



## TENNESSEE HISTORICAL COMMISSION

### Meeting Minutes

June 17, 2022

On Friday, June 17, 2022, the Tennessee Historical Commission (THC) met in person at the William R. Snodgrass Tennessee Tower in Nashville, TN for its regularly scheduled summer meeting. Virtual participation was also provided via Webex. All attachments referenced herein were sent to the Commission along with the agenda, prior to the meeting.

Members present were Vice-Chair for Middle Tennessee, Beth Campbell; Vice-Chair for East Tennessee, Sam Elliott; Dr. Kent Dollar; Brad Grantham; Jeremy Harrell; Loni Harris; Kem Hinton; Dr. Bill Kennedy; Dr. Bill Lyons; Don Pomeroy; Ray Smith; Ann Toplovich; and ex officio member Gerald Parish, Commissioner Salyers' Representative. Members attending virtually via Webex were Chair, Derita Coleman Williams; Cato Johnson; Doris McMillan (later in person); Don Roe; Laura Todd; Hanes Torbett; and State Historian, Dr. Carroll Van West. Members who sent communication prior to the meeting explaining their absences were Allen Carter; Beverly Robertson; Susan Williams; Alec Richardson, Governor Lee's Representative; and Phil Hodge, State Archaeologist. Dr. Keith Norman and Kelly Wolfe were absent without excuse.

Staff members present in person were Patrick McIntyre, Executive Director and State Historic Preservation Officer; Linda Wynn, Assistant Director for State Programs; Graham Perry, Cemetery Preservation Program Director; and Ashlee Pierce, Administrative Secretary. Staff members present via Webex were Dan Brown, Historic Sites Program Director and Nina Scall, Tennessee Wars Commission Director

Those present in person for the Consideration of Stay, Williamson County Seal included Administrative Law Judge Claudia Padfield; Sara Page, Associate Counsel, TDEC Office of General Counsel, serving as counsel for the THC; Jeff Moseley, Counsel for Williamson County; and H. Edward Phillips, III, Counsel for Sons of Confederate Veterans Major Nathaniel Cheairs Camp.

Those present via Webex for the Consideration of Stay, Williamson County Seal were Thomas B. Taylor III, Counsel for Williamson County and Will Pomeroy, Counsel for Sons of Confederate Veterans Major Nathaniel Cheairs Camp.

Those present in person for the Giles County petition were Lucy D. Henson, Counsel for Giles County, and Giles County Mayor Melissa Greene.

Present for the Centennial Pak Petition and Hadley Park Petition in person was Macy Forrest Amos, Counsel for the Petitioner, Metro Nashville.

Those present in person for the Initial Hearing, Forest Hills Streets Name Change were L. Marshall Albritton, counsel for the Petitioner, the City of Forest Hills.

## **A. ANNOUNCEMENTS**

Beth Campbell, Vice-Chair for Middle Tennessee, called the meeting to order at 9:01 A.M. C.D.T. and welcomed everyone. She explained that Madam Chair Derita Coleman Williams would not be chairing the meeting today due to a recent surgery. However, she would be attending the meeting by Webex from home. Vice-Chair Campbell welcomed new member, Dan Pomeroy, who had just been appointed that week. She noted there was also a pending appointment, but that would not be announced until it became official. Mr. Pomeroy was the longtime chief curator and director of collections at the Tennessee State Museum and recently retired after 45 years there. She relayed that the members enjoyed a wonderful tour of Williamson County including the Carter House State Historic Site and Carnton and that they had a wonderful dinner in Leiper's Fork at the historic Green's Grocery. She extended a special thanks to the local hosts, Doris McMillan and Kem Hinton. Vice-Chair Campbell reviewed the rules for general public comments. Ms. Pierce called the roll and being there was not a physical quorum in the room, a Determination of Necessity was required for the meeting to proceed.

### **Motion**

Vice-Chair Campbell asked for a motion for a Determination of Necessity. Mr. Elliott moved, and Dr. Dollar seconded. Ms. Pierce conducted a roll call vote. Motion passed.

## **B. APPROVAL OF MINUTES**

The April 22, 2022 meeting minutes were presented for consideration.

