

Monument Committee

Minutes

6:30 pm, Thursday, February 4, 2021

Meeting Room AB Berryville / Clarke County Government Center
101 Chalmers Court, 2nd Floor, Berryville, Virginia

1. Call to Order The meeting was called to order by Chairman Staelin. In attendance were committee members John Staelin, Gwen Malone, Bob Stieg, Will Nelson, Daniel Nelson, John Burns, Meg Roque, and Lee McGuigan. A number of citizens and the press were in attendance.
2. Approval of January 21, 2021 Meeting Minutes-The minutes were approved by consensus.
3. Models for Interpretation and Contextualization-Maral Kalbian-Ms. Kalbian provided a presentation (attached) on the differences between monuments, signs, markers, QR codes, and websites. Each medium was discussed and examples were provided. Ms. Kalbian also went over a list of potential subjects which could be commemorated using one of the mediums discussed. Pictures of areas around the existing monument where future monuments or signs could be placed was also shown to the Committee.
4. Other Civil War Citizens-Maral Kalbian-Ms. Kalbian shared research conducted by Jane Ailes, who was unable to attend the meeting. Ms. Ailes' research showed a number of men of color born in Clarke County fought during the Civil War. The presentation included where the information was found and an example of a document found in her research. This group of individuals was noted as being one possible group to be recognized in the future.
5. Discussion with County Attorney Bob Mitchell on legal issues associated with the monument. Mr. Mitchell gave his legal review of the monument. The Code of Virginia was amended in 2020 to allow localities to remove, relocate, contextualize, or cover any monument or memorial on the locality's public property. It was noted that this code section did not apply because the Clarke monument, and the property it sits on, are not owned by the County. The Clarke Board of Supervisors deeded the property to the Association of the Survivors of the Clarke Calvary (Association) on June 19, 1900.

Mr. Mitchell opined that the County had two options for acquiring ownership of the monument. The first option is adverse possession and the second is condemnation.

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Both options require action by the Court. Mr. Mitchell explained that when a corporation is created today, the process for its dissolution is through a prescribed methodology. The Association was created by the Virginia General Assembly before the Virginia State Corporation Commission was created so today's rules and procedures for the Association may not apply.

There were a number of questions asked about who could have standing to challenge the County's pursuit of ownership, how long each process would take, how much each process may cost, and some hypothetical scenarios were presented. Because of the uniqueness of this situation, there isn't case law to help guide the legal process so it was impossible for Mr. Mitchell to predict how the process might play out. He noted that the Board of Supervisors would need to decide whether to obtain ownership of the monument, and which legal process to pursue in an attempt to gain ownership. A question was also asked about who has maintained the property and monument, the County has been mowing the grass in this area as part of their mowing in the courthouse square. The tax exempt status of the property was also questioned but the General Assembly approved the tax exempt status of the property so local rules governing tax exempt properties don't apply.

6. Next Steps-The Committee discussed different ideas for how to proceed and ultimately decided to hold a public forum in a larger venue in order to hear the public's opinion on the monument. Chairman Staelin said he would work with County staff on some dates for this forum.
7. Adjournment