



TENNESSEE HISTORICAL COMMISSION

Meeting Minutes

July 10, 2020

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On Friday, July 10, 2020, the Tennessee Historical Commission (THC) met virtually via Webex for a special meeting. The meeting took place via video due to the coronavirus pandemic. The meeting also took the place of and followed the agenda of the scheduled June 19, 2020 meeting of the Commission, which was postponed. On the evening of June 16, 2020, the Chairman of the THC, Dr. Reavis L. Mitchell, Jr. passed away from illness. *The attachments referenced herein were sent to the Commission along with the agenda, prior to the original and postponed meeting dates.*

Members present were Vice Chair for East Tennessee Allen Carter; Vice Chair for West Tennessee Derita Coleman Williams; Ernie Bacon; Beth Campbell; Dr. Doug Cupples; Dr. Kent Dollar; Sam Elliott; Jeremy Harrell (*joined during Historic Sites and left during Wars Commission*); Loni Harris; Toyee Heape; Cato Jackson; Tiny Jones; Lucy Lee; Dr. Bill Lyons; Doris McMillan; Linda Moss Mines; Joanne Cullom Moore; Dr. Keith Norman, Beverly Robertson (*left during Wars Commission*); Ray Smith; Joseph Swann (*left during Markers*); Kelly Wolfe; ex officio members Don Johnson, Governor Lee's Representative; Gerald Parish, Commissioner Salyers' Representative; Phil Hodge, State Archaeologist; Chuck Sherrill, State Librarian; and State Historian, Dr. Carroll Van West. Don Roe sent communication explaining his absence. Judge David Tipton was also absent. Staff members present were Patrick McIntyre, Executive Director and State Historic Preservation Officer; Dan Brown, Historic Sites Program; Graham Perry, Cemetery Preservation Program; Ashlee Pierce, Administrative Secretary; and Nina Scall, Tennessee Wars Commission.

Vice Chair Derita Coleman Williams presided at the meeting. Vice Chair Williams introduced Mrs. Jaclyn Mothupi, TDEC Regional Director of External Affairs, and Harrison Freeman administrative secretary from the TDEC Office of External Affairs, who were to assist in moderating the public comments section and control and monitor microphones, respectively. She added that Mrs. Mothupi would give a Webex tutorial. Vice Chair Williams noted the meeting was able to be conducted virtually with the Governor's authority under Tennessee Code Annotated § 58-2-107(e).

A. ANNOUNCEMENTS

Mrs. Mothupi gave instructions on joining, who to contact for technical issues, and gave a basic overview of Webex. Vice Chair Williams welcomed everyone to the meeting and introduced herself. She acknowledged this was the first meeting of the Commission since the passing of Chairman Dr. Reavis L. Mitchell, Jr. She added that the thoughts and prayers of the members

were with his family, and that a Memorial Resolution would follow later in the agenda. Vice Chair Williams then requested a moment of silence in memory of Chairman Mitchell, which took place thereafter.

Returning to the business of the meeting, Vice Chair Williams welcomed three new Commission members, two of whom were appointed that week. First, she welcomed new State Archaeologist Phil Hodge, formerly with TDOT, who began his position in April. Next, she welcomed Ms. Doris McMillan of Franklin, a community volunteer who has been an active supporter of the historic McLemore House in Franklin. Also, West Tennessee's long vacant seat was filled by healthcare executive Mr. Cato Johnson of Memphis. Each said a few words, and Vice Chair Williams thanked them for joining.

Vice Chair Williams acknowledged that there was much conversation in the news regarding monuments and statues. She informed everyone listening and watching that there were no pending waiver requests to the Tennessee Heritage Protection Act submitted and up for discussion on the Commission's agenda for today. She noted that the law outlines a very specific process that must be followed, and each request must be considered separately.

Vice Chair Williams reflected that the Commission is now 101 years old, with its current streak of meeting regularly dating back 80 years to April 18, 1940, when Gov. Prentice Cooper personally convened the meeting in his office. She observed that "for the first time ever--but unfortunately probably not the last--the regular meeting of the Commission is being held remotely through virtual means due to the COVID 19 coronavirus pandemic." Vice Chair Williams went over a few procedural matters, specifically that all votes conducted would be by roll call and that public comments would be at the end of the agenda and they would have three minutes to speak.

