



# TENNESSEE HISTORICAL COMMISSION

## Meeting Minutes

June 18, 2021

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On Friday, June 18, 2021, the Tennessee Historical Commission (THC) met in person at the William R. Snodgrass Tennessee Tower in Nashville, TN, with virtual Webex available for its regularly summer scheduled meeting. The meeting took place with video participation by some members due to the coronavirus pandemic and to offer those who could not make the trip to Nashville a chance to be a part of the meeting and fulfill their duties. *The attachments referenced herein were sent to the Commission along with the agenda, prior to the original and postponed meeting dates.*

Members present in person were Madam Chair, Derita Coleman Williams; Vice Chair for Middle Tennessee, Beth Campbell; Vice Chair for East Tennessee, Sam Elliott; Dr. Kent Dollar; Loni Harris; Robert Hicks; Kem Hinton; Dr. Bill Kennedy; Dr. Bill Lyons; Joanne Cullom Moore; Don Roe; Ray Smith; Ann Toplovich; Hanes Torbett; ex officio members Don Johnson, Governor Lee's Representative; Gerald Parish, Commissioner Salyers' Representative; Phil Hodge, State Archaeologist; and Chuck Sherrill, State Librarian and Archivist. Members present via Webex were Allen Carter; Dr. Doug Cupples; Cato Johnson; Doris McMillan (later in person); and Beverly Robertson. Jeremy Harrell; Dr. Keith Norman; Joseph Swann; and Kelly Wolfe sent communication during or prior to the meeting explaining their absences. Frank Stevenson and State Historian, Dr. Carroll Van West were absent without excuse.

Staff members present were Patrick McIntyre, Executive Director and State Historic Preservation Officer; Linda Wynn, Assistant Director for State Programs (via Webex); Dan Brown, Historic Sites Program Director; Susan McClamroch, Tennessee Heritage Protection Act (THPA) and Outreach Coordinator; Graham Perry, Cemetery Preservation Program Director (via WebEx); Ashlee Pierce, Administrative Secretary; Kerri Ross, THC Survey Program; Kelley Reid, Section 106 Review staff; and Nina Scall, Tennessee Wars Commission Director (via WebEx).

Those present for the Tennessee Heritage Protection Act's final hearing for the Knoxville Historic Marker included Judge Michael Begley, Administrative Law Judge; Lindsay Crockett, Historic Preservation Planner for Knoxville-Knox County Planning; Douglas Gordon, Assistant City Attorney for the City of Knoxville; Fiona McAnally, Director of Legislative Affairs, City of Knoxville; and Joseph Sanders, THC counsel, TDEC Office of General Counsel.

### **A. ANNOUNCEMENTS**

Madam Chair Derita Coleman Williams welcomed everyone to the meeting and explained some housekeeping rules for the hybrid meeting which included both the virtual and physical presence of Tennessee Historical Commission members, staff, and the public. She thanked Mark Brown for Thursday's pre-meeting tour of the Belmont Mansion, Chuck Sherill for the viewing of the recently completed Tennessee State Library and Archives, and new member, Kem Hinton, the lead

designer of the TSLA building, for the extra architectural details he included for the group he was in. Madam Chair Williams announced there was a sign-up sheet available for public comments at the end of the meeting. She then recognized tech support, namely Harrison Freeman, Administrative Secretary from the TDEC Office of External Affairs, who was present to assist in person. She then acknowledged Joe Sanders with TDEC Office of General Counsel who has been assisting the Commission, along with the staff who have assisted with the meeting set up.

Ms. Pierce called the roll and determined there was a quorum.

### **B. APPROVAL OF MINUTES**

Two separate meeting minutes were presented for consideration. First, meeting minutes from the regular meeting in Nashville on February 18, 2021 that was continued to March 9, 2021 were considered.

#### Motion

Mr. Cato Johnson moved for approval of the minutes. Mr. Elliott seconded. Motion passed.

#### Motion

Next, the meeting minutes from the May 7, 2021 special meeting were considered. Mrs. Campbell moved to approve, and Mr. Cato Johnson seconded. Motion passed.

