to September 30. The County will work to get the word out to citizens of this upcoming deadline. The nonresponse follow-up conducted by Census workers was also scheduled to end on July 31 but was extended to September 30. Board members noted how important it was for Clarke County residents to be counted and asked the press to help get the word out.

E. Fire companies COVID-19 funding discussion

The Board also added an item to the agenda, a discussion on a letter drafted by Supervisor Bass concerning a potential second round of CARES funding. The letter lobbied that if a second CARES funding package gets approved that the County requested volunteer fire companies be eligible for funding based on revenues lost due to COVID-19 social distancing restrictions. The Board asked that the letter be placed on the full Board agenda (September 15, 2020).

At 11:00 am, Vice-Chair McKay adjourned the meeting

2020-09-15 Action: Chris Boies reviewed the work session summary. Adding the following:

- November election: thanked Barbara Bosserman, Gordon Russell, and maintenance staff for their work in getting the drop-box ordered, installed, and under surveillance.
- Legislative Priorities: heard from Senator Vogel and Delegate Gooditis that they would like to attend the meeting the first or second week of November. Staff will use the legislative priorities list from last year to draft this year's and present the draft at the October work session.
- Kohn property: Alison Teetor is working with the Historic Preservation Commission to draft an agreement, it will be sent to Robert Mitchell for review. Hope to present the agreement at the October work session.
- Census: for the public the census counting ends September 30, according to the website approximately 30% of the County's population has not

responded. Cathy Kuehner, Director of Public Information, has advertised in different locations for people to participate.

For the record, Chair Weiss stated that he did ask Chris Boies to analyze EMS spending. Since 2016 revenue has increased and spending has also increased, roughly \$452,000, there was thought that the Board of Supervisors have not funded EMS but this was a misinterpretation. Adding that the school funding from 2016 to current, has been relatively level in relation to spending.

11) Finance Board of Supervisors Finance Committee Items

A. CARES Act funding:

2020-09-08 Summary: The Finance Committee reviewed the CARES funding update from the US Treasury.

The Finance Committee recommends to the full Board approval of reimbursement for the following expenditures using CARES funding:

- Invoice history report (pages 37-38) in the amount of \$48,491
- Central store purchases (pages 39-42) in the amount of \$8,327
- Part-time Animal Shelter salary (page 43) in the amount of \$2,435
- Town of Berryville expenses (page 44) in the amount of \$6,108

The Finance Committee recommends to the full Board approval of new CARES funding as follows:

- Tourism \$58,150 (\$50k marketing, \$4k Economic Response Team, \$4,150 Go Virginia)
- Drop Boxes at Government Center \$15,000
- Blank Slate Online Training for Sheriff's Office \$3,000
- Message Board Trailer \$20,000
- Camera for Social Services Entrance Door \$250

2020-09-15 Action: Brenda Bennett and Chris Boies reviewed the Finance Committee summary. Adding the following:

- For tourism marketing most localities are using the CARES Act funding for advertising, in our case we would like to do some graphic designing, videography, and targeting marketing with iHeartRadio and other companies. Frederick County and City of Winchester is using approximately \$350k, Shenandoah County is using approximately \$125k, and Rockingham County is using approximately \$120k. Asking for \$50k, all has to be used for COVID-19 related messages.

- For the Economic Response Team asking for \$4k to go toward regional business recovery efforts.
- For the GO Virginia asking for \$4,150, to provide training to individuals to match the required industry skills.
- Drop Boxes at the Government Center request is \$15k, for the concrete pad and drop boxes for the Commissioner of the Revenue and the Treasurer. Vice-Chair McKay stated that this was discussed at the Joint Building Committee to complete that project because those drop boxes will need to be readily available for the December tax payment, with the drop boxes currently in the drive thru line this would reduce the amount of traffic for those just trying to drop off their payment without having to congest the Treasurer’s drive thru line.
- Blank Slate Online Training for Sheriff’s Office \$3k, enables online training due to COVID-19. Travis Sumption, Deputy Sheriff, stated that this online training is required and allows deputies to train and retain all of the required information.
- Message Board Trailer \$20k, used for COVID-19 related messages throughout the County.
- Camera for Social Services Entrance Door \$250, allows staff to see who is entering and send the appropriate staff member to assist.
- Small Business Assistance Program the Board has previously approved \$100k ask that the Board expand the approval to \$285k since we have received applications that add up to \$285k. Hope to get applications approved by the review committee and paid out by the end of the month.

