



# COUNTY OF WASHINGTON, VIRGINIA



## BOARD OF SUPERVISORS

**DWAYNE A. BALL**  
CHAIRMAN  
G-11 "WILSON" ELECTION DISTRICT

**RANDY L. PENNINGTON**  
VICE-CHAIRMAN  
B-11 "JEFFERSON" ELECTION DISTRICT

**PHILLIP B. MCCALL**  
A-11 "HARRISON" ELECTION DISTRICT

**CHARLIE HARGIS**  
C-11 "MADISON" ELECTION DISTRICT

**WAYNE STEVENS**  
D-11 "MONROE" ELECTION DISTRICT

**MIKE RUSH**  
E-11 "TAYLOR" ELECTION DISTRICT

**SAUL A. HERNANDEZ**  
F-11 "TYLER" ELECTION DISTRICT

## RESOLUTION 2021- 32

### TO PROVIDE FOR REMOVAL OF CERTAIN MONUMENTS ON COUNTY-OWNED PROPERTY AND TO PROVIDE FOR THE DISPOSITION OF SUCH MONUMENTS AS AUTHORIZED BY VA. CODE § 15.2-1812

## COUNTY ADMINISTRATION

**JASON N. BERRY**  
COUNTY ADMINISTRATOR

**LUCY E. PHILLIPS**  
COUNTY ATTORNEY

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**WHEREAS**, PURSUANT TO SECTION 15.2-1812 OF THE CODE OF VIRGINIA (1950), AS AMENDED (VIRGINIA CODE), 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 OF LAW; AND

**WHEREAS**, VIRGINIA CODE § 15.2-1812, 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 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

**WHEREAS**, IN ACCORDANCE WITH VIRGINIA CODE § 15.2-1812, THE COUNTY OF WASHINGTON, VIRGINIA (COUNTY) HAS (I) PUBLISHED ADVANCE NOTICE OF A PUBLIC HEARING ON PROPOSED REMOVAL AND RELOCATION OF THE TWO CONFEDERATE WAR MEMORIAL MONUMENTS FROM THE GROUNDS OF THE COUNTY COURTHOUSE LOCATED AT 191 E. MAIN STREET, ABINGDON, VIRGINIA, (THE MONUMENTS); (II) HELD A PUBLIC HEARING ON THE MATTER OF SUCH REMOVAL AND RELOCATION NO LESS THAN 30 DAYS AFTER THE DATE OF SUCH PUBLICATION; (III) WILL OFFER THE MONUMENTS TO MUSEUMS, HISTORICAL SOCIETIES, GOVERNMENTS, AND MILITARY BATTLEFIELDS FOR A PERIOD OF 30 DAYS COMMENCING UPON THE ADOPTION OF THIS RESOLUTION; AND (IV) HAS COMPLIED WITH ALL OTHER REQUIREMENTS OF APPLICABLE LAW; AND

**WHEREAS**, TO ALLOW THE WASHINGTON COUNTY COURTHOUSE (COURTHOUSE) TO REMAIN IN ITS CURRENT LOCATION, AS MANDATED BY MAJORITY VOTE OF THE CITIZENS OF THE COUNTY IN THE 2019 REFERENDUM, THE COUNTY HAS COMMENCED DESIGN FOR NEW CONSTRUCTION AND RENOVATION OF THE COURTHOUSE TO MEET GROWING NEEDS OF THE COUNTY, EVOLVING DEMANDS OF TECHNOLOGY AND SECURITY, AND TO PROVIDE A FACILITY CONSISTENT WITH THE VIRGINIA COURTHOUSE FACILITY GUIDELINES PUBLISHED BY THE VIRGINIA SUPREME COURT; AND,

**WHEREAS**, ON THE BASIS OF SUCH DESIGN, IT HAS BEEN SHOWN THAT THE COUNTY MUST MAXIMIZE ITS USE OF THE LIMITED LAND AREA ON WHICH THE COURTHOUSE IS LOCATED TO DEDICATE SUCH LAND USE TO COURTHOUSE OPERATIONS.

**NOW, THEREFORE**, ON THE BASIS OF THE FOREGOING AND IN CONSIDERATION OF THE INTERESTS OF THE PUBLIC HEALTH, SAFETY, AND WELFARE, THE BOARD OF SUPERVISORS OF THE COUNTY OF WASHINGTON, VIRGINIA (BOARD) HEREBY RESOLVES AS FOLLOWS.