Vice Chair Williams requested Ms. Pierce call the roll, and a quorum was established.

B. APPROVAL OF MINUTES

Two separate meeting minutes were considered. First, meeting minutes from the regular meeting in Nashville on February 21, 2020 were considered.

Motion

Mr. Elliott moved for approval of the minutes. Mrs. Harris seconded. Mrs. Moore spoke up and noted that her comments concerning the Merit Awards and discussion of the three men, Lee Millar, Allen Doyle, and Mike Cross that were nominated for the Special Commendation Award for saving three statues in Memphis were not included in the minutes. She said the names of the statues are very important to her and her comments and the discussion relevant to why they were nominated and awarded. She wanted the names of those depicted by the statues—Gen. Nathan Bedford Forrest, President Jefferson Davis, and Harvey Mathis added. In addition to the discussion of the award, she expressed concern that none of the comments that she made at the meeting about the City of Memphis were included. To sum them up she gave a comment to be included in the February 21, 2020 meeting minutes. "Commissioner Moore was very critical of Memphis' roles in taking down the statues." Mr. Elliott said since the minutes are technically accurate, he would accept those amendments. Mrs. Harris seconded again.

The motion was moved and properly seconded. Vice Chair Williams reminded that we are required to make a roll call vote. She requested Ms. Pierce call the roll for voting. Roll call voting commenced.

The motion to approve the February 21, 2020 meeting minutes with additions noted passed unanimously.

Motion

Next, the meeting minutes from the March 27, 2020 special phone meeting were considered. Mr. Elliott moved to approve, and Mrs. Mines seconded. The motion was moved and properly seconded. Ms. Pierce took a roll call vote.

The motion to approve the March 27, 2020 special phone meeting minutes passed unanimously.

C. FINANCE COMMITTEE

The Finance Committee Chair, Mrs. Beth Campbell, reviewed the financial statement for July 1, 2019 – April 30, 2020 (*Attachment C1*).

Motion

Mrs. Campbell motioned to accept the financial statement. Mr. Bacon seconded. Ms. Pierce took a roll call vote. Motion passed.

D. PUBLICATIONS COMMITTEE

Vice Chair Williams recognized Executive Director McIntyre to update the Commission on the budget. He updated the changes to the budget following the COVID-19 pandemic and commended the staff for how well they have adjusted to working remotely at home, as the office has been closed since March. Vice Chair Williams also thanked the staff for their adjustment to working remotely. With some assistance from Mr. McIntyre, Publications Committee Chair Mr. Toye Heape reviewed the Annual Grants for Historical Society Publications and the Presidential Paper Projects (*Attachment D1*).

Motion

Mr. Heape made a motion to accept The Historical Society Publications and the Presidential Paper Project grants. Mrs. Robertson seconded the motion. Mr. Bacon had a question regarding the Presidential Papers and Mr. McIntyre answered, noting the Polk papers project has now been completed, while the Andrew Jackson papers project was still ongoing. The motion was moved and properly seconded. Ms. Pierce took a roll call vote. Motion passed.

Mr. Harrell announced he had joined the meeting during the Publications discussion.

E. HISTORIC SITES COMMITTEE

Vice Chair Williams directed Historic Sites Program Director Mr. Dan Brown to begin the Historic Sites report (*Attachment E2*). Mr. Brown said that as the Governor had mandated construction an essential service, he has been kept exceptionally busy. He then reviewed his report. Vice Chair Williams inserted that we were planning to meet at the Alex Haley House and Museum in Henning, prior to the virus. During intense storms across the state, Mr. Brown stated, about 30 trees in total were uprooted or downed, including some massive ones in the cemetery on the Clover Bottom property. In addition, he noted, historic sites have been hit hard by the pandemic as they had been unable to host events or have summer camps. A few, in some extremely limited circumstances and following all guidelines, were able to do some events, weddings and camps earlier than others. Overall, they are really struggling. Mr. Brown included he has been working with them with grants and loans, different ways to keep their sites going, and proper ways to prepare sites. Vice Chair Williams asked if any sites were open right now, to which Mr. Brown replied, that all sites have been opened in some capacity at this point.