Madam Chair Williams acknowledged the arrival of new member, Mr. Robert Hicks.

### **C. TENNESSEE HERITAGE PROTECTION ACT**

#### **Final Hearing, Knoxville Historic Marker - APD Number: 04.48-210840A Request To Remove and Replace the Current Historical Marker on Market Square, Knoxville with An Official State Marker**

Madam Chair Williams noted that this is the final 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. Before turning the meeting over to Judge Begley to preside over the hearing, she 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. She then asked that the record reflect that no one signed up to make a public comment for the hearing online prior to the posted deadline of June 14, 2021, at 10 A.M. C.D.T., nor in person that day at the TN Tower. She reminded the members that they were previously provided the one written comment received. Madam Chair Williams turned the meeting over to Judge Begley to preside over the hearing.

Judge Begley began the hearing.

(Video of this meeting is available online at:

[https://www.tn.gov/content/dam/tn/environment/boards/documents/tennessee-historical-commission/2021-meetings/thc\\_video\\_meeting\\_june-18-2021.mp4](https://www.tn.gov/content/dam/tn/environment/boards/documents/tennessee-historical-commission/2021-meetings/thc_video_meeting_june-18-2021.mp4).

Transcript by request only, with a fee.)

Judge Begley charged the Commission with the following from the Tennessee Heritage Protection Act:

1. For a waiver to be granted, the public entity seeking the waiver must demonstrate by clear and convincing evidence that a material or substantial need for a waiver based on historical or other compelling public interest exists.

2. The commission may grant a petition, in whole or in part, by a two-thirds (2/3) vote of the entire membership of the commission by roll call vote. The commission may include reasonable conditions and instructions to ensure that a memorial is preserved and remains publicly accessible.
3. Any petition that fails to receive a two-thirds (2/3) vote shall be denied.

Judge Begley turned the case over to the Commission for deliberation. Madam Chair asked for recommendations on how to proceed with deliberations.

Motion

Vice-Chair Sam Elliott motioned relative to proposed findings of fact, that the Commission finds, by clear and convincing evidence, the city's proposed findings of fact 1, 2, 3, 4 (adding that the fact that the Commission previously approved a marker is a presumptive finding of fact that there is accuracy in that marker and therefore inaccuracy in the current marker), 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15. Mrs. Moore mentioned a letter in her packet from someone suggesting keeping the original marker as well as accepting the new marker. She made an amended motion for this and Dr. Cupples seconded. Discussion ensued. A roll call vote was conducted on Mrs. Moore's amended motion to keep the existing historic marker alongside the new marker that was accepted by the Commission in February. 21 members voted not in favor with two voting in favor - Dr. Cupples and Mrs. Moore. The amendment by Mrs. Moore to Mr. Elliott's motion failed to pass.

Motion

Mr. Elliott restated his original motion, and a roll call vote was taken for its approval. There were 21 in favor and 2 not in favor, which included Dr. Cupples and Mrs. Moore. Motion passed.

Motion

Mr. Elliott made a second motion to adopt Conclusions of Law 1, 2, 3, 4, 5, 6, 7, 8, 9 and relative to 10, 10 is adopted with the exception of subsection d which relates to whether the proposed changes demonstrated support or opposition from local residents. No evidence of that was heard, nor filed in the Findings of Fact. Therefore, in relation to 10, reference to subsection d would be removed. 11 is also adopted. In conclusion, the motion is to accept all of the City of Knoxville's Findings of Fact, with the exception of the amendment to 10 where subsection d is removed. Mrs. Harris seconded. A roll call vote was conducted. The motion passed with 22 in favor and 1 not in favor, which was Mrs. Moore.

Madam Chair Williams requested that Mr. Sanders, THC's legal counsel, draft an order that reflects the decision of the Historical Commission.

Motion

Mr. Elliott then motioned to adopt the three policy reasons stated in the City's Proposed Findings of Fact and Conclusions of Law as the Commission's policy reasons for approving the waiver. Mr. Lyons seconded. A roll call vote was conducted and there were 21 in favor and 2 not in favor, which included Dr. Cupples and Mrs. Moore. The motion regarding policy reasons passed.

