

INTRODUCED: December 9, 2019

A RESOLUTION No. 2019-R071

To request that the General Assembly of Virginia enact legislation to exempt the City from the requirements of Va. Code §§ 15.2-1812, 15.2-1812.1, and 18.2-137, and from § 17.02 of the City Charter so that the City Council may determine the disposition of memorials and monuments located on public property owned by the City as it deems appropriate and to the extent otherwise permitted by law.

Patron – Mr. Jones and Ms. Robertson

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 6 2020 AT 5 P.M.

WHEREAS, section 15.2-1812 of the Code of Virginia (1950), as amended, limits the power of localities or any other persons to disturb or interfere with monuments or memorials in Virginia for wars or conflicts; and

WHEREAS, section 15.2-1812.1 of the Code of Virginia (1950), as amended, imposes civil liability on any party that violates or encroaches upon a monument, marker, or memorial for war veterans as designated in sections 15.2-1812 and 18.2-137 of the Code of Virginia (1950), as amended; and

AYES: 6 NOES: 2 ABSTAIN: _____

ADOPTED: JAN 6 2020 REJECTED: _____ STRICKEN: _____

WHEREAS, section 18.2-137 of the Code of Virginia (1950), as amended, imposes criminal liability on any person who unlawfully breaks down, destroys, defaces, damages, or removes any monument or memorial for war veterans described in section 15.2-1812 of the Code of Virginia (1950), as amended; and

WHEREAS, section 17.05 of the Charter of the City of Richmond (2010), as amended, requires the City to preserve historical landmarks such as these five statues on Monument Avenue in place as part of the City's Master Plan; and

WHEREAS, the City Council believes that it is in the best interests of the City of Richmond that the General Assembly of Virginia enact legislation, notwithstanding any law, general or special, to the contrary, to exempt the City from certain preservation requirements, including but not limited to, sections 15.2-1812, 15.2-1812.1, and 18.2-137 of the Code of Virginia (1950), as amended, and from section 17.05 of the Charter of the City of Richmond (2019), as amended, so that the City Council may determine the disposition of memorials and monuments located on public property owned by the City as it deems appropriate and to the extent otherwise permitted by law;

NOW, THEREFORE,

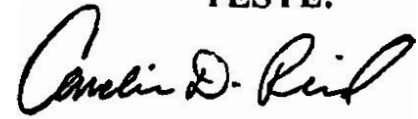
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the City Council hereby requests that the General Assembly of Virginia enact legislation, notwithstanding any law, general or special, to the contrary, to exempt the City from certain preservation requirements, including but not limited to, sections 15.2-1812, 15.2-1812.1, and 18.2-137 of the Code of Virginia (1950), as amended, and from section 17.05 of the Charter of the City of Richmond (2019), as amended, so that the City Council may determine the

disposition of memorials and monuments located on public property owned by the City as it deems appropriate and to the extent otherwise permitted by law.

A TRUE COPY:

TESTE:

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

City Clerk



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Haskell Brown, Interim City Attorney

THROUGH Lawrence Anderson, Council Chief of Staff *LA*

FROM Steven Taylor, Council Policy Analyst *ST*

COPY Michael Jones, 9th District Council Member
 Summer Morris, 9th District Liaison
 Tabrica Rentz, Interim Deputy City Attorney
 Meghan Brown, Deputy Council Chief of Staff *MB*

DATE December 4, 2019

PAGE/s 1 of 2

TITLE Seek Authority from General Assembly to Determine the Disposition of War Memorials on Monument Avenue

RECEIVED
 DEC 04 2019
 OFFICE OF THE CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

Michael Jones

SUGGESTED STANDING COMMITTEE

Land Use, Housing & Transportation

ORDINANCE/RESOLUTION SUMMARY

The patron requests that legislation be drafted for Council's consideration that expresses its sentiment that the General Assembly of Virginia should grant the Council the authority to determine the disposition of war memorials such as the statues on Monument Avenue and exempt the City from provisions of the State law, general and specific, that requires the preservation of all historic landmarks.

The City Council has been advised that current State law prohibits localities from removing or disturbing war memorials that are located within their respective boundaries. See Virginia Code Section 15.2-1812. Furthermore, portions of State law criminalizes defacing and disturbing war memorials. Finally, Section 17.05 of the City Charter requires that the City preserve local historic landmarks such as those on Monument Avenue.

BACKGROUND

Monument Avenue extends from what was the western edge of the City at W. Franklin Street, into what was, in the 1800s, Henrico County and towards the former complex of buildings and facilities established to assist destitute confederate veterans, then known as the R.E. Lee Camp No. 1. This complex now houses the large block of buildings including the Virginia Museum of

Fine Arts (VMFA), Confederate Memorial Chapel, the Confederate Home for Women (now offices for the VMFA) and Confederate Battle Abby (now the Virginia Historical Society), and the current headquarters of the United Daughters of the Confederacy (UDC). Shortly after the Civil War ended, there were massive efforts to establish cemeteries and proper resting places for the thousands of war dead who were not properly interned. Over the course of years ladies associations formed to accomplish this task. These associations grew into memorial organizations, most notably the United Daughters of the Confederacy. The UDC and other groups began efforts to build the memorials around the country and participated in efforts to establish the memorials that are the statues on Monument Avenue

There are five confederate memorials on Monument Avenue. The Avenue was designed to display memorials to Robert E. Lee and other confederate figures and private land was donated for these purposes. The Allen family donated the land around the monument and offered to build the intersecting Avenues upon which it is located. The memorials begin at the terminus of W. Franklin Street and the beginning of Monument Avenue where it intersects at Lombardy Street. The first memorial is at Stuart Circle where the J.E.B Stuart memorial is located. From Stuart Circle the confederate memorials run west to the intersection of Monument Avenue and North Belmont Street.