Chris Boies stated that after all of these expenses there is approximately one million CARES Act funding undesignated for future expenditure.

Vice-Chair McKay expressed that he visited many businesses in his district and even businesses that did not qualify were supportive of the program and appreciated that the County was doing it.

Supervisor Bass indicated that he was pleased that we received many applications. Asked if excess could be used to supplement even more; Chris Boies answered that the Board could approve a second round of funding.

Supervisor Lawrence moved “Be it resolved that FY20 budgeted expenditure and appropriation be increased \$26,710, and revenue in the amount of \$26,710 from the Federal CARES Act fund be recognized, all for the purpose of reimbursement of qualifying FY20 Covid-19 related

expenditures.” Further moved "Be it resolved that FY21 budgeted expenditure and appropriation be increased \$38,651 and revenue in the amount of \$38,651 from the Federal CARES Act fund be recognized, all for the purpose of reimbursement of qualifying FY21 Covid-19 related expenditures.” The motion carried by the following vote:

Matthew E. Bass - Aye
Terri T. Catlett - Aye
Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

Supervisor Catlett moved to allocate a total of \$281,400 of CARES Act funding for the following; \$58,150 for Tourism (\$50k for marketing, \$4k for Economic Response Team, and \$4,150 for Go Virginia), \$15,000 for Drop boxes at Government Center, \$3,000 for Blank Slate Online Training for Sheriff’s Office, \$20,000 for the Message Board Trailer, \$250 for the Camera for Social Services Entrance Door and an additional \$185,000 for the Small Business Assistance Program. The motion carried by the following vote:

Matthew E. Bass - Aye
Terri T. Catlett - Aye
Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

B. Assistance to Firefighters Grant-COVID-19 Supplemental (AFG-S)

2020-09-08 Summary: The Finance Committee recommends approval.

2020-09-15 Action: Brenda Bennett explained that the grant is mainly for the purchase of PPE and related supplies, the grant consists of \$13,714.29, with a match of \$685.71, for a total budget of \$14,400. After review,

Vice-Chair McKay moved “Be it resolved that the FY21 budgeted revenue, expenditure, and appropriation of the Fire and EMS department be increased \$13,714.29 for the purpose of receiving and spending the Assistance to Firefighters Grant.” The motion carried by the following vote:

Matthew E. Bass - Aye
Terri T. Catlett - Aye

Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

C. Revenue Review

2020-09-08 Summary: The Finance Committee reviewed an updated revenue spreadsheet for FY20, which was provided at the meeting. Staff discussed the reasons certain revenues were up and down from projections. It was noted that the delay in the real estate and personal property tax due dates had impacted collections of those two revenue sources. Overall revenues were short by 2% of projections. It was noted that the numbers would not be finalized until the auditors had reviewed all accounts.

2020-09-15 Action: Brenda Bennett reviewed the summary. Noted that the sales tax is up significantly and the building permit revenue is higher than what was budgeted. Chris Boies emphasized that we lost three weeks of tax collection. The Treasurer is still working on collecting the delinquent taxes, but the problem is that it will be accounted in the FY2021 fiscal year when it is collected. In theory, FY2021 will have higher collection in delinquent tax collections, all because the due date was changed to the end of June. Treasurer collection rate still in the high 90%.

David Weiss asked and Brenda Bennet confirmed that 2% is approximately \$400,000-\$600,000 loss.

