



TENNESSEE HISTORICAL COMMISSION

Meeting Minutes

February 18 and March 9, 2021 Meeting

The Tennessee Historical Commission (THC) met virtually via phone and Webex following Governor Lee's extension of Executive Order No. 65, which allowed for meeting by electronic means due to the ongoing coronavirus pandemic. *All attachments referenced herein were sent to the Commission along with the agenda one week prior to the meeting.*

Members present were Madam Chair Derita Coleman Williams; Vice-Chair for East Tennessee, Sam Elliott; Vice-Chair for Middle Tennessee Beth Campbell; Allen Carter; Dr. Douglas Cupples; Dr. Kent Dollar; Jeremy Harrell; Loni Harris; Robert Hicks; Kem Hinton; Cato Johnson; Dr. William Kennedy; Dr. Bill Lyons; Doris McMillan; Joanne Moore; Dr. Keith Norman; Beverly Robertson; Don Roe; Ray Smith; Frank Stevenson; Ann Toplovich; and Hanes Torbett. Also attending were ex officio members Don Johnson, Director of Constituent Services & Community Relations for the Office of the Governor; Phil Hodge, State Archaeologist; Chuck Sherrill, State Librarian; and State Historian, Dr. Carroll Van West. Communications explaining their absence was received from Joseph Swann. Kelly Wolfe and Commissioner Salyers were absent without excuse. Staff members present were Patrick McIntyre, Executive Director and State Historic Preservation Officer; Dan Brown, Historic Sites Program Director; Susan McClamroch, Tennessee Heritage Protection Act and Outreach Specialist; Graham Perry, Cemetery Preservation Program Specialist; Ashlee Pierce, Administrative Secretary, and Director of Programs for the Tennessee Wars Commission, Nina Scall.

Madam Chair Williams called the meeting to order. She relayed that due to the current weather, which included a substantial amount of snow on the ground in Nashville and in much of the state, it was necessitated a portion of the meeting would need to be continued to a future date. That portion was the hearing on the Capitol Commission's Petition for Waiver on the relocation of the three busts from the Capitol Building to the State Museum. It was decided that the hearing would be continued until March 9, 2021, in order to allow at least some of those involved in the hearing to be physically present for the hearing.

Several Commission members had expired terms and were replaced just prior to the meeting. Madam Chair Williams introduced and welcomed the newest members of the Commission and their city of residence: Robert Hicks of Franklin; Kem Hinton of Nashville; Dr. Bill Kennedy of Jonesborough; Frank Stevenson of Nashville; Ann Toplovich of Nashville; and Hanes Torbett of Johnson City. She also introduced Joseph Sanders, Senior Legal Advisor from the Office of General Counsel.

Ms. Pierce explained how the roll call and roll call voting would be conducted. She noted that the Chat feature on Webex would be utilized for voting, with votes considered passed unless otherwise noted. *Votes on the Webex chat feature have been saved separately with other documents from this meeting.* She then called roll, announced who was absent, and that a quorum was present.

**B. APPROVAL OF MINUTES FROM OCTOBER, NOVEMBER, AND
DECEMBER 2020 MEETINGS**

Madam Chair Williams stated that minutes from the previous regular and two special meetings were included in the packet sent to members. The meetings were voted on together.

Motion

Dr. West made a motion to approve the minutes and Mrs. Campbell seconded. Motion carried.