Motion

Vice Chair Williams pointed to the next item on the agenda, the Annual Operating Grants to the sites (*Attachment E2*) and requested a motion to approve the Annual Operating Grants to the historic sites. Dr. Norman had a question regarding bidding and contracts that Mr. Brown and Mrs. Wynn answered. Mr. Harris motioned to approve the historic site grants and Mr. Bacon seconded. Ms. Pierce took a roll call vote. Motion passed.

F. MONUMENTS AND MARKERS COMMITTEE

Vice Chair Williams requested for Monuments and Markers Committee Chair Mrs. Robertson to give the Monuments and Markers report and give a brief synopsis of the program. On behalf of Dr. Norman, Mrs. Robertson reviewed the program and followed with the marker requests (*Attachment F1*). She remarked that she has been on the Markers Committee for a while and she has never had so many markers to review; there were 16 in total, with 13 of them new. She began reviewing the requests. She explained that the Rose Terrace House was submitted and reviewed in February and deferred requiring more historic content. Since then, the staff made some edits and members of the committee submitted their revisions and these were integrated. The result was approved by the committee. St. John's Baptist Church was another request deferred from a previous meeting as it required more work. The committee worked on it and it was approved by the committee. Mrs. Robertson asked if any members of the commission had any concerns about any of the markers reviewed. Mr. Bacon had a question regarding the latest emails and Mrs. Wynn replied. Vice Chair Williams asked Mrs. Wynn to introduce herself and her connection to the Markers Committee. Following, Mrs. Moore relayed that she submitted a revision to the text for St. John Baptist Church. However, she no longer thinks the text conforms to the title of the marker, as the text goes into other things, such as the Cotton Maker's Jubilee. So, in review of that, even though she made a revision, she felt that the marker, which she had also initially voted to defer due to not containing enough historical content, still lacked the necessary content.

Motion

Mrs. Moore motioned to reject the marker, as she believed the text did not reflect the church itself. Mrs. Robertson shared that her opinion on the marker was that it had as much historical accuracy and information as the other markers have, and that in reference to the Cotton Maker's Jubilee, she believed that was about the early minister of that church and those that attended the church. She then spoke briefly of the importance and significance of the history of the Cotton Maker's Jubilee in Memphis, TN and commented that as in Dr. Carroll Van West's revision, it was indeed an event of "pride and protest against Jim Crow segregation." Dr. Norman made some comments regarding the church history model and the numerous amount of churches that have come before the committee. He continued that what the church thought to be significant and of great importance should be taken into consideration. Dr. Norman considered that the church's role in social justice makes the Jubilee portion inclusive to the marker. Dr. Norman acknowledged there was no second to Mrs. Moore's motion, so he suggested returning to the first motion and proceed. Mr. Johnson commented on the importance of the Cotton Maker's Jubilee in the Memphis community and Shelby county and its connection to church. Dr. West, the State Historian, joined in the discussion and stated that he pays close attention to the markers, as he believes that is an important role that he can play. In studying this one, he recognized St. John Baptist Church as being one of the most important churches in Memphis,

and probably even eligible for the National Register. Therefore, he wanted the text to reflect the greater social and cultural significance that this particular congregation has had on Memphis. He described it as a landmark congregation for over 150 years with an impact extending beyond Memphis to the state of Tennessee. Dr. Bill Lyons added that although he is an East Tennessee Member, he grew up not far from Memphis and is very familiar with the Cotton Carnival and the Cotton Maker's Jubilee. He felt strongly that the marker and the wording are appropriate and that it makes an especially important statement. Mrs. Robinson asked how Vice Chair Williams wanted to proceed, as Dr. Norman would like to proceed with Dr. West's version of the marker text and there was no second to the motion by Mrs. Moore. Mrs. Robinson motioned that all 16 markers, including Dr. West's version of the St. John Baptist Church, be approved. Mr. Elliott seconded the motion. Mrs. Moore requested to amend the motion to exclude the comments in parentheses after the "the Cotton Maker's Jubilee." Mr. Sherill commented. Mrs. Moore withdrew her revision and explained that she still felt Dr. West's revision focused too much on the Jubilee and that the Jubilee itself should have its own marker. Dr. Norman made some comments regarding why the statement in parentheses should remain. Mr. Elliott interjected that unless there was a second to Mrs. Moore's amendment, then we should proceed and vote as Mrs. Robertson last motioned. Mrs. Robertson restated her motion, that all 16 markers, including Dr. West's version of the St. John Baptist Church, be approved. The motion was moved and properly seconded. Ms. Pierce took a roll call vote. All said yes, apart from Mrs. Moore who did not accept Dr. West's revision of the St. John Baptist Church. The motion to approve the 16 presented markers, with Dr. West's revision of the St. John Baptist Church passed.