### **Motion**

Mr. Elliott moved to approve, and Mr. Hinton seconded. Ms. Pierce conducted a roll call vote. Motion passed.

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

### **1. Consideration of Stay, Williamson County Seal**

The next item on the agenda was the Motion for Stay filed by the Sons of Confederate Veterans. The motion for stay requested the Commission stay the effectiveness of the Final Order issued following the April 22, 2022, hearing on Williamson's County Petition for Declaratory Order. A copy of the Final Order, the Amended Final Order, and the Initial and Joint Motions for Stay had previously been shared via email with the members for review. Vice-Chair Campbell introduced Administrative Law Judge Claudia Padfield to preside over the motions and turned the meeting over to her.

### **Motion**

Mr. Elliott, Vice-Chair for East Tennessee, acknowledged the attorneys of both parties and commended them for coming together to an agreement on the issue. Under those circumstances he moved to accept their agreed order and grant the motion. Mrs. Harris seconded. Ms. Pierce performed a roll call vote. Motion passed.

There being nothing further for Judge Padfield, Vice-Chair Campbell thanked the judge and the opposing counsels before proceeding to the remaining agenda items.

Vice-Chair Campbell noted that next on the agenda were three initial hearings on petitions for waivers. The first was filed by Metro requesting a waiver to allow the removal of a Confederate Soldier Monument located in Centennial Park. The second petition was also filed by Metro and requests a waiver to allow the renaming of Hadley Park. The third petition was filed by the City of

Forest Hills and seeks a waiver that would allow the City of Forest Hills to rename certain streets. Commission members were provided copies of these petitions for waiver prior to the meeting. Included in the petitions are Excel spreadsheets and other information concerning the names and addresses of private entities, groups, or individuals, that the Petitioner identified as parties that may have an interest in receiving notice of this petition and about public notice published concerning these petitions. The three petitions will be addressed separately. As these are all initial waiver petition hearings the same statutory provisions of the Tennessee Heritage Protection Act (THPA) apply. The relevant sections are Tenn. Code Ann. § 4-1-412 (c)(3) and (c)(4). All members were provided copies of these provisions earlier, but Vice-Chair Campbell also read them for the record.

Tenn. Code Ann. § 4-1-412 (c) provides, in part, that:

(3) Prior to filing the petition for waiver, the public entity seeking a waiver shall publish notice of the petition for waiver on the web site of the public entity, if any, and in at least one (1) newspaper of general circulation serving the area of the memorial and one (1) in Davidson County. The notice shall state the basis on which the waiver is sought and shall provide that a copy of the petition and all supporting reports will be provided to any interested party at no cost upon written request submitted to the public entity filing or intending to file the petition for waiver.

(4) 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.*

She also stated that the purpose of these initial hearings is for the Commission to determine which interested entities, groups, or individuals have been given written notice by the Petitioner that the waiver is being sought and if additional entities, groups, or individuals need to be notified of these waiver petitions. The hearing on the merits of these waiver petitions would be held at later meetings of the Commission in accordance with the THPA.

## **2. Initial Hearing, Nashville Confederate Monument**

The Metropolitan Board of Parks and Recreation's petition for waiver if granted, would allow the removal of the Confederate Soldier that is located in Centennial Park. No interested parties signed-up to comment at this initial hearing on Metro's petition for waiver concerning the Confederate Soldier located in Centennial Park, nor were any written comments provided. Vice-Chair Campbell asked if any Commission member had any suggested additions to the Petitioner's list of parties receiving notice of the petition for waiver by the Petitioner.

### Motion

Mr. Elliott, Vice-Chair for East Tennessee, proposed that they require Metropolitan Board of Parks and Recreation, the Petitioner, to notify all of the Sons of Confederate Veterans Camps in Davidson County that are easily identifiable; all the Daughters of the Confederacy groups in Davidson County; and the Battle of Nashville Trust. Mr. Hinton seconded. Ms. Pierce conducted a roll call vote. Motion passed.