C. TENNESSEE HERITAGE PROTECTION ACT

**Initial Hearing – Williamson County, Waiver Petition Concerning the
County’s Seal**

Madam Chair Williams noted that the next item on the agenda was the initial hearing on a petition filed on behalf of Williamson County, pursuant to the Tennessee Heritage Protection Act. The petition is seeking a waiver that, if granted by the Commission, will allow Williamson County to remove, modify and replace its current County Seal. She quoted Tenn. Code Ann. § 4-1-412 (c)(4) which “provides, in part, that: An initial hearing before the commission on a petition for waiver shall be scheduled at any regular commission meeting no sooner than sixty (60) calendar days after a petition is filed. At the initial hearing, the commission shall determine which interested entities, groups, or individuals should be given written notice by the public entity, including copies of the petition and supporting reports.” The sole purpose of the initial hearing is to determine which interested entities, groups, or individuals should be given written notice by Williamson County that this waiver is being sought. A hearing on the merits of the waiver petition will be scheduled at a later Commission meeting in accordance with the Tennessee Heritage Protection Act. *Commission members were provided copies of this petition for waiver prior to the meeting.* Included in the petition is an Excel spreadsheet listing the names and addresses of private entities, groups, or individuals, that Williamson County identified as parties that may have an interest in receiving notice of this petition. Madam Chair Williams asked if any additional parties had an interest in receiving notice of this petition and opened the floor to those who indicated they wanted to make oral comments on the petition during this hearing. She then introduced Jaclyn Mothupi, from the Office of External Affairs to moderate the comment period. There were two people who made comments: Todd Lake and Dr. Learotha Williams. Following the comment period Madam Chair Williams reminded members of additional written comments which had been provided to them prior to the meeting and advised them to keep those in mind. *Written comments have been saved separately with other documents from this meeting.* She then asked if there a motion to add any additional parties to the list of those that should receive notice of this petition for waiver.

Motion

Mr. Elliott motioned to accept the list submitted by Williamson County, with the proviso that they do some advertising in the paper, on their website, and own paper if they have one, so that the residents of the county can make a statement at the hearing when it occurs. Mrs. McMillan seconded, and a vote was taken. Motion Carried.

Initial Hearing – City of Knoxville, Waiver Petition Concerning the Historical Marker on Market Square

Madam Chair Williams moved to the next item on the agenda, which was the initial hearing on a petition filed on behalf of the City of Knoxville, pursuant to the Tennessee Heritage Protection Act. The petition is seeking a waiver that if granted by the Commission will allow the City of Knoxville to remove and replace the current historical marker on Market Square with an official state marker containing accurate, relevant, and thorough information. Tenn. Code Ann. § 4-1-412 (c)(4) also applies here. The sole purpose of this initial hearing is to determine which interested entities, groups, or individuals should be given written notice by City of Knoxville that this waiver is being sought. A hearing on the merits of this waiver petition will be later in accordance with the Tennessee Heritage Protection Act. *Commission members were provided copies of this petition for waiver prior to the meeting.* Madam Chair Williams invited members to offer any suggestions or additional parties to be notified and noted no one requested to make a verbal comment.

Motion

Mr. Elliott moved to accept the list of names provided by the City of Knoxville in the waiver request. Dr. Lyons seconded, and a vote was taken. Motion Carried.

Scheduling of Hearing for Appeal to the Commission for Coker v. Franklin APD Case No. 04.47-201126J

Next on the agenda was Elizabeth Coker's Appeal to the Commission of Coker v. Franklin APD Case No. 04.47-201126J. In this case, Ms. Coker alleges that the City of Franklin violated the Heritage Protection Act by erecting certain signage near the statute in the City Square and Courthouse. The Commission referred this case to an Administrative Law Judge to render an Initial Order. The City of Franklin filed a Motion to Dismiss. The Administrative Law Judge issued an Initial Order of Dismissal. Ms. Coker filed a timely appeal to the Commission. Commission members needed to set a date for the hearing on the appeal before the Commission. Madam Chair Williams stated that Mr. Sanders advised that the Parties briefs have been delayed as Ms. Coker's attorney has had to deal with several Covid-related illness and deaths. To allow time for the briefs to be filed and supplied to Commission Members for review, Mr. Sanders suggested that the hearing be set for some date in late April or early May.

