

DURHAM



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CITY OF MEDICINE

CITY OF DURHAM | NORTH CAROLINA

**Date:** August 14, 2014

**To:** Thomas J. Bonfield, City Manager

**Through:** W. Bowman Ferguson, Deputy City Manager

**Subject:** Policy Governing the Management and Removal of Memorials on City Property

**Executive Summary:**

Memorials that commemorate tragedies or deceased individuals are not an uncommon site along roadways and on public property in Durham. While it is important to respect the solemn purpose of these installations, the City must balance that respect with its responsibility to manage the rights-of-way to protect public safety and ensure public use and enjoyment of city facilities. In order to ensure that these goals are pursued in a consistent manner throughout the city, a policy has been drafted for adoption to guide the actions of staff when memorials are encountered or brought to staff's attention.

**Recommendation**

To Adopt a Resolution Affirming City Policy Pertaining to Memorials on City Property or Rights-of-Way

**Background**

With increasing regularity, memorials are seen along roadsides in Durham and other communities. Currently there are no guidelines to direct City staff in the management or removal of these memorials. It is most often the case that memorials have been placed at sites without asking permission to place them on City property or within rights-of-way. Sometimes the memorials may block important sightlines or create a significant enough distraction that they may be considered a public safety hazard. Another common concern regarding memorials is their deterioration over time, and the obstacle they create for staff who are trying to maintain the rights-of-way.

Currently there is no unifying policy that directs staff on how to treat these memorials. Staff has the authority to remove any obstructions in the right-of-way. Some memorials are placed and subsequently removed by private individuals. Others are removed by staff as part of routine maintenance.

Staff has endeavored to craft a policy that attempts to balance respect for the purpose of these memorials with the practical concerns raised by the placement of memorials in public rights-of-way. Staff reached out to many organizations across the country to discuss their practices. Surprisingly it was found that most cities do not have a written policy as it pertains

to memorials. Frequently, these governments default to a zero-tolerance policy for such memorials and when they are found, they are immediately removed.

In crafting a policy for Durham, staff felt it was important to maintain our authority to remove the memorials when deemed necessary, but to allow some flexibility when the memorials are not considered to be of immediate concern. The draft policy sets a standard of 30 days for memorials to be left in place when not posing immediate safety concerns, and not interfering with use or enjoyment of public property. As General Services is the department that manages most city property and all city rights-of-way, this policy will primarily be administered by that department. The Department of Parks and Recreation will be responsible for implementing this policy in City Parks and at City Recreation Centers.

### **Alternatives**

The City could choose to continue to operate without a Memorials policy. The Administration does not advise choosing this alternative because decisions about memorials are likely to be less consistent if there is not a policy to standardize the process of evaluating and removing them.

### **Attachments:**

- Roadside/Parks Memorials Policy
- Resolution Affirming City Policy Pertaining to memorials on City Property and Rights-Of-Way