Chair Weiss stated that the forecast for Sales Tax is conservative and for FY2020 and FY2021 the budgeted amount will probably be exceeded.

Brenda Bennett confirmed that the audit is scheduled for the first week in October; it takes a few weeks to be finalized, so hoping to hear back at the end of October and expect to have Robinson Farmer Cox present in December or January.

D. Bills and Claims.

2020-09-08 Summary: The Finance Committee recommends acceptance.

2020-09-15 Action: Following review, **Supervisor Catlett moved to accept the August 2020 Invoice History Report. The motion carried by the following vote:**

Matthew E. Bass - Aye
Terri T. Catlett - Aye
Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

E. Standing Reports. FYI: Reconciliation of Appropriation, General Fund Balance, General Government Capital Projects, Expenditure Summary

2020-09-15 Action: Information only.

12) Joint Administrative Services Board

Brenda Bennett highlights include:

- Reviewed payout for Tom Judge.
- Discussed Joint Administrative Services position changes.

13) Government Projects Update

Chris Boies provided the monthly project update:

- I would like to thank Brenda Bennett and Brian Lichty for their work on the CARES review committee. Our goal is to be 100% compliant but the rules are not very clear. They have done a lot of research and worked really hard to keep the County in compliance. In speaking with a VACO official this week, localities all across the Commonwealth are struggling to understand the guidance provided.
- The working group for the new Fire and Rescue Agreement met again last night and reached a consensus on a new agreement. We need to type up the final draft for final review and then it will go back to the Companies and to the Commission for review before coming to the Board, possibly in October but more than likely in November. Supervisor Catlett has been your representative on that group and has been a solid voice of reason and compromise, we thank her for her leadership.
- The Courthouse HVAC project has been awarded to M.S. Johnston Company for \$109,000, this work will be completed the last two weeks of October into the first week of November. A special thanks to Joey for spearheading this project through after some difficulties in the design process.

- The childcare program is up and running at Upper Cooley with over 50 school-aged children attending. A special thanks to Melinda Seals and Lisa Cooke for getting this program put together so quickly. I toured the facility today and the kids are actively engaged and enjoying their time. Believe that the enrollment is lower due to many families still teleworking.

Brian Lichty provided the following update on Blue Ridge staffing and COVID-19:

- As of this morning, little over 29 million COVID-19 worldwide and worldwide deaths 929,000.
- United States cases over 6,500,000 and deaths just over 194,000.
- Virginia cases roughly 135,500 with 1,785,000 tested, so 7.1% and 2,839 deaths.
- For the Northern Shenandoah Valley area, there are 2,454 cases and 104 deaths. Roughly, 2%, which is well below the State.
- Only 88 cases in Clarke County with zero deaths.
- Touchless screen devices are in and being used.
- Doing well with PPE stock.
- Established a mask cleaning process.
- N95 class will be held here on Columbus Day.
- Put out the Department of Labor regulations and have done eleven (11) classes with over seventy (70) certifications.
- Blue Ridge Volunteer Fire Company has had three (3) days with staffing and three (3) other days are currently scheduled.
- Doing ability testing and interviews every weekend.
- To date we have thirty-one (31) applicants, thirteen (13) out of seventeen (17) have passed the written test, and nine (9) out of ten (10) have passed the ability test.
- Anticipate extending three (3) to five (5) employment offers by the end of the week.

Chair Weiss stated that on the EMS Commission level there was an issue of timing with Blue Ridge staffing. Brian Lichty voiced that there was discussion about how much time it is taking, adding that he believes that it is moving as fast as it can with only two personnel in the office.

Chair Weiss asked if a volunteer could be utilized as one of the staff members at Blue Ridge. Brian Lichty conveyed that this was discussed at the EMS Commission and the way it was interpreted was that currently Blue Ridge felt that they could not provide

that other person. Chris Boies emphasized that it was made clear that if Blue Ridge had a volunteer that could be at the station at designated hours, giving at least a weeks' notice, we would staff the station with a volunteer and a career person.