Motion

Madam Chair Williams entertained a motion to set the date for the hearing of Ms. Coker's appeal. Mr. Elliott motioned to set the hearing for Ms. Coker's appeal to Friday, May 7th, and Mrs. Harris seconded. Madam Chair Williams asked everyone to check their calendars before voting. Mrs. Campbell asked if the meeting could be in the morning as opposed to the hearing. Mr. Sanders replied that since there will be an Administrative Law Judge the hearing would likely begin at 9 a.m. and for members to leave the day open. Madam Chair Williams asked everyone to check their calendars again as a quorum would be necessary to conduct business. Mr. Elliott suggested offering an alternative date for the hearing in case it does not work for either the opposing counsel or ALJ. He amended his motion to also include an alternative date of Friday, April 30th. Dr. West seconded, and a vote was taken. Motion Carried.

Madam Chair Williams issued a five-minute break before continuing with the regular meeting topics.

D. FINANCE COMMITTEE

The meeting continued following a roll call. Mrs. Campbell presented the Finance Committee report (*Attachment D*) and pointed out the impact of the pandemic in the numbers.

Motion

Mrs. Campbell made a motion to approve the financial statement and Mr. Cato Johnson seconded. The members voted, and the statement was approved unanimously. Motion Carried.

Madam Chair Williams passed the floor to Mr. McIntyre and he reviewed the budget for Fiscal Year 2021-2022.

E. HISTORIC SITES COMMITTEE

Mrs. Robertson acknowledged Mr. Brown, Historic Sites Program Director, who reviewed the Historic Sites report. (*Attachment E*) He noted all the sites continue to struggle during the pandemic due to low (or no) attendance. Some were even putting on outdoor activities to garner a crowd. He also discussed how last spring's storm and wind events have cost around \$117,000 in damages. Thankfully, an overwhelming majority will be covered by insurance, and that he would be working with FEMA and state risk management to address everything. Mrs. Robertson questioned if any sites had received P.P.E. funding from the federal government's C.A.R.E.S. Act. Mr. Brown believed the majority had. Dr. West thanked Mr. Brown and Mr. McIntyre for their "dogged determinism and commitment" to the sites in such a troubling year.

F. MONUMENTS AND MARKERS COMMITTEE

Dr. Norman stated there were eleven markers submitted for review. (*Attachment F*) Eight were approved by the committee and three were requested to be reviewed by the full Commission. All three for review by the Commission were churches. He suggested voting on the eight submitted for approval before proceeding with the discussion of the rest.

Motion

Dr. Norman requested a motion to approve markers one through eight in the packet. Mr. Cato Johnson moved for approval and Mrs. Robertson seconded. The members voted, and the statement was approved unanimously. Mrs. Moore requested the names of the markers be read. Dr. Norman read the markers one through eight that were being voted on. The members voted, and the marker one through eight in the packet were approved unanimously. Motion carried.

Dr. Norman continued with marker submissions nine through eleven in the packet and asked that the Commission discuss instructions on how to assess churches for the marker program and what the criteria should be related to these institutions. Discussion ensued. It was determined that criteria would be established based on standards Dr. West developed for a church study around twenty years ago at the request of the THC.

Motion

Following the discussion, Mr. Elliott motioned to approve the remaining markers, markers nine through eleven in the packet, and named each of them. It was noted by Dr. Norman that they would be resubmitted if grammatical errors were later found and corrected. Mrs. Campbell seconded, and a vote was taken. Markers nine through eleven in the packet passed unanimously. Motion carried.

G. TENNESSEE WARS COMMISSION

Madam Chair passed the floor to Ms. Scall and asked her to introduce herself. Ms. Scall noted the Annual Report of the TWC for the General Assembly was in their packet, but that for the sake of time she only reviewed the project progress report for Fiscal Year 2020 grants, and the project proposals for Fiscal Year 2021 grants. (*Attachments G1-2*)

Motion

Mr. Elliott motioned to approve the proposed three tracts (Charton; Hardiman; and T. Olive) for the Civil War Sites Preservation Fund Grant. Dr. Dollar seconded, and a vote was taken. Motion Carried.

