

December 17, 2019

At the special meeting of the Board of Supervisors of Prince Edward County, held at the Prince Edward County High School Auditorium, 1482 Zion Hill Road, Farmville, thereof, on Tuesday, the 17th day of December, 2019; at 7:00 p.m., there were present:

Pattie Cooper-Jones

J. David Emert

Llew W. Gilliam, Jr.

Robert M. Jones

Odessa H. Pride

Gene A. Southall

Jerry R. Townsend

James R. Wilck

Also present: Wade Bartlett, County Administrator; Sarah Elam Puckett, Assistant County Administrator; Supervisor-Elect Beverly M. Booth; and Terri Atkins Wilson, County Attorney.

Chairman Wilck called the reconvened meeting to order. Supervisor Townsend offered the invocation and led the Pledge of Allegiance.

In Re: Chairman's Comments

Chairman Wilck welcomed everyone to the reconvened meeting which is his last meeting as chairman. He stated at least 550 people were in attendance at this meeting. He said the Supervisors were besieged with phone calls, emails and letters, and chose to hold this meeting to hear from those that may not have been heard before.

Chairman Wilck said only residents and taxpayers of Prince Edward County would be permitted to speak, and that because there are so many in attendance, he said 12 people would be selected from each side of the argument and each would have three minutes to speak. He asked that speakers not repeat a previous speaker, and he would alternate between sides. He asked that speakers present their name, address, and their Supervisor's name.

In Re: Public Input

Lynn Skakum, Buffalo District, thanked the Board for listening to the community and stated she is in favor of the Second Amendment Sanctuary Resolution. She said restricting the constitutional rights of law-abiding citizens would not end gun violence or crimes, and would only make them worse; she said it is about the person with hate in their heart and mind that are using the guns to harm others. She stated she was taught to respect firearms, life and the laws, and she and her husband have taught their children and now is teaching her grandchildren firearm safety. She said more restrictions will follow and that the people that commit the crimes should be held responsible, adding that people should take a firearms safety course to learn about the operations of firearms, how to use them, and the gun owner should be taught the level of respect that she referred to.

Saranna Thornton, Farmville District, stated she is a gun owner and moved to Prince Edward County from two unsafe areas. She said public policy should be left to the experts, giving the example of surgery left to surgeons. She said it is ironic that the meeting was being held in Barbara Johns Auditorium, stating that the case of *Davis vs. The Prince Edward County School Board*, where the Supreme Court of the United States said, in the case that Prince Edward County was a part of, separate but equal was not equal and was in violation of the Constitution. She said the people that lived in Prince Edward County at that time went against the Supreme Court ruling and closed schools for five years. She said that [type of] thinking leads to anarchy; there are ways to change laws, and people can elect legislators, governor and president. She added the Constitution can be amended to provide more rights to the citizens. She said the last time Prince Edward County went its own way, it did not go well and caused great harm in the community that the county still suffers from, and while she supports gun ownership and rights, she said she supports obeying all the laws and not just those that the residents of this County think are constitutional.

Thomas Hertzler, Hampden District, said he took the oath to protect the Constitution of the United States and Virginia, and to obey the Governor and President. He said he now serves on the National Guard as a combat medic. He stated the Board took an oath to protect the rights of the citizens.

Lee Bidwell, Leigh District, spoke against the resolution because this is no threat to the Second Amendment now nor is there one on the horizon. She said not a single legislator on either side of the aisle has suggested amending or deleting the Second Amendment from the US Constitution, nor do the legislators have the authority to do so. Altering the Constitution is a complex process which occurs at the federal level.