### **3. Initial Hearing, Hadley Park Name Change**

The Metropolitan Board of Parks and Recreation's second petition for waiver, if granted, would allow the name of Hadley Park, a public park in Nashville, to be changed. Vice-Chair Campbell opened the floor for comments by interested parties who signed-up to comment. There were two people who signed up to speak, Henry Caudle Sr. and Joanne Brennen. Both spoke and offered opinions against the name change rather than stating additional parties to be notified. Vice-Chair Campbell then asked if any Commission member had any suggested additions to the Petitioner's list of parties receiving notice of this petition for waiver by the Petitioner.

#### Motion

Ms. Toplovich motioned to add the Hadley Tennis Club if they had not been notified. Mr. Elliott offered an amendment to the motion to add the two individuals who had just made public comments to the list of those to be notified. Ms. Toplovich accepted the amendment to her motion. Mr. Smith seconded the motion.

Dr. West then suggested that the History, Political Science, and Geography Department at Tennessee State University be notified due to the proximity of the park. Ms. Toplovich accepted that as an amendment to her motion. Mr. Smith seconded the motion again.

Dr. Dollar then questioned if this petition should be under consideration by the Commission. Mr. Elliott recommended that the Commission vote on the motions presented for notice and then offered that a new motion for questioning the Petitioner as to why they feel this is under the THC's purview.

He repeated that the vote on the floor was Ms. Toplovich's motion, twice amended. Ms. Toplovich restated the motion including the amendments again and Mr. Smith reconfirmed his second to the motion. Ms. Pierce took a roll call vote and the motion passed.

#### Motion

Mr. Elliott stated he agreed with Dr. Dollar and motioned that they require the applicant to submit to the Commission, within 60 days, a legal brief as to why they consider this an appropriate application under the Heritage Protection Act. Dr. Dollar seconded the motion. Mr. Grantham relayed that State Historical Marker 3A151 states the two names the park was named for and said that should be taken into consideration. Discussion ensued. Mr. Elliott restated the motion and Ms. Pierce did a roll call vote. All members voted in favor except for Mr. Harrell and Ms. Toplovich who voted no. Motion passed.

### **4. Initial Hearing, Forest Hills Street Name Change**

The next initial hearing was on the City of Forest Hills' petition for waiver that, if granted, would allow the names of certain streets to be changed. No interested parties signed up to comment. Vice-Chair Campbell asked if any Commission member had any suggested names, noting that the Petitioner did not provide a list of parties to receive notice of this petition for waiver.

#### Motion

Mr. Elliott motioned that the THC require the City of Forest Hills to notify each of the property owners whose address would be affected by these proposed changes, of the proposal, of the proposed new street names, and the date of anticipated hearing. Mr. Pomeroy seconded. Mr. Hinton asked about public notices since the street names are so well-known in that area.

Vice-Chair Campbell amended the motion to add that there be public notice. She noted that to the property owners this is quite significant. Mr. Elliott asked where the public notice should be, and

she replied it should be on the city's website, in the local newspaper, and the regional newspaper. Mr. Elliott accepted her amendment to his motion. Ms. Todd seconded the motion. Ms. Pierce performed a roll call vote. Motion passed.