Mrs. Moore requested for the Wars Commission Committee to meet prior to the meetings. Ms. Scall moved to the Wars Commission Grant and reviewed the proposed projects. (*Attachment G3*)

Motion

Mr. Elliott motioned to approve the four proposed projects for the Wars Commission Grant, with the disclosure that he is on the board of the Tennessee Civil War Preservation Association. Ms. Toplovich had a concern regarding the longevity of the fourth listed project for the TCWPA (Tennessee Civil War Preservation Association), noting it first began work in 2011. She questioned if progress reports were being required. Ms. Scall replied she personally requires quarterly progress reports. She also explained the project's full expectations which go beyond mere information compilation. The project also makes that information available in an online capacity for public viewing. Ms. Toplovich also suggested asking them for a possible end date, which they perhaps might find helpful in wrapping things up. Mr. Elliott commented further on the project and thanked Ms. Toplovich for her question and suggestion. Dr. Dollar seconded, and a vote was taken. Motion Carried.

H. TENNESSEE CEMETERY PRESERVATION PROGRAM

Mr. Graham Perry reviewed his report of activities. (*Attachment H1*) Despite the pandemic Mr. Perry had been able to finally begin visiting some cemeteries again and give out preservation information as needed.

Motion

Mrs. Harris motioned to approve the inaugural Cemetery Committee report. Dr. Cupples seconded, and a vote was taken. Motion carried.

Mr. Perry continued and reviewed on his Five-Year Historic Cemetery Advisory Committee to The General Assembly of Tennessee report. (*Attachment H2*) Mr. Sherrill motioned to approve the Cemetery Advisory Committee report to the General Assembly and Mr. Cato Johnson seconded. Mrs. Moore asked Mr. Perry a question regarding abandoned cemeteries. A vote was taken. Motion carried.

I. FEDERAL PROGRAMS REPORT

Mr. McIntyre reviewed the Federal Programs Report. (*Attachment I*)

J. MERIT AWARDS COMITTEE

Mrs. Harris reviewed the nominations which consisted of eleven in Historic Preservation category, one in the Book/Public Programming category, and four in the Special Commendation category. (*Attachment J*) Ms. Toplovich noted that when she became a member two weeks ago, she was not aware that she had been nominated for an award, so she would abstain from any discussion or voting.

Motion

Dr. West motioned to approve to nominations as made by the committee. Mr. Sherrill seconded, and a vote was taken. Motion carried.

K. AUDIT COMMITTEE

Dr. Lyons explained the purpose of the Audit Committee and reviewed the Audit Committee report. (*Attachment K*) The work of Mr. McIntyre during the difficulties assumed during the pandemic was commended. Dr. Lyons noted there was an issue with staff turnover due to the salary level offered, which hinders the Commission with the duties it is entrusted with. He commended the staff on doing a great job.

Motion

Mr. Elliott moved to accept the Audit Report and Mrs. Robertson seconded. A vote was taken. Motion carried.

L. NOMINATING COMMITTEE

Commissioners Beth Campbell and Beverly Robertson and Vice Chair Allen Carter of Athens worked on a slate that was presented at the recent, regular October meeting of Officer nominations. Madam Chair Williams asked Vice Chair Carter to take over the meeting for this portion. Vice Chair Carter presented the slate which consisted of Madam Chair Williams for the role of Chair of the board, Sam Elliott for East Tennessee Vice Chair, and Beth Campbell for Middle Tennessee Vice Chair. He asked for a motion to approve the slate. Mrs. Moore commended Madam Chair Williams on her work during such adverse conditions, and several members made their agreement known.

Motion

Mr. Sherrill motioned to approve the presented slate and Mr. Cato Johnson seconded. A vote was taken. Motion Carried.

M. OTHER BUSINESS

Madam Chair Williams made a few announcements, including that a new executive director, Jennifer Core, was named of the Tennessee Historical Society, which was most recently vacated by new member, Ann Toplovich. She recognized that the East Tennessee Historical Society in Knoxville appointed a new president and CEO, Dr. Warren Dockter, to succeed Chere Henderson.

