



TENNESSEE HISTORICAL COMMISSION

Special Meeting

Consideration of whether or not to refer a Complaint filed by Elizabeth Coker against the Williamson County Government and the City of Franklin to an Administrative Law Judge for review and the issuance of an Initial Order

March 27, 2020

Via Teleconference

Minutes

In the absence of Chairman Dr. Reavis Mitchell, Vice-Chair for East Tennessee Allen Carter, conducted the meeting. Vice-Chair Carter called the meeting to order at 9:00 A.M. C.S.T.. The meeting was convened by telephone, with a physical meeting place provided in Conference Room 2E of the William R. Snodgrass Tennessee Tower, located at 312 Rosa L. Parks Avenue, Nashville, Tennessee 37243, where Mr. Joseph Sanders from the Tennessee Department of Environment and Conservation (TDEC) Office of General Counsel (OGC) was present. In attendance via telephone at the Tennessee Historical Commission's office was Ashlee Pierce, the Administrative Secretary. Executive Director of the Commission, E. Patrick McIntyre, Jr. participated by phone, as did staff member Susan McClamroch. Ms. Pierce called the roll and requested for everyone to identify themselves before speaking. Members present included Vice-Chair for East Tennessee Allen Carter; Vice-Chair for West Tennessee Derita Williams; Ernie Bacon; Beth Campbell; Dr. Doug Cupples; Dr. Kent Dollar; Sam D. Elliott; Jeremy Harrell; Loni Harris; Tiny Jones; Lucy Lee; Dr. Bill Lyons; Joanne Moore; Commissioner Salyers' Representative Gerald Parish; Don Roe; Ray Smith; Judge David Tipton; and State Historian Carroll Van West. Members absent with explanations were Toye Heape; Linda Moss Mines; Chairman Reavis Mitchell; Beverly Robertson; and State Librarian and Archivist Chuck Sherrill. Members absent without explanations were Governor Lee's Representative Don Johnson; Dr. Keith Norman; Joseph Swann; and Kelly Wolfe. 17 members of the required 15 members were present; a quorum was met.

Motion

First on the agenda the Commission needed to adopt the Statement of Necessity for meeting by means of electronic communication for a quorum as required by TCA 8-44-108. The Statement had been provided to members prior to the meeting and a motion and a second was required to continue. Mr. Elliott made the motion, and Mrs. Lee seconded the motion. Ms. Pierce took a roll call vote and the motion passed unanimously.

Mr. McIntyre noted that on the Statement of Necessity, the term "Co-Chair" should be corrected to "Vice-Chair". Mrs. Elizabeth Coker identified herself on the line. Judge Tipton stated he was on the phone following some technical issues.

Motion

Vice-Chair Carter identified the item on the agenda, which was cause for a special meeting, was a complaint from Elizabeth Coker that was delivered to the offices of the Tennessee Historical commission by her on February 18, 2020 regarding the placement of two historic markers dedicated on October 17, 2019. He added he wanted to entertain a motion to send the complaint to an Administrative Law Judge for the purpose of rendering an initial order. Mr. Elliott made the motion and Dr. Van West seconded. Vice-Chairman Carter asked if there was any discussion. Mrs. Coker added a clarification needed to be made to the complaint and that, "the complaint reads that it's just two markers on the Franklin Tennessee Town Square, and it also includes the three markers in front of the old Williamson County courthouse, and that is also in the complaint as specified." Mr. Elliott reminded members that it has been their practice the last few times to send the case on the Administrative Law Judge (ALJ) for an initial review and that he believed that was appropriate in this case. Mrs. Moore added that though it has become practice to send cases to an ALJ, it is not a requirement. However, during this time she agreed it was the most practical way to go. Ms. Pierce took the roll call vote. Motion to send the complaint to an Administrative Law Judge for the purpose of rendering an initial order passed unanimously.

Vice-Chair Carter asked everyone to keep Chairman Mitchell in their thoughts and for everyone to safe and take care of their families during these trying times. Dr. Cupples asked if the members would convene later as a jury to hear the arguments for and against the complaint. Mr. Sanders replied that was correct and once there is an initial ruling by the ALJ, it would come before the Commission to either uphold the decision or not, and review evidence to do so. Judge Tipton agreed with counsel and explained that it is beneficial to send the case to the ALJ to define the issues and evidence and simply get an initial order to review. Vice-Chair Carter thanked everyone and adjourned the meeting.

The meeting was adjourned at 9:16 A.M..



E. Patrick McIntyre, Jr.
Executive Director



Mr. Allen F. Carter
Vice-Chair for East Tennessee