Vice-Chair McKay stated that he heard that some people that volunteer at Blue Ridge could not drive the equipment. Brian Lichty, Chris Boies, and Chair Weiss confirmed that there is one piece of equipment that cannot be drove by all because it was awarded through a grant therefore; there is a driving policy for that apparatus.

Supervisor Lawrence opined that one is better than none, some days at Enders there are four or five people there, so if there was one up at Blue Ridge than they could respond knowing that there will be backup from Enders. Chris Boies suggested that having one person is not an ideal situation because of safety and liability concerns. Supervisor Lawrence added that the requirement for a volunteer to set their schedule a week in advance is difficult.

Chair Weiss stressed that with liability the Board needs to follow the Director's advice on staffing numbers. For many years, I have personally asked all of the stations volunteers to create fixed duty crews, this would help us know when volunteers are on duty and then we can send staffing there knowing that no one will be alone.

Chris Boies stated that staff will continue to find ways to make things work.

David Weiss expressed that it is difficult to get volunteers to have a fixed schedule.

Supervisor Catlett proclaimed that it is difficult because they are volunteers and it is a major time commitment.

Supervisor Lawrence explained that it would also help if volunteers had the option of responding from home. Chair Weiss asserted that there are issues with that also because they may not respond even if they are marked as on the schedule.

Brian Lichty indicated that these are all legitimate concerns, reiterating Chris Boies that staff will do their best, without compromising employee safety but still meeting all of the goals. Added that he hopes that in a month from now we will have enough part-time employees hired to fill those shifts.

Chair Weiss pointed out that there are still no plantings between the trees outside of the Berryville Clarke County Government Center. Supervisor Lawrence expressed that it could be done at the same time that the bushes are pruned properly.

14) Miscellaneous Items

None added to the September 15 meeting.

15) Summary of Required Action

| <u>Item</u> | <u>Description</u> | <u>Responsibility</u> |
|-------------|--|---------------------------------|
| 1. | Process approved minutes for August 18, 2020, Regular Meeting Minutes. | Brianna R. Taylor |
| 2. | Execute Resolution 2020-16R | David S. Weiss |
| 3. | Process Resolution 2020-16R | Brianna R. Taylor |
| 4. | Execute notice of appointment and thank you letters | David S. Weiss |
| 5. | Process appointments, thank you letters, and update database. | Brianna Taylor |
| 6. | Execute Letter to Anthem and Valley Health concerning employee health insurance. | David S. Weiss |
| 7. | Process Letter to Anthem and Valley Health concerning employee health insurance. | Brianna R. Taylor |
| 8. | Update Legislative Priorities list and put on October Work Session Agenda. | Brianna R. Taylor |
| 9. | Setup Legislative Priorities Meeting. | Chris Boies & Brianna R. Taylor |
| 10. | Kohn Property lease agreement. | Chris Boies & Alison Teetor |
| 11. | Process CARES Act funding actions for FY2020 and FY2021. | Brenda Bennett |
| 12. | Process Assistance to Firefighters Grant-COVID-19 Supplemental (AFG-S). | Brenda Bennett |
| 13. | Process Bills and Claims. | Brenda Bennett |

16) Board Member Committee Status Reports

Supervisor Matthew E. Bass*Board of Septic and Well Appeals*

- No meeting.

Library Advisory Council

- No meeting.

Planning Commission

- Approved Sheetz revised site plan.
- Approved two minor subdivisions, one off Springsbury road and the other off of Lord Fairfax Highway.
- Continued discussion on short-term rentals. Decided that this would go to the policy committee for further in depth discussion, more information next month. Chair Weiss stated that he found Felicia Hart's conversation with hospitality personnel interesting because they were not concerned about anything under three (3) bedrooms.
- Work Session will pick back up next week.