Mrs. Robertson expressed her appreciation for Mrs. Wynn for her hard work and dedication to the Monuments and Marker's Committee. She also expressed her gratitude to the committee for being "so vigilant in submitting changes and revisions to the markers." Mrs. Lee thanked Mrs. Robertson for her dedication in getting the committee together. Mrs. Mines thanked the committee and each individual member for their "hard work to reflect an accurate picture of our Tennessee history as they work on creating these markers." Vice Chair Williams explained there is a bound book with information for each marker when submitted that needs to be reviewed and pared down to a certain amount of words that will fit on the markers themselves.

G. TENNESSEE WARS COMMISSION COMMITTEE

Vice Chair Williams asked for the Program Director of the Tennessee Wars Commission (TWC), Ms. Nina Scall, to give a brief introduction of herself before her presentation of her report (*Attachment G1*). She recounted that COVID-19 has interfered with the TWC following through on planned events since March, and that a lot has shifted into next year due to the pandemic. Acquisitions this year were within four of the battlefields. Ms. Scall presented the proposed budget for fiscal year 2020-2021 (*Attachment G2*) for review and approval by the Commission. She noted this budget was prepared a couple of months ago when there was hope the virus would be gone by now.

Motion

Mr. Elliott motioned to approve the new budget and Dr. Dollar and Mrs. Campbell both seconded. Ms. Pierce took a roll call vote. Mr. Harrell was not present during the vote and did not return during the remainder of the meeting. The motion passed.

H. FEDERAL PROGRAMS REPORT

Mr. McIntyre reviewed the purpose and history of the Federal Programs report put together by the staff working within the State Historic Preservation Office. He recognized that every year a portion of the Federal Historic Preservation Fund is given to the SHPO. He commended the Deputy State Historic Preservation Officer, Ms. Claudette Stager, and Federal Programs Supervisor Mrs. Holly Barnett, who have both done a tremendous job managing the staff with Federal Programs. He virtually introduced the newest member of the staff, Ms. Kerri Ross, who joined the Survey program this spring during the pandemic. Mr. McIntyre then reviewed the Federal Programs Report (*Attachment H*), noting that there was one more additional CLG, Sevierville, that was added since the report came out, which gives a total of 46 CLGs in the State. With the acceleration of our ability to accept electronic submittal for Section 106 reviews, the review time is now just two or three working days now for the Review and Compliance team. This was noted as one benefit of working remotely during the pandemic.

I. CEMETERY COMMITTEE

The Cemetery Program Director, Mr. Graham Perry, presented the Cemetery Committee report and commented how important the program is. He introduced himself for the new members and noted that he previously worked at the Tennessee State Museum for approximately 10 years. He reviewed the database of Tennessee cemeteries he is creating and updated that he has completed going through all 95 county cemeteries and has counted approximately 29,000 total cemeteries in the state thus far. There have been three meetings of the Cemetery Committee and Mr. Perry thanked those in the Committee for their assistance. With the aid of his co-worker, Ms. Peggy Nickell in Survey, he was able to create a form for cemetery reporting that would be connected to GIS mapping, eventually enabling the public to submit cemeteries not in the database. The historical database has been put on hold until he can decide how different that will look and in fact be from the general cemeteries database.

J. OTHER BUSINESS

1. Election to Fill Unexpired Term of Chair

Next on the agenda was the election to fill the unexpired term of the Chair of the Tennessee Historical Commission, due to Chairman Reavis L. Mitchell's passing. The term he was serving was set to expire in February 2021. Vice Chair Williams requested East Tennessee Vice Chair Carter to preside over the meeting for this portion, and Mr. Carter obliged. Vice Chair Carter asked if there were any nominations for Chair.