1. Public Comments

There were no public comments.

2. Report from the State Librarian

The State Librarian and Archivist, Mr. Sherrill, shared that collections and staff are now moving into the new State Library and Archives building located on the Bicentennial Mall. While collections were currently moving a bit slow, about a third of staff had moved into the new building. The grand opening is planned for April 12th. He gave an update on other ongoing projects, including a Revolutionary War Pensioners GIS project showing the migrations paths of those that ended up in Tennessee called Patriot Paths. Data entry has been completed and hopefully in the next several months that will be up and accessible online.

Mr. Sherrill also relayed that the TSLA were asked to find all the Second Avenue pictures from the Nashville bombing site that they could find to assist in upcoming restoration work in that area. That information would be available online soon.

3. Report from the State Historian

Dr. West gave his report and stated the Tennessee Commission for the United States Semiquincentennial has met and chosen him, the State Historian, as the Chair. They will be conducting approximately thirteen to fifteen meetings across the state, much aligned to what was done about thirty years ago he believed, for the Tennessee Encyclopedia. They will be in-person meetings, which means they likely will not begin until the end of the year.

4. Tennessee 225, Black History Month, and National Historic Preservation Month

At Madam Chair Williams' request Dr. West reviewed events for Black History month. Interestingly, he noted that "although 2020 was a pretty challenging and dark year in many ways...for the interests of Tennesseans in their history and wanting people to come and help them tell their story and add to our fuller narrative of history as Tennesseans, it's been a wonderful year." This turned the year into one of his busiest years in his career yet, but in a very rewarding and significant way.

5. June Meeting Venue

Madam Chair Williams reminded everyone that the meeting would be continued until March 9th for the Capital Commission's hearing and stated that discussion of the June meeting would be held over until then.

6. Committee Assignments for 2021

Dr. Norman recommended Ms. Toplovich for the Markers and Monuments Committee earlier in the meeting. Madam Chair Williams requested for all committee requests to be sent to her personally for review and that she would like members to be in a committee they feel they can find purpose in.

Mr. Hinton asked Dr. West if there were plans to update the Tennessee Encyclopedia. He said that discussion had just recently began and acknowledged the need for the update. Ms. Toplovich added that the online version is continuously updated.

N. Recess

There being no further business to come before the Commission, Madam Chair Williams thanked everyone for their time and attention. Dr. Cupples asked about possibly meeting in person in June. Mr. Sanders responded that a "hybrid" meeting might be the first step towards that, with some people meeting at a location and others attending via Webex video conference. Mr. Elliott motioned to recess the meeting until March 9th at 9 A.M.. Mrs. Robertson seconded.

The meeting was *continued* at 12:09 p.m. C.S.T. until March 9th at 9 A.M..

March 9, 2021 CONTINUATION OF MEETING from February 18, 2021

The Tennessee Historical Commission (THC) met virtually via phone and Webex following Governor Lee's extension of Executive Order No. 65, which allowed for meeting by electronic means due to the ongoing coronavirus pandemic. *All attachments referenced herein were sent to the Commission along with the agenda one week prior to the meeting.*

Members present were Madam Chair Derita Coleman Williams; Vice-Chair for East Tennessee Sam Elliott; Vice-Chair for Middle Tennessee Beth Campbell; Allen Carter; Dr. Douglas Cupples;

Dr. Kent Dollar; Jeremy Harrell; Loni Harris; Kem Hinton; Cato Johnson; Dr. William Kennedy; Dr. Bill Lyons; Doris McMillan; Joanne Moore; Dr. Keith Norman; Beverly Robertson; Don Roe; Ray Smith; Frank Stevenson; Joe Swann; Ann Toplovich; Hanes Torbett and Kelly Wolfe. Also in attendance were ex officio members Don Johnson, Representative for Governor Lee; Commissioner David Salyers of the Department of Environment and Conservation; Phil Hodge, State Archaeologist; Chuck Sherrill, State Librarian; and Dr. Carroll Van West, State Historian. Robert Hicks was absent without excuse. Staff members present were Patrick McIntyre, Executive Director and State Historic Preservation Officer; Susan McClamroch, Tennessee Heritage Protection Act and Outreach Specialist; and Ashlee Pierce, Administrative Secretary.