She said the legislators of the Commonwealth cannot unilaterally strip the Constitution of the Second Amendment or in any way alter the Amendment. She said Americans have the right to bear arms. She said in rural areas, guns are for recreational hunting and protecting property and livestock from wild animals, and are a valuable resource. She said her opposition to declaring Prince Edward County a Second Amendment Sanctuary does not mean she doesn't understand or support the Second Amendment rights of individuals to own guns, but the resolution is antidemocratic. She said citizens are supposed to voice their opinions on policies and elected officials have the vested authority to pass laws, then they should make the bills and vote on them, and if supported by the majority, then they pass and become law. The Constitution further provides an independent judiciary to evaluate the constitutionality of the legislation. There is no provision in the democratic process that says that locally elected leaders should or even may register objections to current or future laws by ignoring, obstructing or outright disobeying them, and that it is not within the authority of the County Board of Supervisors to predetermine whether legislation is in conflict of the Constitutional provision. She said the proposed resolution defies the very essence of democracy; if adopted, the Board will be openly stating that they want to usurp the Constitutional legislative and judicial process. She said she is aware of the rush of many rural counties to identify as Second Amendment Sanctuaries as has been sparked by some gun-rights advocates' fears, but in the next legislative session, the General Assembly might propose bills that have implications on how guns are obtained or the types of products available. If anyone is concerned about proposed legislation, whether formally proposed or simply mentioned as an idea, she suggested they contact their legislators and register their support or opposition. She said support for this resolution shows blatant disregard for the Constitution and the democratic process; voting against the resolution does not indicate support for gun control but simply shows respect for the democratic process and are unwilling to commit to obstructing legislation [inaudible due to crowd].

Jeff Auxier, Lockett District, urged the Board to vote for the Resolution. He said that 35 years ago, he took an oath to support and uphold the Constitution of the United States, and a few years after that, he took the oath to work for the Secret Service, and after that, took an oath in the Commonwealth of Virginia to work for county law enforcement, now retired. He said his concern is with politicians, who are quite naive and inept, want to, with the strike of a pen, make the majority of people in attendance of the meeting felons. He said there is a problem with any agency or politician sending officers into homes to enforce an unconstitutional law. He said the politicians who are asking these men and women to make these decisions

and who are forcing them or firing them from their jobs for not doing what they want them to do, these people have not stood in the gap between good and evil. He asked the Board to do their job, their duty, and while this is a non-binding resolution as far as the legal part goes, he asked that the Board say they will stand with the citizens.

Ian Danielsen, Farmville District, stated as a family man, resident, teacher and voter in Prince Edward County. He asked the Board to vote “no” on the proposed resolution which is hostile to common-sense gun regulation and to potential laws passed by democratically elected delegates and senators. He said his family, for generations, has used guns for sport and personal protection, he stands up for citizens rights to bear arms and the Second Amendment, but he also endorses sensible gun laws which safeguard citizens rights to be protected from preventable violence. He said just as his First Amendment right to free speech is being regulated at this very moment, to three minutes, and the First Amendment doesn’t protect hate-speech, the Second Amendment doesn’t mean “no questions asked,” total abdication of oversight. He said the idea that a Sheriff’s oath to uphold the law can simply be crimped by a single swipe, by a singular constituent, makes him concerned for the integrity of governmental laws. He said the community’s legislative body, with this attempt to subvert the Commonwealth’s rule of law, should make them equally concerned. He said legislatures are intended to serve as the voice of reason when constituencies invoke fear and overstep. He said his father has seven decades of gun ownership, but when he was contacted to renew his NRA membership, he told them never to call him again over the soul-less thing they had become. He wanted to never again be associated with them, but espouses view that common sense gun regulation is appropriate and there is no justification for citizens to own military weapons. He then said the gun sanctuary proposal is worthless as it is only declaritive in nature but rife with potential for misuse and misinterpretation. He said the real question is how the systems of government should work, and opposed this proposal’s efforts to usurp the efforts of the local law enforcement from upholding its oath of office to the fullest.

Megan Goin, Prospect District, stated she is concerned that the Commonwealth is against freedoms to keep and bear arms, but it also infringes upon the freedom of assembly and the freedom of property. She said House Bill #67 states that law enforcement strikes against employment will be punished by law. She said Richmond is going against the Constitution to take freedoms and doing so in the name of gun control. She said criminals do not obey the laws; she said this country does not have a gun problem, it has a sin problem. She said she believes in the separation of church and state but taking God out of public schools

was the worst decision ever made. She closed saying the free nation will no longer be free and it will be our fault because we didn't stand up for the freedoms that the founding fathers and ancestors fought so hard to have.