Madam Chair Williams thanked the judge and the City of Knoxville and the hearing adjourned at approximately 9:29 A.M..

**D. TENNESSEE HISTORICAL COMMISSION (THC) OVERVIEW & ORIENTATION**

Executive Director Patrick McIntyre introduced the two newest members of the staff, Kerri Ross, and Kelley Reid. Ms. Ross began in April of last year, 2020, just after the pandemic caused the staff transition to telework. She is co-coordinator of the Tennessee Historic and Architectural

Resources Survey and oversees the Certified Local Government Survey program. Ms. Reid began in April of this year, 2021, and works in the Section 106 Review Program. Mr. McIntyre also acknowledged the other staff present in the room and on Webex. Following the expiration of several member's terms within the last year, many seats were filled with new appointments by Governor Bill Lee. Mr. McIntyre and the chair felt it appropriate to present an overview of the THC and its programs. Mr. McIntyre presented a PowerPoint of the THC outlining its programs and duties. Following the orientation, Madam Chair Williams requested the engagement of members on their committees and to the Commission in general, and reminded them that when they were chosen, they were charged with being the ambassadors of the Commission. She expressed her hope that they remember this when they are with engaging with anyone, whether it be from the General Assembly or the general public, that they are supporting the professional staff of the Commission. Madam Chair Williams also recognized Ms. Pierce for the accommodations she set up for the members at the historic Hermitage Hotel in downtown Nashville. Dr. Cupples made some announcements regarding the Memphis Railroad and Trolley Museum being reopened, and the Tennessee Conference of Historians having an upcoming meeting in October.

#### **E. FINANCE COMMITTEE**

The newly appointed Finance Committee Chair, Mr. Allen Carter, thanked Madam Chair for appointing him head of the committee, noting he has some big shoes to fill following Mrs. Beth Campbell.

##### Motion

He reviewed the financial statement for July 1 – April 30, 2021 (*Attachment E1*) and requested a motion for approval for it. Mr. Cato Johnson seconded. A roll call vote took place and the motion passed unanimously.

#### **F. PUBLICATIONS COMMITTEE**

Madam Chair Williams recognized Ms. Ann Toplovich, the newly appointed Chair of the Publications Committee, who then recognized her successor as Executive Director of the Tennessee Historical Society, Jennifer Core.

##### Motion

Ms. Toplovich reviewed the publications report (*Attachment F1 & F2*) and asked for a motion to approve the publication grants. Mr. Sherrill moved, and Mrs. Moore seconded. The motion to approve the Publications grants passed unanimously.

Madam Chair Williams noted that the History Book Award grant amount had been increased from \$150 to \$1000. Ms. Toplovich, Madam Chair Williams, and Mr. Sherrill further discussed the book award program.

#### **G. HISTORIC SITES COMMITTEE**

Mrs. Beverly Robertson, Chair of the Historic Sites Committee, reported on the first meeting of the committee with new membership involved. Program Director Dan Brown gave the Historic Sites report (*Attachment G1*), and then Mrs. Robertson gave a short review on the Annual Operating Grants to the sites, (*Attachment G2*). Next, Mrs. Robertson spoke of a post-pandemic survey that was completed among the historic sites. She relayed that Madam Chair had asked her if there was anything that could be done to engage the sites and help them, so she thought about doing some research to identify what impact on the historic sites the pandemic has had; allow