Mr. Albritton spoke and said that the City is preparing a Petition for Declaratory Order and that they filed the Petition for Waiver to be safe, and continued and noted that, "watching the Williamson County hearing and then looking at the Statute more carefully, these street names were not named as you might have had with 8<sup>th</sup> Avenue in Nashville being changed to Rosa Parks – already a public thorough-fare that was changed. These streets were on private land. Their issue is whether they constitute memorials because they were not public land when they were named." Mr. Elliott asked if they are "dedicated city streets" now, and Mr. Albritton answered that they are now, but not when they were named by the developer. Mr. Albritton urged the Commission to pass the Stay of the Petition of Waiver and then consider the Declaratory Order once it is filed. He added, "that while the details have not been worked out, this is not a situation where the Commissioners intend to name the streets, people that live on these streets will be deciding whether they want to name their streets differently." But for them to even engage in that process, they felt like they needed to come to the Commission. The "intent is for the citizens of Forest Hills to decide what their streets will be named, not the board of Commissioners telling them what their streets would be named." He recapped they will be filing their Motion for Stay and a Petition for Declaratory Order and that they would proceed with the notices as directed. Mr. Elliott said it was a significant issue for him at least, if it is truly a waiver proceeding, to know if the majority of the people on each of the streets wants their street name changed. Mr. Albritton then asked if it was suggested that that they discover the vote on that first, before any further hearings, to which Vice-Chair Campbell and Mr. Elliott agreed. Mr. Albritton noted that five years ago notices were mailed to everyone living on those streets and the vote returned with the majority voting not to change the street names. However, if you read the current petition, a lot has happened since then, such as new people moving on to the streets, and the city is getting more requests now to change the names. The City of Forest Hills felt in order to be good public servants they needed to know what their options were. Vice-Chair Campbell agreed with Mr. Elliott and said she also felt it would be helpful for the Commission to know before they continue with the initial hearing, what the wishes of the residents are, as it would be a significant matter to change an address without having actually moved. She also stated she concurred with Dr. Dollar on the applicability of the THPA in this case in addition to the Hadley Park case. Mr. Albritton agreed that is something the City is considering, which is why they will be filing a Petition for Declaratory Order. This will ensure the Commission is actually able to make the legal call, as they did in Williamson County, as to whether they believe it is appropriate or not. Vice-Chair Campbell agreed. Mr. Albritton said they were taking direction from the THC and would proceed accordingly.

##### **5. Giles Co./U.D.C. Petition**

Vice Chair Campbell noted that this item was a first for the Historical Commission. It was not a waiver petition, but rather a joint petition filed by Giles County and the United Daughters of the Confederacy (U.D.C.) filed pursuant to Tenn. Code Ann. §4-1-412(h) of the Heritage Protection Act. This provision provides for the transfer of ownership and/or relocation of memorial by consent in lieu of the waiver process. Members were provided a copy of T.C.A. §4-1-412(h) earlier but Vice-Chair Campbell read it aloud for the record.

T.C.A. §4-1-412(h) states:

Notwithstanding any provision of this section, in lieu of a waiver, a historic organization may petition the commission to transfer ownership of, relocate, or both transfer ownership of and relocate, a memorial to the historic organization with the consent of the public entity exercising control over the memorial. The petition must be filed with a copy of a resolution, ordinance, or order from the governing body of the public entity consenting to the transfer, relocation, or both transfer and relocation. The petition must include an assessment of costs associated with the transfer, relocation, or both transfer and relocation, and identify who will be responsible for the costs. If the petition includes relocation, a description or map of the proposed location must be submitted with the petition. A memorial may be relocated only to an accessible and suitable location within this state as determined by the commission. The commission may approve a petition upon a majority vote of the entire membership of the commission.

Vice-Chair Campbell stated that in this case the U.D.C. is the historic organization and Giles County is the public entity. If granted the memorials, currently located in a Jury Room of the Giles County Courthouse, they will be transferred to the U.D.C. for display at the National Confederate Museum located at Elm Springs, Tennessee. Interestingly, these memorials are already owned by the UDC, but their transfer must be approved by the Commission because they have long been loaned to Giles County and displayed in the Courthouse. Commission members were provided with a copy of the petition and a proposed order earlier. Vice-Chair Campbell asked for any questions or discussion.

#### Motion

Members of the United Daughters of the Confederacy, Giles County Chapter #257 were present and recognized by Mr. Elliott who praised their efforts. He also noted that it would be a fitting placement of (the framed portrait of) Gen. John C. Brown to be at Elm Springs anyways as that is the location he recovered at for several weeks, after being wounded at the Battle of Franklin. Mr. Elliott then motioned to approve the Petition. Dr. Dollar seconded. Ms. Pierce took a roll call vote. Motion passed.

### **3. Return to Initial Hearing, Hadley Park Name Change**

Mr. Elliott requested returning to the Hadley Park Petition for Waiver, as Macy Forrest Amos, the attorney for the Metropolitan Board of Parks and Recreation was present and they were discussing filing the Petition for Declaratory Order on the Hadley Park issue. Ms. Amos stated that had always been their plan to file it and have the initial hearing, and then file the Petition for the Declaratory Order once the Commission had decided who needed to receive notice. She recognized the motion that was approved giving 60 days to file a brief as to why this is appropriate, however, she had hoped they would be given 60 days to file the Petition for Declaratory Order in lieu of a brief.