Motion

Dr. Norman noted that in 1920, the Tennessee General Assembly ratified the 19th amendment – for the women's right to vote, and "how historic would it be for a 100th commemoration of that, that we nominate Mrs. Derita Coleman Williams as the first woman to head the Tennessee Historical Commission." He added that she has been "more than willing and able to lead the us during the transition and illness of our illustrious chair." Dr. Norman conveyed he really felt strongly that she should be elevated from her current position. Mr. Johnson seconded the motion to place Vice Chair Williams in the seat of Chair. Vice Chair Carter agreed that she deserved the promotion and commended Vice Chair Williams for the work she had done filling in previously. Vice Chair Carter requested Ms. Pierce do a roll call vote. Ms. Pierce took a roll call vote. Mrs. Robertson was not present during the vote and did not return during the

remainder of the meeting. The motion to approve Vice Chair Williams filling the remainder of former Chairman Reavis L. Mitchell's term passed unanimously.

Madam Chair Williams thanked everyone for their support and expressed it was an honor to fill the remainder of Dr. Mitchell's term as Chair of the THC. She expressed she has much respect for him, and she has big shoes to fill. Madam Chair Williams added that while she felt she could not fill his shoes, that she would certainly do her own personal best to represent women during her term. She also thanked Dr. Norman for his nomination and the kind words he said.

2. Nominating Committee

A new nominating committee is required for upcoming regular officer elections, and according to bylaws, it must represent the Three Grand Divisions of the state. Madam Chair Williams suggested Mrs. Robertson, from West Tennessee, Mrs. Campbell from Middle Tennessee, and from East Tennessee, Vice Chair Carter. She welcomed other ideas and informed that the committee would meet in October as the Nominating Committee. The Chair and Vice Chairs are also required to represent the Three Grand Divisions of the state. Since Madam Chair Williams moved from Vice Chair to Chair, there is now a vacancy for Vice Chair, which, following guidelines, must be from Middle Tennessee. She added that this would be voted on at the October meeting as the new Chair nomination just occurred.

3. Resolution for Dr. Mitchell

The Memorial Resolution for Dr. Reavis L. Mitchell, Jr., was read into the record by Mr. McIntyre. He thanked Mr. Elliott and Mrs. Wynn for putting the resolution together.

Motion

Mr. Elliott motioned for a grateful acknowledgement and adoption of the Resolution for Dr. Reavis L. Mitchell, Jr.. Mrs. Mines and Dr. Norman seconded. Ms. Pierce took a roll call vote. The Memorial Resolution for Dr. Reavis L. Mitchell, Jr., passed unanimously.

4. October Meeting Venue

Due to the ongoing coronavirus pandemic, Madam Chair Williams stated the October meeting will most likely take place virtually again. The date for the Autumn meeting will be Friday, October 16, 2021.

5. Public Comments

Madam Chair Williams thanked the public for their patience and informed them there is a 3-minute speaking limit, with a one-minute remainder warning, for each person. She then turned the meeting over to Mrs. Mothupi to manage the incoming public comments. Mrs. Mothupi read over some basic rules for communicating, including possibilities of being muted or even removed from the meeting if they do not follow the set rules or become unruly. She stated that those who had signed up ahead of time through THC's email address, Ask.THCA@tn.gov, would go first. Comments continued with Webex online comments, and then phone calls. Most comments pertained to the decision the day prior by the Capitol Commission to remove the Nathan Bedford Forrest bust and the Farragut and Gleaves busts from the State Capitol. The decision placed the next step as requesting a waiver request with the THC. However, this being the following day, nothing had been filed to review or be considered by the THC.

Dr. Norman implored that prior to the end of the meeting, the process to request an emergency meeting be outlined along with the due process notification for the public. He said doing so would inform the public of how much time they have between now and the October meeting. Dr.

Norman relayed that he would like to make a motion to “respectfully seize this moment in our nation’s history and in Tennessee history that we do honor these requests for an emergency meeting.” He added finding a way to do so with due process should still take place. He spoke some more on the subject, and it was decided a discussion on this with the other Commission members would be held off until the end of the Public Comments section. Phone comments continued.