Susan Halliday, Hampden District, stated Farmville and Prince Edward County are safe places to raise a family and as a resident, opposes the proposal. She said there was a record turnout for gun control in the last election; she said the General Assembly today reflects that recent election and any legislation is a result of the will of the majority of Virginians. She said she cast a vote for gun safety. With the shooter drills her children do at their schools; the children are now being taught that schools are places for fear instead of learning because of the cowardice of legislators. These sanctuary proposals across Virginia are symbolic, unproductive and fueled by a fear of change. She said the Board of Supervisors in this county can show that human life and safety are valued over guns. She said many will say that guns save lives; sensible gun laws that protect citizens save lives. She said there should be this many people show up to a local meeting for school funding. She said as a resident of this county, her concern is safety of her family, and she voted for a safer Virginia in November, because she believes gun laws save lives. She said she believes in the process of democracy and the power of the vote to change the General Assembly in Virginia.

Paul Hoffman, Prospect District, said the FBI recently reported violent crime is down 40% since 1996. He said during the same time, gun ownership in America has skyrocketed to 345 million guns, and guns are not the problem. He said gun-free zones are an open invitation for cowardly "bad guys" to do horrific acts against innocent people. He said he is a strong supporter of the law enforcement services, but said he carries a gun. He said the country has a horrible system for diagnosing and treating the mentally ill, and Hollywood and video games promote violence. He said there is a degradation of culture, the family unit is virtually gone and problems are due to single parent homes. He said many claim this resolution isn't enforceable, but that misses the point. He said every day, law enforcement professionals and the Commonwealth Attorney make decisions about which of the thousands of Virginia laws to enforce; this is called prosecutorial discretion. He said he is looking to the Board to send a message to Governor Northam and his comrades in Richmond, and asked the Board to support Draft #1.

A Farmville District resident said this is not about gun safety; the data on gun safety states that bringing guns into the community makes the community less safe. He said this meeting is because of fear. He said those who wish to prevent responsible restrictions on gun ownership and sales are afraid of a changing

world, afraid of losing their place in it, and in their fear, they seek from guns that sense of security. He said their guns make them feel powerful. He said the children are afraid and hide in darkened closets in active shooter drills, and parents are afraid every time there is report of another school shooting or mass shooting. As citizens, people are afraid as gun owners claim the legal system no longer applies to them. He said he is afraid of a community [inaudible] but said he has faith that the community will do what is right and will respect democracy. He asked the Board to show courage and faith, and to reject this fearful dismissal of democracy and support responsible legislation and responsible gun restrictions in Prince Edward County.

Kyle Morgan, Farmville District, stated some on the Board may not think this resolution does not matter or is symbolic. He said that this is more than symbolic and the vote means something. He said they are not asking the Board to violate the law but to uphold the Constitution. He said banning the possession of most semi-automatic rifles and shotguns would make it a felony to possess or transfer some of the most known firearms in America today, and would turn the hardworking citizens into felons overnight. He said the background check bill, introduced by Richmond, would make it a felony to loan a gun to a buddy, or to loan a handgun to someone if a crazy ex is making threats and shows up at her house, and without going to an FFL to make that transfer, they would have no way to protect themselves. He said another bill would make it a crime “for parents to allow children under the age of 17 to hunt.” He requested the Board issue support to the County law enforcement who refuse to enforce unconstitutional laws.

Ben Campbell, Farmville District, stated he wants restrictions on firearms; he said this community has a university, a college and public school campuses. He said the main selling point at Longwood University is this community is a safe and supportive environment in a welcoming and accepting small town. He said if the Board votes not to support laws that restrict firearms, he would not be able to say that. He said there is a four-letter word sign in town that could be changed to another four-letter word, such as guns, ammo, fire, or fear if the Board votes for the Second Amendment Sanctuary.

