

INTRODUCED: November 8, 2021

AN ORDINANCE No. 2021-315

To provide for the removal of certain monuments on City-owned property and to provide for the disposition of such monuments, as authorized by Va. Code § 15.2-1812.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 13 2021 AT 6 P.M.

WHEREAS, pursuant to section 15.2-1812 of the Code of Virginia (1950), as amended, localities within the Commonwealth of Virginia, “[n]otwithstanding any other provision of law, general or special, . . . may remove, relocate, contextualize, or cover any . . . monument or memorial [for the veterans of any war or conflict] located on the locality’s public property . . . regardless of when the monument or memorial was erected” after complying with certain provisions; and

WHEREAS, section 15.2-1812 of the Code of Virginia (1950), as amended, further prescribes that, before any such monument or memorial that is publicly owned may be removed, relocated, contextualized, or covered, the local governing body “shall publish notice of such intent

AYES: 8 NOES: 1 ABSTAIN: _____

ADOPTED: JAN 10 2022 REJECTED: _____ STRICKEN: _____

in a newspaper having general circulation in the locality,” shall conduct a hearing at which interested persons may present their views “not less than 30 days after publication of the notice,” and, if the local governing body votes to remove, relocate, contextualize, or cover any such monument or memorial after such public hearing, “shall first, for a period of 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield;” and

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That, as required and pursuant to the authority granted by section 15.2-1812 of the Code of Virginia (1950), as amended, and all other applicable law, and subject to the availability of funds, the Chief Administrative Officer is hereby authorized to cause the removal of the Monuments from their current locations in accordance with the following:

A. **Definitions.** For the purposes of this ordinance, the terms defined below shall have the meanings ascribed to them by this subsection (A).

1. **Monument.** For the avoidance of doubt, the word “Monument” means a monument or memorial identified in the document entitled “Monuments to Be Removed,” a copy of which is attached to and made a part of this ordinance, consisting of either a statue or a platform, or both.
2. **Statue.** “Statue” means that part of a Monument representing the likeness of an individual, animal, or other object, which may be situated upon a platform.
3. **Platform.** “Platform” means the solid base of a Monument permanently affixed to City-owned real property, made of marble, concrete, or other solid material, upon which a statue may be situated.

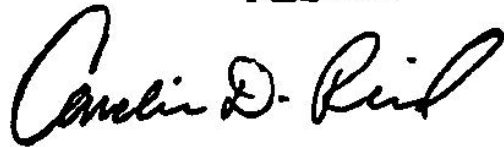
- B. **Timing of Removal.** The Chief Administrative Officer shall cause the removal of the Monuments promptly after the end of the offering period set forth in section 2 of this ordinance.
- C. **Phases of Removal.** Upon compliance with this ordinance and all other applicable law, and subject to availability of funds, the Chief Administrative Officer may cause the removal of the Monuments in the following phases:
1. **Phase One.** The Chief Administrative Officer first shall cause the removal of each statue as soon as possible after the end of the offering period set forth in section 2 of this ordinance, if the Chief Administrative Officer, or the designee thereof, determines that removal of the entire Monument is not feasible at that time.
 2. **Phase Two.** After causing the removal of the statues as required by this subsection (C) and subsection (D), the Chief Administrative Officer then shall cause the demolition or other removal of the platform as soon as practicable.
- D. **Temporary Disposition of Monuments.** The Chief Administrative Officer shall cause each Monument or, as the case may be, the statues, platforms, or materials from the platforms, to be transferred to and stored on such City-owned property as may be permitted in accordance with section 8-12 of the Code of the City of Richmond (2020), as amended, or on such property not owned by the City as may be permitted in accordance with applicable law until such time as the Council determines the final disposition of the Monuments or, as the case may be, the statues, platforms, or materials from the platforms, by a resolution adopted in accordance with subsection (E).
- E. **Final Disposition of Monuments.** Pursuant to section 15.2-1812 of the Code of Virginia (1950), as amended, the Council, by the adoption of a resolution, may accept such offer or

offers submitted to the City during or after the time period specified in section 2 of this ordinance or otherwise direct the final disposition of the Monuments after the offering period set forth in section 2 of this ordinance has expired.

§ 2. That, as required by and pursuant to the authority granted by section 15.2-1812 of the Code of Virginia (1950), as amended, the Council hereby offers the Monuments for relocation and placement to museums, historical societies, governments, or military battlefields for a period of 30 days after the effective date of this ordinance, referred to in this ordinance as the “offering period.”

§ 3. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Rind". The signature is written in a cursive style with a large initial 'C'.

City Clerk



INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: October 12, 2021

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

THROUGH: Lincoln Saunders, Chief Administrative Officer

THROUGH: Reginald E. Gordon, DCAO for Human Services

FROM: Christopher E. Frelke, Director of Parks, Recreation & Community Facilities

RE: Removal of the war memorial located at 1900 Stuart Ave, Richmond, VA 23220 known as the First Virginia Regiment Monument, and the war memorial located in Monroe Park honoring Gen. Williams Carter Wickham.

ORD. OR RES. No. _____

PURPOSE: To provide for the removal of the war memorial located at 1900 Stuart Avenue, known as the First Virginia Regiment Monument, and the war memorial located in Monroe Park, honoring Gen. Williams Carter Wickham, and to provide for the disposition of such monuments.

REASON: A public necessity exists to allow for the commencement of public notice for a period of at least thirty days. The Virginia First Regiment Monument and the Gen. Williams Carter Wickham Monument were not included in the initial list of war monuments considered by City Council and were removed by protestors in the summer of 2020. Section 15.2-1812 of the Code of Virginia establishes a specific process allowing localities to alter, cover, or remove Civil War Memorials. This ordinance initiates that process.

RECOMMENDATION: Approval is recommended by the City Administration.

BACKGROUND: The First Virginia Regiment Monument was erected at the intersection of Stuart Ave and Park Ave in Meadow Park on May 1, 1930. The Monument was unveiled from under a large Confederate flag and has multiple references to the Confederacy and Civil War among the details on its plaques. While the First Virginia Regiment Monument is not solely a Civil War Monument, it was removed by protestors in the summer of 2020 and has been kept in storage by the Department of Parks, Recreation and Community Facilities since that time. The City's administration has already initiated an application to the Urban Design Committee which was approved and the City Planning Commission voted to move the item to City Council with no recommendation.

The Gen. Williams Carter Wickham monument was sculpted by Edward Virginius Valentine. Although Wickham voted against secession before the Civil War and was an active supporter of Gen. Grant's presidential campaign afterwards, during the war he served in the Virginia Cavalry.

FISCAL IMPACT / COST: None

FISCAL IMPLICATIONS: No new impacts

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: December 13, 2021

REQUESTED AGENDA: Regular

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing & Transportation

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Parks, Recreation and Community Facilities

RELATIONSHIP TO EXISTING ORD. OR RES.: Ord. 2020-154

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: None

STAFF: Ryan Rinn, Parks, Recreation & Community Facilities 646-4347
Christopher Frelke, Parks, Recreation & Community Facilities 646-1128

Monuments to Be Removed

1. First Virginia Regiment monument located at 1900 Stuart Avenue.
2. General Williams Carter Wickham monument in Monroe Park located at 620 West Main Street.