#### Motion

Mr. Elliott agreed and stated that relative to the previously approved motion pertaining to Hadley Park, which stated that the Metro Board must file a legal brief in 60 days as to why they consider this an appropriate application under the Heritage Protection Act, he moved to amend it to say

that it can be satisfied by a Petition for Declaratory Order. Dr. Dollar seconded. Ms. Pierce conducted a roll call vote. Motion passed.

Ms. McMillan joined the meeting in person. The Tennessee Heritage Protection Act portion of the meeting completed, and the Commission took a 10 minute break.

#### **D. FINANCE COMMITTEE**

Following the break, Vice-Chair Campbell relayed that since Ms. McMillan arrived in person to the meeting, a physical quorum was present and roll call votes were no longer required. Next on the agenda, was the financial statement. With Allen Carter, Finance Committee Chair, absent, Vice-Chair Sam Elliott gave the report (*Attachment D.1.*)

##### **Motion**

Vice-Chair Elliott reviewed the financial statement for July 1, 2021 – April 30, 2022 (*Attachment D1*) and moved to approve it. Mr. Smith seconded. Motion passed.

Executive Director Mr. Patrick McIntyre recognized Linda Wynn, the Assistant Director for State Programs, noting that she “is always ably assisting and overseeing the budget and the good work that goes in on the fiscal end.” He gave an update on the budget for the next fiscal year and stated the THC was treated very well in the last session, which included gaining the approval for a full-time staff attorney. He expressed appreciation for the colleagues at TDEC and the Office of General Counsel for all the assistance they have given over the years. He acknowledged though that the first portion of this meeting proved just how valuable it will be to have someone dedicated full-time for the THPA, and also for other legal dealings such as land transactions that occur more frequently. He relayed the THC is very grateful to Governor Lee and the General Assembly for approving that request. Also approved again was the second position for the Historic Sites program to assist Dan Brown, Historic Sites Program Director, in addition to being treated well on some Capital projects that Mr. Brown would likely mention in his report. He expressed appreciation for the continued success of THC programs.

He noted there are elements of the budget that are generally voted on at the June meeting, but the full budget is not voted on until October. The Publications grants as well as the State Historic Sites grants would be addressed today as those are recurring.

#### **E. PUBLICATIONS COMMITTEE**

Vice-Chair Campbell reviewed the committee is charged with submitting the annual grants for historical society publication grants and for presidential paper projects, recommending a grant for the History Book Award, and giving a report on the Book Award. Ann Toplovich, Chair of the Publications Committee, reviewed the report (*Attachment E*) from the Publications Committee.

##### **Motion**

She moved to approve the five publication grants for the FY 2022-2023 cycle, which included the Presidential Papers Projects. Mr. Elliott seconded. Motion passed.

In relation to the publication grants, Ms. Toplovich noted the grants amounts have been at the same level for over 15 years “to these organizations in support of their work to provide material to Tennesseans about the history of our state.” She relayed that over these last 15 years, and especially over the last couple of years, costs have increased due to increasing inflation, and supply chain problems have risen. For these reasons, she requested the Commission consider seeking an increase in the grants for the fiscal year of 2023-2024. Discussion ensued, with Mrs. Wynn adding

that requesting a cost increase is a process that does not always bring forth the desired results, but that they could certainly try. She suggested that each member contact their legislators as they move closer to the budgetary period, especially with budget hearings to get that increase. Ms. Toplovich thanked Ms. Wynn. Ms. Wynn explained the process for securing funding for the next fiscal year. Mr. McIntyre said it might be advantageous for them to have some numbers and some suggestions sooner, rather than later, and he was very supportive of that idea.

Ms. Toplovich then reviewed the winner for the 2021 Tennessee History Book Award, *Mastodons to Mississippians: Adventures in Nashville's Deep Past* written by archaeologist Aaron Deter-Wolf and anthropologist Tanya M. Peres, and that it was the first time the subject of archaeology was chosen to win the award. She noted the Publications Committee still planned to work with the Library Association to do some revamping on the prize to increase interest.

