



# TENNESSEE HISTORICAL COMMISSION

## Special Meeting

*Consideration of whether or not to refer a Complaint filed by Heyward Rourk against the City of Clarksville to an Administrative Law Judge for review and the issuance of an Initial Order*

July 24, 2020

Via Teleconference

### Minutes

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#### **MEMBERS PRESENT:**

Madam Chair Derita Coleman Williams; East Tennessee Vice Chair Allen F. Carter; Ernie Bacon; Beth A. Campbell; Dr. Kent Dollar; Sam D. Elliott; Jeremy Harrell; Loni Harris; Cato Johnson; Tiny Jones; Lucy Lee; Dr. Bill Lyons; Doris McMillan; Joanne Moore; Dr. Keith Norman; Beverly Robertson; Don Roe; Ray Smith; Judge David Tipton; Commissioner Salyers' Representative, Gerald Parish; and State Librarian and Archivist Chuck Sherrill

**MEMBERS ABSENT:** Dr. Doug Cupples; Toye Heape; Linda Moss Mines; Joseph Swann; Kelly Wolfe; Don Johnson, Governor Lee's Representative; Phil Hodge, State Archaeologist; Dr. Carroll Van West, State Historian

**GUEST:** Joseph Sanders, TDEC senior legal advisor and counsel for the THC

**STAFF PRESENT:** E. Patrick McIntyre, Jr., Executive Director of Tennessee Historical Commission; Susan McClamroch, Tennessee Heritage Protection Act and Outreach Historic Preservation Specialist; Ashlee Pierce, Administrative Secretary

#### **A. ANNOUNCEMENTS**

Madam Chair Williams called the for the specially called meeting to order shortly after 10:00 A.M. C.D.T.. The meeting was convened by telephone, in compliance with Governor Lee's Executive Order No. 16 regarding electronic meetings. Madam Chair Williams requested everyone identify themselves before speaking. Ms. Pierce conducted the roll call. A quorum was met with 21 members of the required 15 members present.

#### **B. CONSIDERATION**

Madam Chair introduced Joseph Sanders, a Tennessee Department of Environment and Conservation senior legal advisor and counsel for the Tennessee Historical Commission as being on the call. Mr. Sanders reviewed the only agenda item which was a complaint filed by Mr. Heyward Rourk that was emailed to the Tennessee Historical Commission on July 13, 2020, regarding the removal of a sign and a marker in Clarksville.

Motion

Mr. Elliott motioned to move the matter to an administrative law judge for the purpose of rendering an initial order as they have done in the past, citing is as a more efficient way all around. Judge Tipton questioned Mr. Elliott as to what exactly there was for an ALJ to determine. Mr. Elliott replied that he is unaware of anything to be disputed as the city has not responded yet to the complaint, however, he hoped they used the interval to resolve it amongst themselves. Judge Tipton agreed. Mr. Bacon seconded the motion. Ms. Pierce conducted a roll call vote. Mrs. Moore and Judge Tipton voted no, Mr. Sherill abstained, and the remaining commission members voted yes. The motion to send the complaint filed by Heyward Rourk against the City of Clarksville to an Administrative Law Judge for the purpose of rendering an initial order, passed.

Madam Chair Williams stated that the public comments allowed were only those pertaining to the item on the agenda and invited Mr. Labano, the owner of the monument being discussed, to speak. Mr. Sanders cautioned him that speaking with the members on the merits of the case would be considered ex-parte communication which could disqualify the board members. He offered to speak with Mr. Labano following the meeting and he agreed. Mrs. Campbell moved to adjourn the meeting and Commissioner Norman seconded. The motion was moved and properly seconded.

**C. ADJOURNMENT**

The meeting was adjourned at 9:17 A.M. C.D.T..



E. Patrick McIntyre, Jr.  
Executive Director



Derita Coleman Williams  
Chair