**RESOLUTION TO RELOCATE THE CONFEDERATE MONUMENT**

**WHEREAS**, the Confederate monument currently known as “Fame” was dedicated on or about May 10, 1909, in the median of West Innes Street at the intersection of North Church Street, a centrally located place of great prominence within the City of Salisbury; and

**WHEREAS**, the Confederate monument is owned by a private organization known as the Robert F. Hoke Chapter of the United Daughters of the Confederacy (“UDC”); and

**WHEREAS**, because of the symbolic nature of the Confederate monument, it has become a source of community conflict and tension; and

**WHEREAS**, in the interest of the public health, safety, and welfare, and to eliminate a public safety threat and a dangerous condition within the City of Salisbury, the reasons for which are more fully set forth in this Resolution, the City Council desires that the UDC relocate the Confederate monument; and

**WHEREAS**, the Confederate monument was erected on public property with the permission of the Salisbury Board of Alderman (the predecessor governing body to the Salisbury City Council), as evidenced by a document recorded in the Rowan County Registry on or about March 22, 1927, that purports to be a resolution adopted by the Board of Alderman on or about August 6, 1908; and

**WHEREAS**, the resolution did not convey any permanent property interest to the UDC, and the City has not otherwise conveyed any permanent property interest to the UDC; and

**WHEREAS**, the resolution reflects an agreement between the City and the UDC whereby the City gave permission to the UDC to place the Confederate monument in its current location, and the City may unilaterally revoke that permission at any time; and

**WHEREAS**, over the last several years, the Confederate monument has become a focal point of intense conflict within the City, and the conflicts are increasing in frequency and severity; and

**WHEREAS**, these conflicts are not unique to Salisbury inasmuch as similar conflicts around Confederate monuments and other Confederate symbols have been experienced in other communities across the nation over the last several years, and have greatly intensified over the last month; and

**WHEREAS**, the following list of events—which does not recount fully the history of events surrounding the Confederate monument in Salisbury—underscores the existing and intensifying public safety threat and the dangerous condition created by the prominent location of the Confederate monument in Salisbury:

* On August 18, 2018, the Confederate monument was vandalized with paint;
* On March 20, 2019, the Confederate monument was again vandalized with paint. Later that day, an individual cleaning the monument threw a bucket of water on an African American journalist who was reporting on the vandalism;
* On June 16, 2019, during a public forum for residents to voice their opinions on the Confederate monument, the Salisbury Police Department assigned additional officers to ensure the safety of City Council, City staff, and the public;
* On May 31 and June 1, 2020, in response to the death of George Floyd in Minneapolis, Minnesota, there were large protests in Salisbury that centered on the Confederate monument. The protests resulted in counter protestors showing up to defend the monument;
* At the May 31, 2020, protest, a counter protestor fired a pistol into the air multiple times. The man was immediately apprehended and charged with misdemeanor weapons violations and a felony offense for inciting a riot. Another individual was charged with a misdemeanor weapons violation;
* At the June 1, 2020, protest, protestors blocked two intersections near the Confederate monument and gathered around and on the base of the monument. At one point, several protestors mistakenly believed the man that had fired the pistol the day before had returned to the protest. Protestors surrounded the man and several police officers. Officers escorted the individual down North Church Street and away from the protest and were chased by a group of protestors. The situation escalated from there and officers were verbally and physically attacked. One officer was injured. After ordering the crowd to disperse, officers eventually used teargas to disperse the crowd. At one point a protestor threw a rock through the window of the Salisbury Post building, which is adjacent to the Confederate monument;
* From June 2 through June 9, 2020, as a direct result of the events surrounding the protests at the Confederate monument, the Mayor declared a State of Emergency and enacted a curfew in the downtown area. During the State of Emergency, there were no protests around the Confederate monument. The protests that occurred were in other areas of Salisbury and were peaceful;
* Protests at the Confederate monument resumed when the State of Emergency declaration was rescinded. Several groups that support the monument have made comments on social media vowing to protect the monument. Other individuals have directed threatening comments to City officials. As a result of these comments, the City has had to declare the area around the Confederate monument a protest area and has had to erect signs warning people against carrying guns and other dangerous weapons in the area; and

**WHEREAS**, during the most recent protests, the City has incurred approximately $26,392.83 in overtime pay for additional officers that were required to ensure the safety of the public; and

**WHEREAS**, the Chief of Police for the Salisbury Police Department has determined and certified in writing that the Confederate monument, where presently located, constitutes an existing and ongoing threat to public safety and a dangerous condition within the City of Salisbury, and that relocating the Confederate monument is required in order to eliminate the public safety threat and the dangerous condition; and

**WHEREAS**, further property destruction and personal injury is likely occur unless the Confederate monument is relocated;

**WHEREAS**, for the aforementioned reasons, the City Council believes that the Confederate monument should be relocated; and

**WHEREAS**, under these circumstances, N. C. Gen. Stat. § 100-2.1(c) authorizes the City to relocate the Confederate monument.

 **NOW, THEREFORE, BE IT RESOLVED** bythe City Council of the City of Salisbury:

 Section 1. The City Council declares that the Confederate monument, where presently located, is dangerous and prejudicial to the public health, safety, morals, and general welfare; that the Confederate monument, where presently located, creates a public safety threat and a dangerous condition; and that the Confederate monument, where presently located, constitutes a nuisance under North Carolina law and the Code of Ordinances for the City of Salisbury.

 Section 2. The City Council orders the UDC to remedy the public safety threat and dangerous condition, and to abate the nuisance, by relocating the Confederate monument on or before July 16, 2020.

 Section 3. The City Council revokes any permission granted to the UDC and terminates its agreement with the UDC to allow the monument to remain on public property.

Section 4. The UDC’s continued use of the property on which the Confederate monument is located or placement of the Confederate monument on the property after July 16, 2020, is without the permission of the City and constitutes a trespass to land.

Section 5. The UDC shall have until July 16, 2020, to relocate the monument or to request a hearing before the City Council on the substance of this Resolution. The request for hearing must be in writing from a duly authorized representative of the Robert F. Hoke Chapter of the United Daughter of the Confederacy and submitted to the City Clerk.

Section 6. If the UDC does not request a hearing, the City Council orders the City Manager to respectfully and expeditiously remove the Confederate monument from its current location and safely store it for a reasonable period of time to allow the owner to retrieve the monument.

Section 7. A copy of this Resolution shall be served on the Robert F. Hoke Chapter of the United Daughters of the Confederacy. Notice of this Resolution shall also be published in the Salisbury Post once a week for three consecutive weeks.

 This 16th day of June, 2020.

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Karen K. Alexander

# Mayor

ATTEST:

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Kelly Baker

## City Clerk