

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	September 7, 2021
Action Required:	<b>Ratification of Prior Council Action (no public hearing required)</b>
Presenter:	Charles P. Boyles, II, City Manager
Staff Contact:	Charles P. Boyles, II, City Manager; Lisa Robertson, City Attorney
Title:	<b>Ratification of Council’s July 10, 2021 decision so remove and relocated the Statue of Lewis/Clark/Sacajawea (“LCS Statue”)</b>

**Background:**

On July 10, 2021 a contractor engaged by the City to remove and relocate statuary from two Downtown public parks completed that work much more quickly than anticipated. The contractor was performing that work for a fixed price (\$980,000), and the time allotted for removal of the statuary was one day (24 hours). By mid-morning the contractor had successfully removed both statues that were the subject of the City contract. Since specialized workers, cranes and other equipment had been mobilized for a full day, the contractor offered to remove the LCS Statue—at no additional cost to the City—if the City could authorize that work before the contractor demobilized its forces. Following conversations among councilors and staff, a special/emergency meeting of Council was called.

**Discussion:**

The LCS Statue is not subject to the “pre-disposition” process set out within Virginia Code §15.2-1812. Pursuant to Section 14 of the City’s Charter, the City has broad express authority to control and manage its personal property (such as statues) without any requirement for an advance public hearing. City Council has delegated to the City Manager day-to-day supervision and control of all personal property belonging to the City, *see* City Code §2-154. However, City Council itself has taken an active role in planning for the disposition of the LCS Statue and consulting relatives of Sacajawea (in November 2019 Council conducted a work session for extensive discussion of this topic). City Council is the decision-maker as to any ultimate disposition of the LCS Statue.

In that context: on July 10, 2021, the special/ emergency meeting of City Council was called, and took place, after notice given to the public and City Council members contemporaneously. Staff believes that the notice given was reasonable, given the circumstances of the unforeseen opportunity that arose on the morning of July 10, 2021.

As City Council prepares to give consideration to various proposals for final disposition of the LCS Statue, and to ensure that the matter of deciding the ultimate disposition of the LCS Statue can be as transparent and expeditious as possible, we recommend that City Council ratify the July 10, 2021 decision at its regular meeting on Tuesday, September 7, 2021. On that same meeting date, City Council will also receive an update regarding the various proposals and expressions of

interest received from persons interested in acquiring ownership of the LCS Statue. Eventually, City Council will vote to determine whether or not to approve a sale to a third party, or some other final disposition of the LCS Statue.

**Budgetary Impact:** None.

**Alignment with Council Vision Areas and Strategic Plan:** Yes.

**City Manager Recommendation:** The City Manager recommends approval of the attached Resolution, to ratify the City Council's prior July 10, 2021 decision.

**Community Engagement:** yes; previously, in November 2019 City Council conducted an in-depth workshop meeting, at which a public comment period was provided, and comments were received from descendants of Sacajawea.

**Attachment:**

- Proposed Resolution (to Ratify the City's July 10, 2021 removal/ relocation of the LCS Statue)

## **RESOLUTION**

### **TO RATIFY CITY COUNCIL'S JULY 10, 2021 DECISION TO REMOVE AND RELOCATE A CITY-OWNED STATUE DEPICTING MERIWETHER LEWIS, WILLIAM CLARK AND SACAJAWEA**

**WHEREAS** for some time, the Charlottesville City Council has publicly expressed its desire, and has stated its intention, to remove and relocate a statue/ sculpture depicting Sacajawea, Meriwether Lewis, and William Clark currently located on West Main Street in the City (hereinafter, referred to as the "LCS Statue"), such desires and intentions having previously been expressed by Resolution adopted by City Council on November 15, 2019; and

**WHEREAS** on July 10, 2021, unforeseen circumstances arose, when the contractor engaged in the process of removing other statuary within the City notified City staff that it would finish that work in substantially less than the full day that had been anticipated, and the contractor offered that, since the personnel, cranes and other equipment had already been mobilized for a full day, for a fixed-price, the contractor would remove and relocate the LCS Statue at no additional cost to the City; and

**WHEREAS** on July 10, 2021, in order to take advantage of an opportunity to save hundreds of thousands of public dollars, the circumstances presented to City Council by the aforesaid contractor required immediate action by City Council; therefore, the Mayor called a special/ emergency meeting of City Council upon public notice, reasonable under the circumstances, and said notice was given contemporaneously to the public and members of city council; and

**WHEREAS** pursuant to Section 14 of the municipal Charter for the City of Charlottesville, this City Council has broad and express authority, without the requirement for a public hearing, to control and manage the City's personal property; and

**WHEREAS** this City Council now desires to ratify its decision to remove and relocate the LCS Statue;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT** the City's July 10, 2021 removal of the LCS Statue from its original location on West Main Street, and its relocation on July 10, 2021 to a storage location owned/ co-owned by the City of Charlottesville, is hereby ratified.