Leslie Lockard, Lockett District, quoted the Doctrine of the Lesser Magistrate and Article 1, Section 13 of the Virginia Constitution, saying “a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed.” She then quoted the Second Amendment to the US Constitution, Article 1, Section 13, to protect the right of the people to keep and bear arms for purposes of self-defense and defense of the Commonwealth of Virginia and the United States. She said arms suitable for defense consist of those

arms in common use by citizens, commonly owned semi-automatic arms are targeted by legislation such as proposed Senate Bill 16 because it has automatic features including the ability to accept standardized detachable magazines, all of which make them a suitable fit for purposes of self-defense, militia service, law enforcement and national defense.

Chairman Wilck said he wanted to make sure both sides were given equal time; he said currently there are seven for the Sanctuary and six opposing.

Chapman Hood Frazier, Lockett District, stated that he did not prepare anything but his concern with the Sanctuary movement is that this issue rose from the NRA, taking ideas that have been used for immigration and using them as a way to justify gun sanctuaries. He said it would not be legal, if passed, because of the Dillon Rule, the County cannot override State policy. He said Sanctuary efforts are driven mainly by the Virginia Citizens Defense League which is to the right of the NRA. Governor Northam's proposed laws include universal background checks, child access prevention, one gun per month limit, banning assault weapons including bump stocks, requirement to report lost or stolen guns, allowing localities to ban guns from municipal buildings, and red flag laws; there is no violation of Second Amendment and these are all common-sense approaches.

Robb Koether, Lockett District, said the current proposals are anything but common sense. He said the Second Amendment states "a well-regulated militia, being necessary to the security of a free state, the right of the people, to keep and bear arms shall not be infringed." The mention of a militia in the subordinate clause is used to suggest that the right to bear arms was limited to the militia. He said the main clause states it is the right of people, men and women, young and old. He said it also references to the security of the free state, not hunting or target practice but for freedom and defending ourselves against enemies. He said some say that civilians have no business possessing 'weapons of war' which are for military purposes. He said the founders intended for citizens to possess these. He said the Supreme Court ruled that the purpose of the Second Amendment is to guarantee the right of the citizens to keep and bear military use weapons. He said citizens are not safer if left defenseless and he supports Draft 1.

There being no one further wishing to speak, Chairman Wilck closed public participation.

In Re: Board of Supervisors Comments

Supervisor Emert thanked everyone for their participation and asked that they attend other meetings.

Supervisor Pride welcomed everyone and their comments, and the Board respects all comments.

Supervisor Gilliam said it does him good to see this group; he said their activity is appreciated, and invited the citizens to every meeting.

Chairman Wilck thanked everyone for coming out and said that all the Board members received numerous calls and emails on this topic.

Supervisor Townsend thanked everyone for coming out to voice their concerns. He said it is obvious that everyone in attendance is passionate about the gun laws, and now the Board has to figure out the best way to move forward.

Supervisor Cooper-Jones stated she was glad to see all the citizens. She said the Board will listen and determine the best way forward. She said a caller from Washington state made a threat to come and wave flags and do something more; she said that was entirely senseless to make that type of phone call. She said just because someone doesn't agree with you doesn't give you the right to threaten anyone.

Supervisor Jones said he wished to send the Governor a message that he doesn't want government "fooling with our guns."

Supervisor Southall thanked everyone for attending and said this is his last meeting but he has one more vote.

In Re: Consideration of Draft Second Amendment Resolutions

Chairman Wilck asked the Board for discussion.

Chairman Wilck stated there were two proposed resolutions; he said Supervisor Cooper-Jones presented a second resolution [to consider] that has a variation. He asked that she make a motion on Draft #2 of the resolution.

Supervisor Cooper-Jones read Draft #2 of the Resolution presented to the Board members.

Supervisor Cooper-Jones made a motion, seconded by Supervisor Townsend, to adopt the second draft of the resolution.

