

November 16, 2021

Clarke County Board of Supervisors
Special Meeting
Main Meeting Room

6:30 pm

At a special 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, November 16, 2021, at 6:30 pm.

Board Members

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

Absent: None

County Staff Present: Chris Boies, Cathy Kuehner, Robert Mitchell

Constitutional / State Offices / Other Agencies: Sheriff Anthony 'Tony' Roper

Press: Mickey Powell – The Winchester Star

Others Present: A number of citizens

1) Call to Order

Chair Weiss called the meeting to order at 6:30 pm.

2) Adoption of Agenda

Vice-Chair McKay moved to adopt the agenda as presented. 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) Update and Discussion on the Monument Committee Recommendations.

Chris Boies stated:

- There were six (6) specific recommendations made by the citizen committee; they are still up on the County website.
- Mr. Mitchell is here to address Recommendation #5; the Board of Supervisors should work to gain ownership of the monument.
- After Mr. Mitchell's presentation, I will address the other five (5) recommendations.

Mr. Robert Mitchell presented the following:

In response to issues which arose regarding the statue located on the County public square in front of the old courthouse, the Board had detailed research performed by Mural Kabian on the history of the statue and its location on the County public square. Based on that research, I determined that the Board could not take any action regarding the statue or the small circular lot on which it is located as the lot was not owned by the County.

The Board also appointed a citizen committee to obtain citizen input into issues regarding the statue. After a number of citizen meetings, the committee submitted its Report to the Board. One of the recommendations in the Report was that the Board should work to gain ownership of the statue, which requires obtaining ownership of the circular lot on which the statue is located.

Subsequently, the Board, after considering legal alternatives, asked that I look into the County taking action to obtain ownership by adverse possession of the circular lot and the statue, on the basis that the County has maintained the circular lot for over 90 years; that the circular lot is not shown as a separate parcel on the County tax map, but rather is shown as a part of County property; that the County has kept the statue insured as a part of County property; that the County has treated the circular parcel as a part of County property for generations; and that no person or entity now claims ownership of the circular parcel.

This is to report that I am prepared to go forward with a County suit to seek to obtain ownership of the circular parcel by adverse possession, if it is the decision of the Board to do so.

In the meantime, a recent petition has been filed by Turner Ashby Camp No. 1567 seeking to obtain ownership of the circular parcel and the statue. Even though the circular parcel is located on the County public square, the Petitioners did not name the County as a party defendant in that case. If the Board's decision is to go forward with the adverse possession suit, it is my recommendation that I be authorized, on behalf of the County, to file a motion in that case asking to intervene as a party defendant to oppose the petition filed.

Supervisor Lawrence moved that the County Attorney be authorized to file a suit in the Clarke County Circuit Court to seek ownership by the County by adverse possession of the statue and the circular lot on which it is located, said circular lot being located in the County public square in front of the old courthouse. 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

Chair Weiss stated that the Board has declared that they have accepted the recommendations of the Monument Committee; he then added that he personally believes that the first step to implementing the recommendations of the committee is to gain the ownership of the statue.

Supervisor Lawrence expressed that Mr. McCormick believed that it would last forever, but with changes in the State Code, I personally believe that through discussion it can make things better.

Supervisor Lawrence moved that the County Attorney be authorized to file on behalf of the County a Motion to Intervene in the case filed in the Clarke County Circuit Court by Turner Ashby Camp No. 1567 seeking to obtain ownership of the circular lot with the statue thereon located in the County public square in front of the old courthouse. 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

Chris Boies updated the Board on the remaining recommendations:

- Recommendations one (1), two (2), three (3), and four (4) required professional design consulting to make sure the different elements are reviewed in a cohesive manner and to plan for the future properly.
- The Board of Supervisors previously authorized the issuance of a Request for Proposals from design firms to develop a master plan for the courthouse green.
- In our first attempt, only one vendor responded.
- We waited several months and reposted the advertisement, and now have three vendors, all of whom were interviewed last week.
- We have two firms we would like the Board of Supervisors to interview in a closed session at a future date. If the Board of Supervisors is okay, we will work to schedule these interviews as soon as possible.
- Once a firm is selected, we will negotiate the price with the top vendor, issue a contract, and work can begin

Supervisor Lawrence opined that all three (3) vendors were good and look forward to the process and the opportunity to share the history.

Supervisor Bass stated that moving forward with the County Administrator's recommendation; the Board will rectify the Monument Committees' recommendation and rectify the citizens of this County.

Vice-Chair McKay expressed that this seems like the best thing to do.

Chris Boies explained that part of the RFP was that the design of the courthouse green would have input from public comment sessions. He added that each of the vendors had an approach to that and had done similar projects in other localities. Once the Board selects a firm, a contract will be signed that will outline the goals for the contractor to provide, and part of that will be the public input so all have the opportunity to provide their input on the design.

Supervisor Catlett stated that one of her hopes is that the coming together of the outside vision from the outside vendor will give us a perspective to help the County Courthouse Green be created into something meaningful, educational, and beautiful.

By consensus, the Board agreed to move forward with interviews.

Chris Boies provided an update on the final recommendation concerning private donations. We have researched this issue, and the County can accept donations and issue the proper tax documents to the donors. The County has not yet set up a method or system to take donations.

Supervisor Lawrence stated that it would be good to get a start on this to develop a master plan so that once the project is started, it can move forward faster.

Vice-Chair McKay questioned the donations; Chair Weiss explained that the County takes donations for the Conservation Easement Authority and took donations for the Senior Center project; so this has been done in the past.

Chair Weiss explained that the Finance Committee held a special meeting at 5:30 pm to review the fund balance carryforward. The Finance Committee is recommending to the full Board at their November 23, 2021, Regular Meeting, that a line be created for the Clarke County Courthouse Green Master Plan and have tentatively suggested putting in \$100K into that line to help offset costs. This recommendation will be presented to the full Board at the November 23 Regular Meeting.

4) Adjournment

At 6:51 pm, Chair Weiss adjourned the meeting.

5) Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, November 23, 2021, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: November 16, 2021

David S. Weiss, Chair

Chris Boies, County Administrator

Recorded by Chris Boies and Transcribed by Brianna R. Taylor, Deputy Clerk to the Board of Supervisors