1. **APPLICABILITY**. THIS RESOLUTION SHALL CONTROL DISPOSITION OF THE TWO STRUCTURES LOCATED ON THE GROUNDS OF THE WASHINGTON COUNTY COURTHOUSE AT 191 EAST MAIN STREET IN ABINGDON, VIRGINIA, TO COMMEMORATE MATTERS RELATED TO THE AMERICAN CIVIL WAR (1861-1865), WHICH SHALL INCLUDE THE FOLLOWING:

# COUNTY OF WASHINGTON, VIRGINIA

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A. THE STATUE OF A CONFEDERATE SOLDIER INCLUDING THE STONE PLINTH ON WHICH IT IS STANDING, WHICH IS LABELED, "TO THE CONFEDERATE SOLDIERS OF WASHINGTON COUNTY, VIRGINIA. ERECTED MAY 30, 1907", AND INCLUDING ALL ADDITIONAL ENGRAVINGS AND COMMEMORATIVE PLAQUES THAT ARE ATTACHED TO THE PLINTH; AND

B. THE CENOTAPH, WHICH IS LABELED, "A MEMORIAL TO THE GENERALS FROM WASHINGTON COUNTY WHO SERVED IN THE WAR OF 1861-1865" AND INCLUDES OTHER ENGRAVED TEXT REGARDING SUCH GENERALS.

FOR PURPOSES OF THIS RESOLUTION, THE TWO STRUCTURES IDENTIFIED AND DESCRIBED, ABOVE, SHALL BE REFERENCED TOGETHER AS THE "MONUMENTS".

2. DETERMINATION TO REMOVE. PURSUANT TO THE AUTHORITY GRANTED BY VIRGINIA CODE § 15.2-1812, AND OTHER APPLICABLE LAW, THE BOARD HEREBY DETERMINES THAT THE MONUMENTS SHALL BE REMOVED FROM THEIR CURRENT LOCATIONS ON THE GROUNDS OF THE COURTHOUSE IN THE INTEREST OF MAXIMIZING SPACE AVAILABLE FOR THE NEW CONSTRUCTION AND RENOVATION OF EXISTING FACILITIES FOR COURTHOUSE OPERATIONS, WHICH IS ANTICIPATED TO BEGIN IN 2022 (THE COURTHOUSE PROJECT).

3. OFFERING PERIOD. AS REQUIRED BY AND PURSUANT TO THE AUTHORITY GRANTED BY VIRGINIA CODE § 15.2-1812 THE BOARD HEREBY OFFERS THE MONUMENTS, TOGETHER OR SEPARATELY, FOR RELOCATION AND PLACEMENT TO MUSEUMS, HISTORICAL SOCIETIES, GOVERNMENTS, OR MILITARY BATTLEFIELDS. THIS OFFER SHALL REMAIN OPEN FOR A PERIOD OF 30 DAYS AFTER THE EFFECTIVE DATE OF THIS RESOLUTION (OFFERING PERIOD).

4. RECEIPT AND EVALUATION OF OFFERS. THE BOARD DIRECTS THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO RECEIVE AND EVALUATE OFFERS RECEIVED DURING THE OFFERING PERIOD, AND AFTER EXPIRATION OF THE OFFERING PERIOD, TO BRING SUCH OFFERS AND EVALUATION TO THE BOARD FOR ITS CONSIDERATION AND ITS FURTHER ACTION FOR A DETERMINATION OF FINAL DISPOSITION OF THE MONUMENTS.

4. REMOVAL. THE BOARD DIRECTS THE COUNTY ADMINISTRATOR TO CAUSE THE REMOVAL OF THE MONUMENTS FROM THE COURTHOUSE GROUNDS, PROMPTLY AFTER EXPIRATION OF THE OFFERING PERIOD, SO THAT THE COURTHOUSE PROJECT MAY PROCEED. IN THE ABSENCE OF A DETERMINATION OTHERWISE BY THE BOARD MADE PRIOR TO THE DATE OF SUCH REMOVAL, THE COUNTY ADMINISTRATOR SHALL CAUSE THE MONUMENTS TO BE RELOCATED TO AND STORED ON COUNTY-OWNED PROPERTY UNTIL SUCH TIME AS THE BOARD DETERMINES THE MONUMENTS' FINAL DISPOSITION. COSTS FOR REMOVAL SHALL BE PAID FROM THE BUDGET FOR THE COURTHOUSE PROJECT.


5. FINAL DISPOSITION OF MONUMENTS. PURSUANT TO VIRGINIA CODE § 15.2-1812, THE BOARD HAS SOLE AUTHORITY TO DETERMINE THE FINAL DISPOSITION OF THE MONUMENTS AND, MAY, AFTER EXPIRATION OF THE OFFERING PERIOD, RESOLVE IN OPEN MEETING TO ACCEPT SUCH OFFER OR OFFERS SUBMITTED TO THE COUNTY OR MAY OTHERWISE DIRECT SUCH FINAL DISPOSITION.

6. EFFECTIVE IMMEDIATELY. THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT UPON ITS ADOPTION.

DONE THIS THE 9<sup>TH</sup> DAY OF NOVEMBER, 2021.

THE FOREGOING RESOLUTION WAS DULY ADOPTED BY THE FOLLOWING VOTE:

MR. MCCALL:	AYE
MR. PENNINGTON:	AYE
MR. HARGIS:	AYE
MR. STEVENS:	AYE
MR. RUSH:	AYE
MR. HERNANDEZ:	AYE
MR. BALL:	AYE

  
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JASON N. BERRY  
COUNTY ADMINISTRATOR