Sheriff Office

- No meeting.

Josephine School Community Museum Board

- No meeting, planning to meet as soon as possible.
- Event this Saturday to clean up Josephine Street.

Legislative Updates – High Growth Coalition

- Special Session began on August 18, 2020, will have an update when they come out of that session.

Northwestern Regional Juvenile Detention Center Commission

- First meeting on October 1, 2020.

Northwest Regional Adult Drug Treatment Court Advisory Committee

- Meeting in October and hope to have the internal audit report.

Supervisor Terri T. Catlett

Career and Technical Education Advisory

- Has not met.

Clarke County Humane Foundation

- Meeting is tomorrow.
- November 14 there will be a rabies clinic.

Conservation Easement Authority

- Meeting scheduled for Thursday.

Parks & Recreation Advisory Board

- Next meeting is in October.

Clarke County Historic Preservation Commission

- Meets tomorrow
- The Seeberger's, who discussed the fence last month at the citizen comment, will be there to present.

Chair Weiss stated that there are other overlay historic districts and he did not recall that fencing restrictions were put in for those historic districts. He suggested that Supervisor Catlett research and discuss with staff. Chair Weiss confirmed that historically, the historic districts allowed land owners to qualify for funds to help them enhance or rebuild their properties; they have not been used to further restrictions. Vice-Chair McKay expressed that there are some architectural restrictions in the overlay district in White Post. Supervisor Catlett confirmed that the first goal is to allow people to apply for additional funding.

School Board

- Meet next week.

Supervisor Doug M. Lawrence

Board of Social Services

- Meeting next week.

Berryville/Clarke County Joint Committee on Economic Development and Tourism

- Meeting this week.

Broadband Implementation Committee

- Do not meet until October.
- Been reaching out to electric cooperatives.
- NOVEC has interest in running fiber to the home, will get more information.
- Talking to Shenandoah Valley Electric Cooperative.
- Hope to reach Rappahannock Electric Cooperative to see if we can do anything with them.

- Thanked staff for looking into using CARES Act funding to help citizens in the County, this may not be feasible but we are looking.
- Longtime goal is to run fiber to the homes.

Northwestern Regional Jail Authority

- Has not met.

Vice Chair Bev B. McKay

Northern Shenandoah Valley Regional Commission

- Waiting on the minutes.

Clarke County Sanitary Authority

- Water treatment plant tour is scheduled for October 9, 2020.
- Collections are improving because properties with liens have sold.
- Chris Boies stated that the CARES Act funding cannot be used because not allowed to do revenue replacement.
- The plant operator is doing a great job and levels are down, due to equipment replacement and upkeep of the plant.
- Will start the tracing of the pipelines.
- There was a discrepancy between processed water and sold water, they found a leak to correct that problem.

EDAC

- Meets tomorrow.

Town of Boyce

- Missed the meeting.

Chairman David S. Weiss

Berryville/Clarke County Joint Committee on Economic Development and Tourism

- Meeting this week.

Veterans of the Year Award

- Supervisor Bass stated that he would attend on Friday.

Fire & EMS Commission

- Supervisor Bass stated that there was a discussion to reevaluate staffing on a month-to-month basis. Supervisor Lawrence explained that the evaluations gave data for the calls.

- Chris Boies stated that reevaluation would look at reporting month to month.
- Supervisor Lawrence stated that Enders did a walk thru of Robert Regan House, there was a good report for our Building Official, that he was very thorough and made sure everything was done correctly for safety. Chris Boies asked the Board if they would be interested in taking a tour, adding that Building Official, Jamie Royston, is working hard and making sure everything is done correctly.

17) Adjournment

At 4:19 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, October 20, 2020, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: September 15, 2020

David S. Weiss, Chair

Chris Boies, County Administrator

Transcribed by Brianna R. Taylor, Deputy Clerk to the Board of Supervisors