After individuals called in with similar comments relating to moving the bust at the Capital, Dr. Norman thought it might be a better time to go ahead and address his question right then. Mrs. Mothupi paused the Public Comments section and returned control of the meeting to Madam Chair Williams. Madam Chair Williams explained that the Tennessee Heritage Protection Act outlines just exactly what can be done. She requested Mr. Joseph Sanders, counsel for TDEC and the Tennessee Historical Commission, to review the waiver process for the THPA, and acknowledged she knew about the prior day’s Capitol Commission meeting and its outcome, however, a waiver had not been submitted to the THC yet. Mr. Sanders explained that it was his understanding that the Capitol Commission was to have their staff put the waiver together and send to the THC. He continued his review. Dr. Lyons pointed out that the THPA continually references regular meetings, so he believed there could not be a special meeting called even if a waiver was received by THC. Dr. Norman and Dr. Lyons discussed the matter further. Dr. Norman said he would rest on, upon actual receipt of the waiver, to set a special meeting on the waiver. Mr. Elliott suggested that Mr. Sanders outline in a memorandum, what the procedure is and whether THC can have a special meeting called. Mr. Elliott agreed with Dr. Norman that there have been special meetings called in the past, but the requirement of a regular meeting appears to be in the statute, which is something the Commission cannot get around. Mr. Elliott suggested the THC get a legal opinion from special counsel. Mr. Sanders informed that the Commission could have a special meeting, however, the THPA requires action on the waiver be only at the regular meetings. Mr. Sanders said there could be further discussion and there may be other routes to take, but the statute lays out how the process is handled. However, he would be happy to do a memorandum that can be shared with both the Commission and the public. Madam Chair Williams thanked Mr. Sanders. Dr. Norman asked Mr. Sanders to clarify that there can be a special meeting, that process can be laid out, but a vote cannot be taken until a regular meeting. Mr. Sanders replied that statutory provisions as far as how one actually considers the waiver and how you move through that process, but there is nothing that would prevent a meeting with the purpose to plan how one is going to go through the waiver process. Dr. Norman explained that historically when there have been meetings like this, these items drew a lot of attention from the public and as this is currently a season when everyone is not able to gather, people are more likely to call in and public comments can run really long. He felt that if the comments are going to run long, it would be in the best interest of the Commission to have a special called meeting to deal with this item only and then make it the first item on the October agenda. Taking into consideration there is great public interest, Mr. Elliott inquired if Mr. Sanders could address in his memorandum a possible special called meeting where the THC could hear public comments and that way at least the time that is spent on the topic could be divided up. Mr. Sanders said he could include that in the memorandum. Dr. Norman thanked everyone for their time and public comments. He added “that it is important we understand the tone and the tenor of not only Tennessee, but of the Nation. And when we have public outcry of this nature and we are talking about a historical matter, to push it down the line and to take the

moment too far out is not a good thing. I think it is wise for this Commission to take this moment and do the due diligence. We have had plenty of time – we have talked about Forrest for years – and literally the governor has made it very clear, the State Capitol Commission has voted very clearly, and that for this Commission to take immediate and swift action is extremely important.” He expressed the need again for a special, one time only session and decide on this matter and move with the “sentiment of our state and the Nation at this time.” Mr. Sanders repeated he would get together the memorandum and did not feel it would take an extensive amount of time.

With no other comments by Commission members, Madam Chair Williams turned the meeting back over to Mrs. Mothupi for public comments. Comments continued. Madam Chair Williams conferred with Dr. Norman regarding a cutoff time for comments as the meeting was nearing four hours with no break. He felt listening to the public comes with the territory and that all voices should be heard. Dr. Cupples interjected that the attorney has already offered to write a memorandum and felt we cannot proceed with anything beyond that anyways. Dr. Norman said he could agree with that. Mr. Elliott suggested to ask the public if they had any other comments besides that of removing the bust and if they did, then we should hear them, but a wide selection of people had been heard already today that support the bust removal. There were no further comments.

K. ADJOURNMENT

There being no further business to discuss, Mrs. Campbell motioned to adjourn the meeting and Dr. Cupples seconded.

The meeting adjourned at approximately 12:45 p.m. C.D.T..



E. Patrick McIntyre, Jr.
Executive Director



Derita Coleman Williams
Chair