leaders to share information on their current operating conditions; identify support that is needed now; and address how sites can be better prepared to deal with future crises. She developed a brief survey and thanks to Mr. Brown's follow up, 100% of the sites responded. Mrs. Robertson brought the findings to share and discuss with the Commission. Findings included that despite site closures, most leaders found a way to still serve from the site, or virtually; two out of three developed and maintained some type of sustainability program which saw them through the crises, although they still lost funding; and most of the sites received some type of funding or support through the pandemic, whether it be through federal government, foundations, or nonprofit organizations. Currently, all sites have reopened and about three out of four are in good or fair operating conditions. However, three sites are doing poorly, so the Commission needs to see how it can provide support to them. Current site needs in order of priority include 1. Operating capital, 2. Maintenance and upkeep, 3. Technology. Challenges that lie ahead include 1. attracting visitors back to the sites, which would likely include some type of marketing campaign; 2. generating revenue, which comes with visitors; 3. protecting staff and visitors, as we are still in the middle of a pandemic; 4. securing volunteers and securing staff. She noted site operators wished they had been in possession of better technology in advance, along with the knowledge of how to use it, particularly as it applies to Microsoft Teams, Zoom, and other platforms they had to pivot through to maintain some type of engagement among their visitors and volunteers. In the case of another pandemic or Act of God, they would then be better prepared and in position with that. Lastly, she informed the Commission that the annual Historic Sites Meeting will be held at Clover Bottom on September 27<sup>th</sup>. Members of the Historic Sites Committee are welcome to come.

#### Motion

Madam Chair Williams requested a motion to approve the Annual Operating Grants to the historic sites. Mr. Cato Johnson moved, and Mrs. Campbell seconded. The motion to approve the Annual Operating Grants to the historic sites passed unanimously.

### **H. MONUMENTS AND MARKERS COMMITTEE**

Chair of the Monuments and Markers Committee, Dr. Keith Norman, was not present to deliver the report, so Madam Chair Williams requested for another member of the committee to take his place during this meeting. Madam Chair Williams recognized Dr. Norman briefly for managing to get the Marker and Monuments paperwork in an editable pdf form for the Committee. Then Mr. Elliott, on behalf of Dr. Norman, reviewed the program and followed with the marker requests (*Attachment H*).

#### Motions

There were seven markers approved by the committee, and two with alternative texts, so he motioned to move the following marker's texts, 2. First Integrated Public Schools in the Southeast; 3. Gordon Browning and Alvin Hawkins; 5. Affricana Town; 6. The Scarboro Community; and 7. FORD VS. FORD, as there was consensus on these. Mr. Parish seconded. Motion passed unanimously.

As for the first presented marker, Stigall High School, Mrs. Campbell had suggested some alternative text for the marker, and Mr. Elliott also noted the word "change" needed to be corrected to past tense in the second to last sentence. Ms. Campbell motioned to accept these changes to the first marker, Stigall High School. Mr. Elliott seconded. Following discussion on a "style" guide for the markers, Mr. Sherrill noticed there was a period missing after the first "M"

initial in the name of the person the school was named for. Mr. Elliott amended his motion to add the period, and Mrs. Campbell seconded. Motion passed unanimously.

The final remaining marker to consider was The Montgomery County Negro Agricultural Fair/Pope G. Garrett Sr. submission. State Historian Dr. West submitted a revision to the Committee and Mrs. Wynn of the Markers program agreed with his revision. Mr. Elliott moved to approve the fourth listed marker using Dr. West's revision. Ms. Toplovich seconded. Motion passed unanimously.

Mrs. Moore asked Mrs. Wynn how many markers are missing or need to be repaired, and how many have been replaced or repaired in the past year. Mrs. Wynn replied that when she returned to the office, she would get that information written up and sent out to everyone. Mr. Sherill had a question regarding markers and who pays for them. Mrs. Wynn confirmed the markers are paid for or sponsored by those requesting the marker, and that the Commission only pays for repairs or replacements.

### **I. TENNESSEE WARS COMMISSION COMMITTEE**

Madam Chair Williams asked for the new chair of the Wars Commission Committee, Dr. Kent Dollar, to give a report of their meeting. Dr. Dollar thanked Madam Chair Williams for selecting him as Chair and introduced the new members. He gave a review on the meeting and passed the presentation over to Program Director of the Tennessee Wars Commission (TWC), Nina Scall, to give her report (*Attachment I1*). She referenced the addendum she provided in the packet per the request of the Committee, which gave definitions to commonly used abbreviations within the TWC. Ms. Scall then presented the proposed budget for fiscal year 2021-2022 (*Attachment I2*) for review and approval by the Commission. Following the budget review, Dr. Dollar, Mrs. Harris, and Vice-Chair Elliott all commended Ms. Scall's work as the sole individual in the Wars Commission and the great work she does. Mr. Elliott explained that in March an individual came before a subcommittee and made a blatantly false statement regarding misappropriation of Wars Commission funds. He commended both Ms. Scall and Mr. McIntyre for being able to quickly gather information and provide it to the Legislative committee and disprove that accusation.