Madam Chair Williams called the meeting to order, reconvening the regular meeting that had commenced on February 18, 2021. Ms. Pierce reviewed roll She then called roll, announced who was absent, and that a quorum was present.

Having confirmed that twenty-eight Commission members were present, they proceeded with the main item of business remaining from the February 18, 2021 meeting - the final hearing on the Capitol Commission's Petition for Waiver. If granted, the requested waiver would allow the busts of Nathan Bedford Forrest, David Glasgow Farragut, and Albert Gleaves to be moved from the Capitol Building to the State Museum. Before turning the meeting over to Judge Summers to preside over the hearing, Madam Chair Williams noted that Tenn. Code Ann. § 4-1-412 (c)(6) provides, in part, that, "An interested entity, group, or individual shall be afforded an opportunity to offer public comments regarding a petition for waiver at any commission hearing on a petition." To comply with this provision, she announced that the Commission would allow those who signed up to make comments, to do so after the Capitol Commission rested its case and prior to Judge Summers charging the Commission. She then asked Ms. Jaelyn Mothupi with the Office of External Affairs, to explain the process the Commission would follow to receive the oral comments. Following Ms. Mothupi's explanation, Madam Chair Williams turned the meeting over to Judge Summers to preside over the hearing.

B. TENNESSEE HERITAGE PROTECTION ACT

Final Hearing for the relocations of Forrest, Gleaves, and Farragut busts

Judge Summers began the hearing. Ms. Christy A. Allen, General Counsel, Department of General Services, was present as Counsel to the State Capital Commission. Testimony was given by Butch Ely, Chairman of the Tennessee Capital Commission and Commissioner of the Department of Finance and Administration; Dr. Derek W. Frisby, Middle Tennessee State University Associate Professor in the Global Studies program; and Ashley Howell, Executive Director of the Tennessee State Museum.

At the close of the Capitol Commission case but before charging the Commission, Judge Summers turned the meeting over to Ms. Mothupi to moderate the oral comments.

As noted in the public notice only persons that requested to comment before the deadline of 5pm CST on March 3, 2021 were able to do so. She requested that comments stay focused on the topic of the case and stated no threats or insults would be tolerated. For the purposes of public record, Ms. Mothupi asked that the public state their name and any organization they were representing before commenting. Each speaker was given three minutes to comment, with the time limit to be strictly enforced. A timer was displayed on the screen so they could manage their time accordingly if on Webex. She noted that they would be muted if they went over their allotted time. For those

that called in, Ms. Mothupi asserted that she would inform them when they had one-minute left and when they were out of time. She informed that she would state the name of the first person that would be speaking, as well as call the name of the next person so they could prepare accordingly. Of the thirty-one members of the public that signed up to speak, twenty-eight were present virtually and commented. Their names and known group affiliations are as follows: Bill Carey; Larrick Johnson; Robert Jackson; Angel Stansberry/People's Plaza; Robert Rittle; Rayne Dominguez; Mary Clare Hyland; Julianne Adams; Allan Ramsaur/Tennesseans For Historical Justice; Justin Kanew; Justin Jones; Graham Mote; Shauna Russell; Jim Wohlgemuth/Veterans for Peace; Melissa Cherry/Showing Up for Racial Justice, Nashville Chapter; Kristi Arth; Griffen Price; Dr. Learotha Williams, Jr.; Mina Shedd; Dr. Kevin Riggs; JaVonne Mathiesen; Professor Daniel Sharfstein; Lynn Egan; Jama Mohammed; Benjamin Sawyer; Todd Lake; Senator Brenda Gilmore; and H. Edward Phillips, representing the Forrest Family descendants. Following the speakers, Ms. Mothupi read two written statements by Lupe Galbraith and Elizabeth Coker, respectively. *All written comments are filed separately with the minutes.*

