



TENNESSEE HISTORICAL COMMISSION

Special Meeting

ELIZABETH COKER v. CITY OF FRANKLIN APD Case No. 04.47-201126J

Via Teleconference

May 7, 2021

Minutes

MEMBERS PRESENT:

Madam Chair Derita Coleman Williams; Middle Tennessee Vice Chair Beth A. Campbell; East Tennessee Vice Chair, Sam D. Elliott; Allen F. Carter; Dr. Kent T. Dollar; Jeremy Harrell; Loni Harris; Kem Hinton; Cato Johnson; Dr. Bill Kennedy; Dr. William Lyons; Doris McMillan; Joanne Cullom Moore; Dr. Keith Norman; Don Roe; Ray Smith; Ann Toplovich; Commissioner Salyers' Representative, Gerald Parish; State Archaeologist Phil Hodge; State Librarian and Archivist Chuck Sherrill

MEMBERS ABSENT:

Robert Hicks; Beverly C. Robertson; Frank Stevenson; Kelly Wolfe; Governor Lee's Representative, Don R. Johnson; State Historian, Dr. Carroll Van West

MEMBERS ARRIVED LATE:

Joseph Swann; Hanes Torbett

MEMBERS LEFT EARLY:

Dr. Douglas W. Cupples

GUESTS:

Judge Kim Summers, Administrative Law Judge; Joseph Sanders, TDEC Senior Legal Advisor and Counsel for the THC; William E. Squires, Assistant City Attorney for the City of Franklin; H. Edward Phillips, III, Attorney at Law and Counsel for Elizabeth Coker

STAFF PRESENT:

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

A. ANNOUNCEMENTS

Madam Chair Williams called the meeting to order at 9:10 A.M. C.S.T., following a brief fire alarm test at the TN Tower. Governor Lee's Executive Order concerning the pandemic expired several days prior to the meeting, therefore, to proceed with the meeting via internet and telephone without a quorum being physically present, a finding of necessity was required to proceed electronically. The current hearing and meeting had already been planned to be part in

person and part electronic, and there was no time to change everyone's plans. The only item of business on the agenda was Ms. Coker's Appeal of the Administrative Law Judge's Initial Order of Dismissal of her complaint alleging that the City of Franklin violated the Tennessee Heritage Protection by placing certain signs related to the Civil War in and around the Public Square in Franklin. First, a Roll Call of the Commission members to confirm a quorum was conducted. Ms. Pierce announced a quorum was met with 21 members of the required 15 members present. Madam Chair Williams asked if there was a motion concerning the necessity to proceed electronically.

Motion

Commissioner Elliott motioned that the Commission find it necessary to meet electronically under the current circumstances. Mr. Cato Johnson seconded. Madam Chair Williams informed that all votes would be conducted by roll call. Ms. Pierce conducted the roll call. Motion to accept a determination of necessity in order to meet electronically passed.

Madam Chair Williams introduced Judge Summers and explained that she is the Administrative Law Judge appointed by the administrative procedures division to set with the Commission and preside over this stage of the proceedings. She is not the same Administrative Judge that rendered the Initial Order that Ms. Coker is appealing to the Commission. Madam Chair Williams turned the meeting over to Judge Summers.

C. TENNESSEE HERITAGE PROTECTION ACT – ELIZABETH COKER v. CITY OF FRANKLIN APD Case No. 04.47-201126J

(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

Transcript by request only, with a fee.)

Once Judge Summers completed her charge, she turned the case over to the Commission for deliberation.

Through testimony and deliberation, the Commission discovered that the majority believed the Initial Order of Dismissal should be upheld. They then went through the Proposed Findings of Fact and Conclusions of Law submitted on behalf of the City of Franklin, item by item, to informally agree upon inclusion of specific items in the Final Order. After adopting proposed findings of fact and conclusions of law, the commission also adopted a policy statement that briefly explained the overall policy reason for the commission's decision.

Motion

Madam Chair Williams requested a motion to formally adopt the decision as the Commission's Final Order on this matter. Mr. Elliott motioned to uphold Judge Michael T. Belgey's Initial Order dismissing Ms. Coker's Complaint. Dr. Norman seconded. Ms. Pierce performed a roll call vote and there were 21 in favor and 1 against, which was Mrs. Moore. Motion passed.

Madam Chair Williams relayed that Mr. Sanders, Counsel for the Commission, would work with Mr. Squires to draft an Order that reflects the decision of the THC.

E. ADJOURNMENT

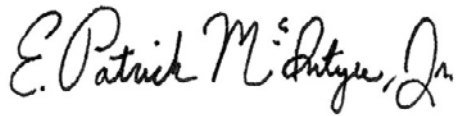
Madam Chair Williams noted that the Commission always wants to listen to what concerned citizens have to say. She informed the members that due to changing regulations with the

pandemic, the June 18th meeting will be a “hybrid” meeting, both in-person and virtual via Webex, to accommodate everyone. She added there would be in-person tours the day before the meeting on the 17th at Belmont Mansion and the new Tennessee State Library and Archives building for those able to attend.

Motion

She then asked if there was a motion to adjourn. Mrs. McMillan motioned to adjourn, and Dr. Norman seconded.

Madam Chair Williams adjourned the meeting at 12:39 P.M. C.S.T..



E. Patrick McIntyre, Jr.
Executive Director



Derita Coleman Williams
Chair