#### **Motion**

Dr. Dollar motioned to accept the TWC budget and Mr. Elliott seconded. The motion was moved and properly seconded. The proposed budget for fiscal year 2021-2022 passed unanimously. Mr. Sherrill asked Ms. Scall if the TSLA would be requested for assistance with the redesign of the Path Divided pamphlet. She replied that she appreciated the request and that she would be in touch.

### **J. CEMETERY COMMITTEE**

The Cemetery Preservation Program Director, Mr. Graham Perry, presented the Cemetery Committee report (*Attachment J1*). He reviewed the short history of the program and the headstone cleaning program he has considered implementing. Mr. Perry relayed the names of the members of the committee and welcomed Mrs. Moore as the newest addition.

### **K. FEDERAL PROGRAMS REPORT**

Mr. McIntyre reviewed the Federal Programs report (*Attachment K1*). that covered from January 1<sup>st</sup> through the end of April and showcases the accomplishments of the Federal Programs. The tax-related projects that were completed included the recently concluded \$18 million dollar project, the Pilcher Building, in downtown Nashville, which had been damaged but narrowly

escaped the heart of the blast zone during the 2020 Christmas Day bombing on 2<sup>nd</sup> Avenue. He reviewed the Governor's new \$4.8 million grant program assisting historic preservation projects that was passed by the General Assembly in place of a state historic tax credit.

#### **L. OTHER BUSINESS**

##### **Report from State Librarian**

Mr. Chuck Sherrill, State Librarian and Archivist, expressed that he delivered his report during the tour at the new Tennessee State Library and Archives building the day before and that he had nothing further to add.

##### **Report from State Archaeologist**

State Archaeologist Phil Hodge gave an update on new staff and commended all of the archaeology staff on a seamless transition from the office to working at home during the height of the ongoing pandemic. They anticipate transitioning back to the office beginning July 1<sup>st</sup>.

##### **October Meeting**

Madam Chair Williams asked all members to note in their calendars that the Commission regularly meets three times a year - in February, June, and October, on the third Friday of the month, unless the Commission votes to change it. Therefore, the date for the Autumn meeting will be Friday, October 15, 2021. Due to Williamson County's Final Hearing on their waiver request, the meeting will take place in Nashville, in the Tennessee Tower. She charged the Nashville members, or those in a neighboring county, to come up with some pre-meeting events for Thursday. She explained that this was typically how the meetings had occurred in the past, with members closest to the meeting venue planning events in the area for the day prior to the meeting, as she & Mr. Sherrill did for this meeting. Madam Chair Williams requested a motion to accept the October meeting date. Mr. Elliott moved to accept, and Mrs. McMillan seconded.

##### **Public Comments**

Madam Chair Williams noted that this was the time in the meeting allocated for comments from the public, but that no one signed up for public comments.

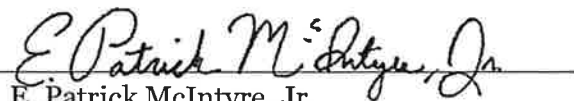
#### **M. ADJOURNMENT**

Mrs. Campbell relayed an event to the Commission taking place in August and requested Ms. Pierce send that information out to members once she received it from her. Mr. Hinton asked when the three busts from the State Capitol would be moved to the State Museum. Madam Chair Williams replied that the issue was now before the State Capitol Commission, and that they were expected to take up the matter in July.

##### **Motion**

Mr. Elliott motioned to adjourn the meeting and Mr. Parrish seconded. Motion passed unanimously.

The meeting adjourned at approximately 12:41 p.m. C.D.T.



E. Patrick McIntyre, Jr.  
Executive Director



Derita Coleman Williams  
Chair