Following the comments and a fifteen-minute break. Upon returning, Ms. Pierce took roll call and determined 26 members were now present, with Dr. Cupples and Joseph Swann absent. A quorum remained intact. Judge Summers passed the floor to Ms. Christy A. Allen to read her closing statement. Next, Judge Summers charged the Commission with respect to their deliberations that they must decide this case only from evidence presented in the case's hearing. That evidence consisted of the sworn testimony of witnesses, the one exhibit placed into evidence, as well as the public comments. She then read the instructions on granting a waiver from the Tennessee Heritage Protection Act. Before the Commission crafted the order, she asked that there be some discussion of the facts. She suggested that they access the Proposed Findings of Fact and Conclusions of Law that was provided to them by the State for the purposes of the criteria listed, while deciding whether to grant a waiver so that they could be guided by those factors in an initial discussion. Judge Summers then gave the floor to the Chair to preside over Commission deliberations. Madam Chair Williams relayed that since the waiver request presented by Ms. Allen, the attorney for the State Capital Commission, was considered uncontested and there were no interveners, the Commission will consider the Findings of Fact and Conclusions of Law. She addressed the Commission and stated that Mr. Sanders and she discussed that the Findings and Facts and Conclusions of Law should be discussed amongst the members for their consideration since the waiver is uncontested. Before they reviewed and deliberated the facts, she and Mr. Sanders felt it would be best to proceed by taking a straw vote to determine if there seems to be a clear majority that is in favor or opposed to the action that the petitioner is seeking. Simply put, that is yes for granting the removal of the bust, or no for denying the waiver request. She requested a motion on taking a straw vote on the issue of granting or denying the removal of the Forrest, Farragut and Gleaves busts from the Capital.

Motion

Mrs. Harris motioned to take a straw vote on the issue of granting or denying the removal of the Forrest, Farragut and Gleaves busts from the Capital. Mr. Wolfe seconded. A roll call vote proceeded, with all Commission members present voting in the affirmative, except one, Mrs. Moore, who voted no on the straw vote. Madam Chair Williams acknowledged it was clear that the majority of the Commission was in favor of the straw vote. Motion carried.

Madam Chair Williams then tasked the Commission with going through the Proposed Findings of Fact and Conclusions of Law, item by item, to informally agree upon inclusion of specific items in the Final Order. Items could be accepted, rejected, or modified.

Motion

Mr. Elliott moved that by clear and convincing evidence, paragraphs 1 through 5 in the Capital Commission's Proposed Findings of Fact, be established. Dr. Norman seconded. A roll call vote ensued with Mrs. Moore abstaining as she relayed she did not have the documents required to make an informed decision. The remaining Commission members voted yes. Motion carried.