#### **F. HISTORIC SITES COMMITTEE**

Mr. Brown gave a review his report (*Attachment F.1.*). As of July 1<sup>st</sup>, there will be about \$30 million in Capital Projects underway, which for the agency is an extraordinary and unprecedented amount of work and will cover nine funded projects. Vice-Chair Campbell thanked Mr. Brown for all he does for the historic sites across the entire state and recognized that he must be greatly anticipating the second position's arrival.

##### **Motion**

Mr. Elliott motioned to approve the operating grants to the state historic sites for FY 22-23 (*Attachment F.2.*). Dr. Kennedy seconded. Motion passed.

#### **G. MONUMENTS AND MARKERS COMMITTEE**

Mr. Elliott presented the report (*Attachment G.1.*). He noted that number 14, The Robertsville Community, is an existing marker that will be changed thanks to Anderson County Historian and Commission member, Ray Smith, who suggested some changes to create a more accurate marker.

##### **Motion**

Mr. Elliott motioned to approve all 14 recommended markers presented. Mr. Harrell found in number 2, Flatwoods Community & Moore Farm, the second sentence, third line, that the dash is not necessary. Mr. Elliott agreed. Dr. Dollar questioned the non-matching radio and TV acronyms that number 8, Wooten Fallout Shelter had listed, and Mrs. Wynn could not be certain about its accuracy so she said she would need to reference the original to make sure that it was not a typo. Dr. Lyons inserted that that it was for a long time WREC, they later switched to WREG. Mr. Elliott reviewed the motion he put forward, along with the amendment by Mr. Harrell. Mrs. Harris seconded. Motion passed.

Mrs. Todd had a question regarding the next step in the marker installation process and Mrs. Wynn gave a review.

#### **H. WARS COMMISSION COMMITTEE**

Dr. Dollar reviewed the committee's virtual meeting and recognized that Mr. Grantham, of Bolivar, had joined the committee. He then turned the meeting over to Ms. Nina Scall, Director of the Wars Commission. Ms. Scall presented her report (*Attachment H.1.*), which included her work with the TDEC Geographic Information System (GIS) staff creating map layers of state-owned Civil War properties and properties under easement monitored by the Wars Commission. Additionally, she has been working with Mr. McIntyre on virtual visualization of sites by

harnessing satellite technology, to bring the easement monitoring process into the 21st century. Ms. Scall then presented the Wars Commission budget for FY 2022-2023.

#### Motion

Dr. Dollar moved for approval of the budget. Mr. Harrell seconded. Motion passed.

