



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File #: 2017-1108
File Status: Action

10/24/2017

Public Hearing: YES NO **Department:** Board of Commissioners

SUBJECT:

Commission District(s): All Commission Districts

Resolution to Remove or Relocate the Confederate Monument on the Decatur Square

Information Contact: Mereda Davis-Johnson, Commissioner District 5

Phone Number: 404-371-4210

PURPOSE:

This resolution sets forth some of the current issues related to the Confederate Monument on the Decatur Square and expresses an intent to remove or relocate it at an appropriate time, once all the relevant information has been gathered from a variety of sources. This resolution further directs the Executive Assistant and the County Attorney to perform further due diligence and to provide the Governing Authority with legally valid options for the removal or relocation of this Monument.

There is some question as to ownership of the land and the Monument and staff is directed to try and resolve the various outstanding questions in the next thirty days.

NEED/IMPACT:

This item protects the public safety and welfare of the citizens of the County.

FISCAL IMPACT:

Not known at this time.

RECOMMENDATION:

Adopt the attached Resolution and authorize the Chief Executive Officer to execute all necessary documents.

RESOLUTION

A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, TO REMOVE OR RELOCATE THE CONFEDERATE MONUMENT ON THE DECATUR SQUARE, AND FOR OTHER PURPOSES

Whereas, a confederate monument is located on the Decatur Square adjacent to the rear of the DeKalb County History Center, formerly the DeKalb County courthouse (“Confederate Monument”);

Whereas, historical documents reflect that the Confederate Monument was erected in 1908 and its construction was directed by the A. Evans Camp of Confederate Veterans and Agnes Lee Chapter of the United Daughters of the Confederacy;

Whereas, at the time of its enactment in 1908, African Americans were prohibited from exercising the same first amendment and other constitutional rights as bestowed upon white Americans;

Whereas, the Confederate Monument contains an inscription which glorifies and praises soldiers of the confederacy, in part, because such soldiers “were of a covenant keeping race”;

Whereas, primary sources contemporary to the Civil War as well as events and laws of Jim Crow era provide evidence and context that refute the claims embodied in the inscription, and

Whereas, it is unclear if the Confederate Monument located is in fact publicly owned by DeKalb County;

Whereas, thus far no minutes of the County commission have been located which formally accepts the donation of the Confederate Monument;

Whereas, state law, O.C.G.A. 50-3-1 contains various regulations related to a publicly-owned Confederate monument; and

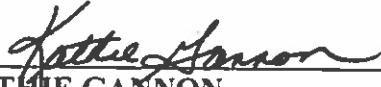
Whereas, the Confederate Monument has recently been vandalized on at least two occasions, and has been the focus of much debate and various rallies;

Whereas, the Confederate Monument could easily become a rallying and flash point for violence as occurred in August of 2017 in Charlottesville, Virginia; thus, creating a public safety concern for the City of Decatur and DeKalb County;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Authority as follows:

1. The Governing Authority finds that the Confederate Monument may very well be owned by DeKalb County, but ownership is not definitively shown by a recent title report;
2. The Governing Authority finds that the Clerk to the Chief Executive Officer and the Board of Commissioners have diligently searched and have been unable to locate any County minutes showing formal acceptance of the Confederate monument in the early 1900's;
3. The Governing Authority finds that the Confederate Monument received media attention after its erection and historical documents reflect that the Confederate Monument was erected, and its construction was directed by the A. Evans Camp of Confederate Veterans and Agnes Lee Chapter of the United Daughters of the Confederacy;
4. The Governing Authority finds that at this point in time, it is not clear that the Confederate Monument is publicly owned;
5. The Governing Authority directs the Executive Assistant and the County Attorney to (1) obtain a survey of the property which should allow the title attorney to determine ownership of the land where the Confederate Monument sits and (2) continue to research the records to determine if the Confederate Monument was in fact accepted by the County in any sort of formal way;
6. The Governing Authority directs the County Attorney to determine, legally, if the Confederate Monument can be removed and to provide the Governing Authority with an analysis of the legal alternatives available to the County, including removal to a location appropriate for such an artifact, relocation or other alternatives within thirty days;
7. The Governing Authority directs the Presiding Officer of the Board of Commissioners to empanel a committee of historians to provide objective interpretative context for the monument, using primary source documents within 30 days, and
8. The Governing Authority directs the Executive Assistant to determine an appropriate location(s) for the Confederate Monument;
9. The Governing Authority plans to lobby for the full repeal of O.C.G.A. 50-13-1 by the Georgia General Assembly during the 2018 session and shall include such repeal as a priority in its legislative agenda for 2018.

ADOPTED by the DeKalb County Board of Commissioners, this 24 day of October, 2017.



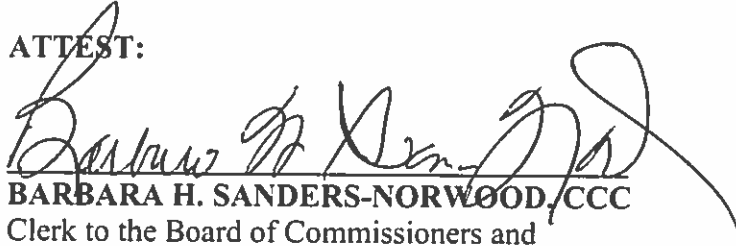
KATHIE GANNON
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

October APPROVED by the Chief Executive Officer of DeKalb County, this 25 day of 2017.



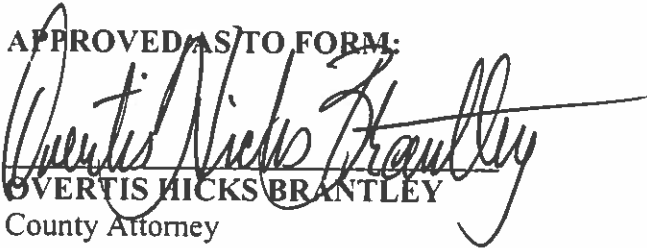
MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:



BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:



OVERTIS HICKS BRANTLEY
County Attorney
DeKalb County, Georgia