Chairman Wilck asked for discussion on that motion. Chairman Wilck said, "If no one else has anything to say, I'll – I have something to say. Pattie's motion specifically leaves out the words 'sanctuary county.' I was looking and googling up the counties and what-not in Virginia, and there are well over 50 percent – there's a difference of opinion in some of them, but on sanctuary cities. They rank them – or rank

them – they either say you voted for sanctuary cities or you voted against. In Pattie’s case, we’d be voting against, so I am not in favor of Pattie’s [inaudible]. Does anybody else on the Board up here have any comments?”

A vote was then taken on Supervisor Cooper-Jones’ motion, seconded by Supervisor Townsend, to adopt the second draft of the resolution; the motion failed:

Aye:	Pattie Cooper-Jones	Nay:	J. David Emert
	Odessa H. Pride		Llew W. Gilliam, Jr.
	Jerry R. Townsend		Robert M. Jones
			Gene A. Southall
			James R. Wilck

Supervisor Emert made a motion, seconded by Supervisor Gilliam, to adopt Draft #1 of the Resolution to Declare Prince Edward County as a Second Amendment Sanctuary County; the motion carried:

Aye:	J. David Emert	Nay:	Pattie Cooper-Jones
	Llew W. Gilliam, Jr.		Odessa H. Pride
	Robert M. Jones		Jerry R. Townsend
	Gene A. Southall		
	James R. Wilck		

RESOLUTION OF PRINCE EDWARD COUNTY BOARD OF SUPERVISORS

WHEREAS, the Second Amendment of the United States Constitution reads “A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, the United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the United States Supreme Court in United States v. Miller, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and

WHEREAS, Article I, Section 13, of the constitution of Virginia provides “that a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed;” and

WHEREAS, Article I, Section 1, of the constitution of Virginia reads “That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into the state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety; and

WHEREAS, Article I, section 2 of the constitution of Virginia reads “that all power is vested in, and consequently derived from, the people, that magistrates are their trustees and servants, and at all times amenable to them;” and

WHEREAS, certain legislation that has or may be introduced in the Virginia General Assembly, and certain legislation which has or may be introduced in the United States Congress could have the effect of infringing on the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second Amendment to the United States Constitution and Article I, Section 13 of the Constitution of Virginia; and

WHEREAS, the PRINCE EDWARD COUNTY Board of Supervisors is concerned about the passage of any bill containing language which could be interpreted as infringing the rights of the citizens of PRINCE EDWARD COUNTY to keep and bear arms; and

WHEREAS, the PRINCE EDWARD COUNTY Board of Supervisors wishes to express its deep commitment to the rights of all citizens of PRINCE EDWARD COUNTY to keep and bear arms; and

WHEREAS, the PRINCE EDWARD COUNTY Board of Supervisors wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of PRINCE EDWARD COUNTY to keep and bear arms; and

WHEREAS, the PRINCE EDWARD COUNTY Board of Supervisors wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States and the Commonwealth of Virginia, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens of PRINCE EDWARD COUNTY to keep and bear arms;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of PRINCE EDWARD COUNTY Virginia:

That the PRINCE EDWARD COUNTY Board of Supervisors hereby declares PRINCE EDWARD COUNTY, Virginia, as a "Second Amendment Sanctuary;" and

That the PRINCE EDWARD COUNTY Board of Supervisors hereby expresses its intent to uphold the Second Amendment rights of the citizens of PRINCE EDWARD COUNTY, Virginia; and

That the PRINCE EDWARD COUNTY Board of Supervisors hereby declares its intent to oppose any infringement on the right of law-abiding citizens to keep and bear arms.

On motion of Supervisor Townsend, seconded by Chairman Wilck, and adopted by the following vote:

Aye:	Pattie Cooper-Jones	Nay:
	J. David Emert	
	Llew W. Gilliam, Jr.	
	Robert M. Jones	
	Odessa H. Pride	
	Gene A. Southall	
	Jerry R. Townsend	
	James R. Wilck	

the meeting was adjourned at 8:12 p.m.