Madam Chair Williams advised Mrs. Moore that the information required for voting on this matter was received prior to the February 18th portion of the meeting. She then suggested to the Commission that in order to speed up the meeting that they go through each number in the Findings of Fact, starting with number six, and if there was no opposition then they could move on to the next item for inclusion. Mrs. Moore objected, stating she did not have the documents in front of her and therefore she would have to abstain from voting. Madam Chair Williams directed her to February Meeting packet that was FedExed to her. Mrs. Moore stated that she still could not locate her documents, so Madam Chair Williams read the following numbered sections of the Findings of Fact: 6, 7, 8, 9, 10, and 11. Before she proceeded to read the Conclusions of Law, Mr. Elliott interjected and asked if he could add a few more Findings of Fact. In the Capitol Commission Proposed Findings of Fact and Conclusions of Law prepared by TDEC, Mr. Elliott proposed that they add the Finding on contextualization from page 6, paragraph 13. He also proposed the following Finding of Fact, paragraph 14, regarding serving the public interest. Mr. Elliott continued his proposal with paragraph 15, regarding the Capitol being the center of State government and not a military museum. In closing, Mr. Elliott proposed paragraph 17 which states "the busts are legally part of the Tennessee State Museum's collection." Madam Chair Williams engaged in discussion with Mr. Elliott on including paragraph 11 from the second version of the Capitol Commission Findings of Fact emailed to Commission members the night prior. He then suggested striking the first line from paragraph 16, with it now reading as "The Mission of the Tennessee State Museum is to procure, protect, exhibit, and interpret objects which relate to the social, political, economic, and cultural history of Tennessee and Tennesseans, and to provide exhibitions and programs for the educational and cultural enrichment of the citizens of the state. The Tennessee State Museum has the means of educating the public not only on the three historic figures, but on the current debate relating to Confederate memorials. The State Museum can provide contextualization in a much more appropriate and convenient space than in the Capitol."

Motion

Dr. West moved that they accept these statements and add them to the document as paragraph 13, 14, 15, and 16. Mr. Cato Johnson seconded. Ms. Pierce conducted a roll call vote with all present Commission members voting yes, except for Mrs. Moore who did not vote. Motion carried.

The meeting continued with the Conclusions of Law, which Madam Chair Williams read aloud. Mr. Elliott suggested that they add the more operative order, Executive Order number 78 as well. Madam Chair agreed. Discussion ensued. Judge Summers also clarified that voting is only allowed on what is included, and not excluded.

Motion

Mr. Elliott proposed that the Commission adopt the Conclusions of Law that were discussed as read with the changes. Mr. Wolfe seconded. Another roll call vote was conducted with all present Commission members voting yes, except for Mrs. Moore who did not vote. Motion carried.

Madam Chair Williams then moved on the Policy Reasons for this Decision and read it to the Commission as they did not have this document. She then announced striking the line, “has more visitors than the Capitol and in its modern new facility” from paragraph 17 on the TDEC version of the Findings and Facts.

Dr. West moved that they accept those policy statements. Mr. Cato Johnson seconded. Mr. Elliott commented that this was an appropriate time to remember our departed friend and former chairman, Dr. Reavis Mitchell, who would have certainly been a happy participant in the discussion. A roll call voted was conducted with all present Commission members voting yes, except for Mrs. Moore who was present but did not vote, and Mr. Wolfe who did not reply to the roll call. Motion carried.

Madam Chair Williams then stated, “Now that the Commission had informally reached a decision and order, do I hear a motion to adopt this decision and draft as the Commission’s Final Order on this Waiver Petition from the Capitol Commission to remove the three busts of Forrest, Farragut, and Gleaves?” Dr. Norman moved to accept, and Mr. Cato Johnson seconded. Ms. Pierce took the roll call vote with all present Commission members voting yes, except for Mrs. Moore who voted no. Mr. Wolfe stated he had some technical difficulties voting during the last motion, but that he voted yes for that motion and for this motion as well. Motion carried.

Madam Chair Williams requested the numbers for voting and Ms. Pierce advised that twenty-five Commission members voted yes and one voted no. Judge Summers thanked the Commission for their hard work and diligent application on the petition and adjourned the hearing at approximately 1:59 P.M. C.S.T..

(Official court transcript of hearing available upon request.)

C. OTHER BUSINESS

1. June Meeting Venue

As the next regular meeting would contain the two hearings concerning the petitions of waiver regarding the Williamson County Seal and a City of Knoxville’s marker on Market Square, it was decided to have the meeting in Nashville, if possible. Due to the ongoing COVID-19 pandemic, the meeting might still need to be at least partially virtual. Therefore, the means in which the meeting would officially be conducted would have to be considered closer to the June 18th meeting date.

D. ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 2:01 P.M. C.S.T..



E. Patrick McIntyre, Jr.
Executive Director



Derita Coleman Williams
Chair