### **I. CEMETERY PRESERVATION COMMITTEE**

Mr. Graham Perry, Cemetery Preservation Program Director acknowledged the members of the Cemetery Preservation Committee by name. Mr. Perry presented his report (*Attachment I. 1.*) and noted that he has been working with the Tennessee Department of Environment and Conservation to complete the long-awaited online Arc—GIS State Cemetery Map and the Survey 1, 2, 3 entry form for public submitting of cemetery data. If it meets certain qualifications, it will permit a cemetery to be added to the State Historic Cemetery Register. He further explained the mapping layers and how being added to the State Historic Cemetery Register will work. The Register should lead to getting a cemetery sign with the THC logo on it, which in turn Mr. Perry hopes will provide some protection to the cemeteries as it will prove the state is aware it exists. He also organized and facilitated two cemetery preservation workshops by nationally recognized Historic Cemetery Preservation Specialist Jonathan Appell. These day long workshops were held in Madison County at Riverside Cemetery and Humphreys County at Johnsonville State Historic Park at the end of April. In addition, he delivered his cemetery law Power Point program to the National Society Daughters of the American Revolution, the Spring Hill Library, and the Cheatham County Historical Society. Mr. Hinton expressed that he was very impressed with Mr. Perry's work and wanted to personally commend him on his enthusiasm and dedication. Mr. Perry explained that a problem with cemetery relocations that people will scatter the monuments. Other states say the monuments must be moved with the graves, but Tennessee does not – they just say have to have a suitable monument where a grave is placed. It is an issue he runs in to it all the time with monuments just being scattered about. Technically the monuments and graves belong to descendants/family members. He suggested it be something the Commission addresses, especially since other state programs have specific laws that remains have to be moved with the monument. Ms. Toplovich asked if Mr. Perry was suggesting amending Tennessee State law so that it does have to be moved, because otherwise she could see some monuments being sold to the developer, or the like. He agreed that was correct, in order to bring Tennessee in line with other states. Ms. Toplovich inquired of Mr. Elliott how they would work on having an amendment to the cemetery laws. Mr. Elliott replied that they would have Mr. Perry help them draft language that he would review, and then they would need to get a member of the General Assembly in both houses to propose it and talk about how beneficial it is. He recognized Mrs. Wynn to speak. Mrs. Wynn explained that just prior to the legislative session they are always asked if there is legislation that they would like to have introduced, so if the proposed legislation is drafted then they could turn it in then. Mr. Elliott asked Joseph Sanders, THC counsel, from the TDEC Office of General Counsel, if the proposed legislation would be passed through to him, and he said it would since the THC is part of the department. It would be proposed to the Office of General Counsel then it go through the legislative liaisons and their process. Mr. Elliott then proposed that Mr. Perry send Mr. McIntyre what he believes is needed and then Mr. McIntyre could coordinate with legislative liaisons. Ms. Toplovich asked if a motion was needed for this, and Mr. McIntyre stated that actually the charge of the initial Cemetery Committee report was to suggest changes for state law, and what was being broadly discussed was already contained in the initial report that came out in

2020. Mr. Perry indicated that more issues have come to light since that initial report, so there are additional issues to consider such as the issue just presented - the “desecration” of monuments that have not been moved with graves. Mr. McIntyre said they will work to try to get those into the process for consideration. Mrs. Wynn reminded the Commission that she is the legislative liaison for the THC, so it would go to her and then she would submit it to TDEC.

#### Motion

Ms. Toplovich moved that the staff, working with legal counsel, draft amendments to the current cemetery laws that will address not only the moving of mortuary monuments, along with the associated human remains, but to look as well at other recommendations for amendments to the law that have come out of the committee. Mr. Smith asked to have the word “stolen” added, and that there be some penalty added for theft of monuments. Mr. Perry said he was glad Mr. Smith said that as current laws do not really define desecration completely in his opinion, and that to him theft would be an “act of desecration”. He noted that in fact it is stolen because it is stolen from the descendants/family. He also believed the family member should be able to file a claim on it if they have a certain type of insurance.

Ms. Toplovich amended her motion to request that the language be drafted by the October meeting so that they could include it in the administrative legal package for the session that begins in January of 2023. Mr. Parish seconded. Discussion followed. Mr. Harrell questioned if a motion was necessary and Ms. Toplovich responded that she believed so, in order for it to appear on the next meeting’s agenda, as a motion suggests more urgency. Ms. Toplovich restated her motion along with the amendment, which read as follows, Mr. Perry along with other suitable staff working with the Cemetery committee that is established by statute, provide draft legislation that will include, but not be limited to, the need to move monuments with the associated human remains when there is cemetery relocation, and to address suitable penalties for the theft and desecration of monuments and other items that have been identified by the committee for legislative amendment, and that the proposed language be presented to the Commission at its next regularly called meeting. Motion passed.

#### **J. FEDERAL PROGRAMS REPORT**

Mr. McIntyre commented that the Deputy State Historic Preservation Officer and Assistant Director of Federal Programs, Holly Barnett, was able to attend some of the pre-meeting events, along with others from the Federal Programs including Ellen Dement Hurd, Casey Lee, and Kelley Reid. He also acknowledged Ashlee Pierce, Administrative Secretary, for all her work in putting together the meetings. He also acknowledged Brenda Vaughan, the former Administrative Assistant III that handled fiscal duties, had retired, however, she had returned on a 120-day contract to assist Laura Ragan, her successor, and was currently wrapping up some of her allotted time for a while. Mrs. Vaughan wanted to pass along her regards, and that she will remain in touch and be of assistance if needed.

