



City Council

190 Church St., NE
Cleveland, TN 37312
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AGENDA ITEM MEMORANDUM

TO: Mayor & City Council

DATE: September 14, 2020

RE: Perseverance & Unity Education Study Group

INTRODUCTION:

Over the past several months, hundreds of communities across the country have seen their communities divided by politics, racial issues, economic downturn and uncertainty, the COVID response, and their socio-economic status. Most communities are struggling to balance the needs of residents versus the needs to make difficult decisions to protect residents. Cleveland, TN is no different, as we have struggled with economic uncertainty, COVID responses, and racial issues with consistent protests around the Confederate Monument for approximately the last 100 days.

Over the past 25 years, due to our economic growth, industrial growth, Cleveland State Community College growth, and Lee University growth, our community has changed from a fantastic sleepy southern town to a fantastic very diverse multicultural and multinational community. This growth and culture shock have happened to numerous southern towns as people migrate from the west, east, north, and internationally to enjoy our wonderful local hospitality and culture. They are all welcome in our community. Our City Council members witness this first-hand when they go into our City public schools, or just go to the grocery store. Does this cause change and adjustment? Yes, but hopefully we as a community can chart a path forward together and unify our community.

The city of Cleveland, TN is not perfect, but we do have a body of elected leaders who love their community and value all of our residents and business leaders. The City Council has listened to hundreds of phone calls on the Confederate

Monument, consistently read different social media platforms on the Monument, and listened to in-person presentations on the Monument. What we have learned is that this is a complicated issue, and the individually elected City Council members have different ideas on how to proceed with any solutions to these ideas and thoughts, as we have seen with the 4-3 vote to form this Study Group. Historically, the 1911, vote to approve the Confederate Monument was a 3-2 vote.

GOALS:

Our goal is to find a collaborative educational approach that accomplishes the following:

- 1) Abides within legal limitations of the City Council and state law;
- 2) Creates a community conversation on how to move away from community protests to having proactive conversations with a clear goal;
- 3) The process has an end point and we can collectively agree it was worth the discussion and process;
- 4) Appoint a Study Group.

CONFEDERATE MONUMENT & HISTORICAL CONTEXT:

Our goal of the Study Group is to make sure it," abides within legal limitations of the City Council and state law". As we have seen in multiple articles and statements by the Jefferson Davis Chapter of United Daughters of Confederacy (UDC) they own the land under the Monument and the actual Monument. Therefore, without additional evidence, the Monument is private property that is sitting on private property. **The City does not have legal standing to have a public Study Group to dictate or discuss what a private body should do with their private property.** The City Council does not agree or disagree whether the Monument should be moved, the City Council does not have legal standing to take a position.

Furthermore, according to the minutes from the city of Cleveland's Commission meeting from February 17, 1911, the City Commission voted to approve that a "plot or tract of land twelve feet square lying at the junction of Ocoee Street and

Lea Streets and twelve feet more or less, North of the fence of the monument now located there be and the same is hereby, sold, transferred and conveyed to the officers and members of Jefferson Davis Chapter, United Daughters of Confederacy (UDC) and their heir assigns and successors, forever, Provided said tract or plot is to be used for a monument site, or ornamental and decorative purposes.” The minutes indicate that the Monument was not gifted to the City at its inception, and was intended, at that time, to still be owned by the UDC after erection of the Monument. The City has not found any information that the Monument was ever gifted to the City. In fact, in a recent Cleveland Daily Banner article the UDC indicated they owned the Monument. The minutes indicate that the City conveyed the plot of land for the use and enjoyment of the UDC for a Monument. The City has no documentation that the land was ever conveyed back to the City. The land surrounding this plot seems to be state highway, according to our City and County maps, that it is controlled by the Tennessee Department of Transportation.

Moreover, even if the facts of the legal ownership were to change, the City would still have no decision-making authority over the Monument due the state legislature passing the Tennessee Heritage Protection Act (THPA). The THPA provides that all decisions to move a public Monument are determined by the State Historic Board. This is also a costly process and would likely take one to two years to accomplish. If the City were to act in an ultra vires manner, with no legal authority, then the state statute dictates harsh penalties to the community by banning them from additional state funding. The City must be cautious in these actions. The UDC does have the legal standing to discuss this issue, and we encourage the discussions of interested parties to be focused on the UDC.

Again, the conclusion is that the **City Council does not have legal standing on this issue and will not engage or participate in any discussions surrounding the Monument unless a Tennessee court indicates that we must take action.** However, we still intend to have a community process to look at ideas and methodologies to increase understanding of this issue.

FORMATION OF PERSEVERANCE & UNITY EDUCATION STUDY GROUP:

The City could form the Perseverance & Unity Study Group to move this

community issue forward. While we truly understand that some will be disappointed that the City does not have legal standing to take action on the Confederate Monument, we believe that the community needs to create an Educational Exhibit for Cleveland and Bradley County to tell the story and give historical context of the perseverance and fairness in our community. The Educational Exhibit will also discuss the community's achievements in perseverance and fairness in the past, and identify the future obstacles that will confront our community from an equity standpoint. The Educational Exhibit will be a permanent exhibit at the Cleveland Historical Library or Public Library, or another suitable location. However, the exhibit will also be able to be mobile in some instances.

The Study Group should make the exhibit be an interactive story, while using digital video, interviews, and technology to make it connect with all age groups. The project should be historically accurate and content neutral. The Study Group cannot make any decisions or recommendations pertaining to the moving or altering of Monuments, due to the lack of legal standing.

The Perseverance & Unity Education Study Group will be made up of the following appointee's:

Chairperson (non-voting):

Chamber of Commerce President & CEO (Mike Griffin)

Member:

Representative from the Public Library appointed by Director Andrew Hunt

Member:

Representative from someone who attended College Hill High School appointed by Vice-Mayor Avery Johnson

Member:

Representative from Cleveland City Schools faculty/staff appointed by Dr. Dyer

Member:

Representative from Bradley County Schools faculty/staff appointed by Dr. Cash

Member:

Representative from Lee University appointed by President Walker

Member:

Representative from Cleveland State CC appointed by President Seymour

Member:

Representative from 100 Black Men appointed by their Board

Member:

Representative from Local Chapter of the NAACP appointed by their Board

****Subject matter experts or technical experts can be invited by the Study Group to give presentations or technical expertise.

This public body will have its appointed members sent to the City Clerk by October 16, 2020. The first public meeting will be held before November 6, 2020. The Education Exhibit should be completed and installed before July 1, 2021. The Study Group will be dissolved after July 1, 2021. The goal for this community project is to pull the best and brightest local educational and historical professionals and institutions together and use all of their resources to develop a professional exhibit for Cleveland and Bradley County. Only City residents and current registered voters are eligible to serve on the Study Group. The Mayor and City Council are not eligible to serve on the Study Group. The Educational Exhibit will be funded by donations. It is not necessary for the City Council to approve the final exhibit.

FISCAL ANALYSIS:

No Fiscal Impact to the City.

RECOMMENDATION:

The City Council to approve the Perseverance & Unity Education Study Group according to the drafted memo.