The second memorial is dedicated to the memory of General Robert E. Lee, Commander of the Army of Northern Virginia. Prior to the war, he became known as a military engineer, served in the Mexican War, and as Superintendent of West Point. This is actually the first of the memorials to be built on the Avenue. The third memorial is the Jefferson Davis memorial which is dedicated to the memory of the former US Senator from Mississippi, US Secretary of War (Army), and who served as President of the Confederacy. Davis is also buried in Richmond at Hollywood Cemetery. The fourth memorial honors General Thomas "Stonewall" Jackson, who served in the Mexican War and as a professor at the Virginia Military Institute prior to the War. General Jackson was killed during the War. The fifth memorial honors Matthew Fontaine Maury. Mr. Maury served as an advisor to the confederate Navy. Maury was world renowned as a scientist prior to the war, and is considered the father of oceanography and what is now the US National Weather Service. The final memorial on the Avenue depicts Arthur Ashe, Jr and is located at the intersection of Roseneath Avenue and Monument Avenue. The Ashe memorial is the only memorial that is not associated with the original confederate memorial project.

The following information gives descriptions of the memorials and historical background as to how they were built and acquired by the City and State governments. It comes from the materials distributed by the Mayor's Monument Avenue Commission.

Memorial Monument: General Robert E. Lee

Date Conceived: 1870

Date Erected: May 29, 1890

Location: Round-a-bout Intersection of Monument Avenue and Allen Avenue

Sculptor: R. Jean Antonin Mercie (France), base by Paul Pujol (France)

Organizers: After the death of General Lee in 1870 efforts began to honor his memory. The Hollywood Memorial Association organized the Ladies' Lee Monument Association which solicited funds for 16 years from all southern states. Jubal Early organized a committee of men to raise funds for a memorial. Jefferson Davis chaired it. By 1877, neither group was successful. The General Assembly established a Board, led by the Governor to organize efforts to establish a memorial. Otway Allen suggested his property at the end of Franklin Street west of the city limits. The land was donated to the State by the Allen family and this explains why this is the only one of the memorials on the Avenue that is owned by the Commonwealth. The area was preferred given its potential for development and was eventually annexed by the City.

Memorial Monument: General J.E.B. Stuart

Date Conceived: A resolution by city council for a statue was made immediately following Stuart's death during the War.

Date Erected: May 30, 1907

Location: Original desired location was for Capitol Square. Actually, located at the round-a-bout intersection of Monument Avenue and Lombardy Street. City Board of Alderman gave \$20,000 to place it in the City. The site was decided upon around 1904.

Sculptor: Frederick Moynihan

Organizers: In 1891, the Veteran Cavalry Association of the Army of Northern Virginia was organized. Fitzhugh Lee was a member and created the Stuart Monument Association.

Memorial Monument: Jefferson Davis, President of the Confederacy

Date Conceived: December 21, 1889 (10 days after his death)

Date Erected: June 3, 1907

Location: Proposed: Monroe Park, then Broad Street. Finally installed at the intersection of Monument Avenue and Cedar Avenue (later renamed Davis Ave.) at the site of the Civil War Star Fort.

Sculptor: Edward V. Valentine; monument design by architect William C. Noland

Organizers: In 1889, the Jefferson Davis Monument Association was created to build a monument and to make plans to have Davis's body reburied in Richmond. Mayor J. Taylor Ellyson presided over the Association. The memorial was supported by the United Confederate Veterans and the Chamber of Commerce. The group sought \$250,000 from former confederates across the south and their descendants.

Memorial Monument: Thomas "Stonewall" Jackson

Date Conceived: November 29, 1911;

Date Erected: Cornerstone laid June 3, 1915.

Statue Erected: October 11, 1919

Location: Intersection of Monument Avenue and The Boulevard

Sculptor: F. William Sievers

Organizer: The Jackson Monument Corporation with Rev. James Powers Smith, a member of Jackson's wartime staff, served as president and Jackson's widow Mary Anna supported the fundraising. The UDC contributed to fundraising efforts.

Memorial Monument: Matthew Fontaine Maury

Date Conceived: Winter 1912

Date Erected: Cornerstone: June 22, 1922, Statue Erected: Armistice Day (now Veterans' Day) November 11, 1929

Location: Intersection of Monument Avenue and Belmont Avenue

Sculptor: F. William Sievers

Organizers: A Richmonder noted Maury's name on a scientific monument in Hamburg, Germany and wrote a letter to a Richmond newspaper suggesting a memorial of Maury be erected here. Elvira Worth Moffett worked to establish the Maury Monument Association in 1915. Financial support came from The General Assembly (\$10,000), schoolchildren statewide (\$2,000), the City of Richmond (\$10,000), the UDC (\$5,000), and a group of donors chaired by Gus Schwartzchild.

The State accepted the Lee Memorial in the Acts of the Assembly (Dec 19, 1889). City accepted and contributed to the construction of the memorials with a series of ordinances and resolutions: Davis Memorial Res. April 14, 1904; June 16, 1905, and July 22, 1905; Stuart Memorial: April 23, 1907, June 20, 1904, and September 19, 1904; the Jackson Memorial: August 18, 1914 and March 3, 1920; and the Maury Memorial: June 17, 1921.

FISCAL IMPACT STATEMENT

Fiscal Impact Yes No

Budget Amendment Required Yes No

Estimated Cost or Revenue Impact \$ N/A

Note: This resolution seeks General Assembly authority to remove the war memorials. Funds are not needed to seek authority from the General Assembly. Funds may be needed to pay for eventual removal.

Attachment/s Yes No