Mr. McIntyre reviewed the Federal Programs Report (*Attachment J.1.*). He noted that unfortunately more places were removed this time from the National Register than added. He noted that Kerri Ross had left her position where she had worked in Survey and GIS, for a higher paying employment. He recognized Justin Heske, who used to work in Section 106, had returned from working with T.D.O.T, for a few years. He is now the Supervisor of the Federal Programs and works with Federal Historic Tax Credits.

## **K. TENNESSEE HISTORICAL COMMISSION FOUNDATION**

Vice-Chair Campbell stated that the Foundation has been inactive for some time now, and that there needed to be discussion of what to do with it. She proposed forming a committee to come up with recommendations to present at October's meeting on how to proceed with the Foundation. The committee would be made up of Susan Williams, Don Pomeroy and Laura Todd. Madam Chair Williams requested Mr. McIntyre give a brief overview of the Tennessee Historical Commission Foundation. Mr. McIntyre gave a review and noted it was established for the primary purpose of funding and overseeing the restoration and relocation of the Battle of Nashville Monument to Granny White Pike in Nashville. The Foundation was able to assist in some other things along the way that were secondary to that. The Chairman of the Commission at that time, Russell Hippe, Jr., was the energy behind the Foundation, as he established it and served as the funding mechanism for the very successful restoration of the monument. It was dormant following the 1999 monument dedication until Mr. McIntyre led an effort to renew it around 2011. It met for several years but was not able to find a focus and it became dormant once more. As of this meeting, there are just over \$32,000 in funds in its bank account. Madam Chair Williams suggested that since there are still people on the Commission that were around when the Foundation was reactivated, and that as some of the monies were earmarked when it was reestablished, that the committee should be open to Commission members that were on the board at that time. Mr. Elliott said he did not mind being involved in the committee, as he recently had some experience that would prove useful. He shared he also has some some practical ideas of what to do with the money and how to manage it due to its status. Mr. Elliott stated he thought that whenever they do meet, they should have Mr. McIntyre as an ex officio, and as a resource. He also informed that they need an institutional member for it as well.

Mr. Hinton had questions on raising funds for markers. Mrs. Wynn and Mr. Harrell answered his questions.

Vice-Chair Campbell stated that Mr. Elliott would be added to the committee, with Mr. McIntyre being the ex officio and requested they get back to the Commission in October. Madam Chair Williams requested to also be on the committee as there is \$10,000 of the funds earmarked that came from a donor that she brought in.

## **L. OTHER BUSINESS**

### **1. Report from State Archaeologist**

State Archaeologist Phil Hodge was unable to attend due to a last-minute scheduling conflict.

### **2. Report from State Historian**

State Historian, Dr. Carroll Van West reviewed his report.

### **3. Nominating Committee**

For next February, Madam Chair Williams appointed a Nominating Committee of the following members: Beverly Robertson, Jeremy Harrell, Ann Toplovich, and Bill Lyons. Vice-Chair Campbell relayed they will report their slate of officers in October.

### **4. August and October Meetings**

Vice-Chair Campbell reminded that THC bylaws were amended last year to include an April and August meeting, and that these meetings can be cancelled if it is the will of the Commission.

Motion

Mr. Elliott moved to cancel the August meeting. Dr. Kennedy seconded.

Vice-Chair Campbell informed that it is anticipated that the October meeting, which is set for Friday October 21, may feature one or more final hearings. If able to accommodate our meeting, including having an Administrative Law Judge travel, member Susan Williams has invited the Commission to Greeneville. Mr. Elliott stated it is his understanding that there were going to be interventions in the Centennial Park Waiver for Petition, and due to the great public interest, and that it could be a lengthy and contentious hearing he believed it appropriate to set that particular hearing for the February meeting in Nashville at the Tennessee Tower. Dr. Dollar seconded. Motion passed.

**5. Public Comments**

No one signed up for public comments.

**M. ADJOURNMENT**

There was no other business that needed to be addressed before the Commission.

Motion

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

The meeting adjourned at 11:29 a.m. C.D.T.



E. Patrick McIntyre, Jr.  
Executive Director



Derita Coleman Williams  
Chair