



TENNESSEE HISTORICAL COMMISSION

Meeting Minutes

October 18, 2023

On Friday, October 18, 2023, the Tennessee Historical Commission (THC) met in person at Rocky Mount State Historic Site in Piney Flats, TN for its regularly scheduled autumn meeting. Virtual participation was provided via Webex. The agenda and all attachments referenced herein were sent to the Commission prior to the meeting.

Members present were Chair, Derita Coleman Williams; Vice-Chair for Middle Tennessee, Doris McMillan; Vice-Chair for East Tennessee, Dr. Bill Kennedy; Beth Campbell; Dr. Kent Dollar; Sam Elliott; Brad Grantham; Jeremy Harrell; Loni Harris; Judge Jim Haywood; Dr. Bill Lyons; Reggie Mudd; Dan Pomeroy; Beverly Robertson; Ray Smith; Hanes Torbett; Susan Williams; Kelly Wolfe; ex officio members Governor Lee's Representative, Christian Potucek; and State Historian, Dr. Carroll Van West. Members attending virtually via Webex were Allen Carter; Don Roe; Ann Toplovich; State Archaeologist, Phil Hodge; and State Librarian and Archivist, Jamie Ritter. Absent with excuse were Kem Hinton and Laura Todd. Absent without excuse was Dr. Keith Norman. A quorum was present.

Staff members present in person were Executive Director and State Historic Preservation Officer Patrick McIntyre; Historic Sites Program Director Dan Brown; Senior Historic Preservation Attorney, Miranda Christy; Tennessee Heritage Protection Act and Outreach Coordinator, Caty Dirksen; Cemetery Preservation Program Director, Graham Perry; Administrative Secretary, Ashlee Pierce; and Tennessee Wars Commission Director, Nina Scall.

A. ANNOUNCEMENTS

Madam Chair Derita Coleman Williams called the meeting to order at 9:00 A.M. E.D.T. She acknowledged Ms. Pierce for her assistance planning the meeting. She thanked Commission member Hanes Torbett for arranging the Carnegie Hotel for lodging, getting the bus and helping put together a fantastic afternoon of tours. She also thanked the staff of the historic sites that were visited along with Cody Boring, CEO and Executive Director of Rocky Mount State Historic Site and his staff for hosting the meeting. Tennessee General Assembly member Representative John Holsclaw, Jr. was recognized by the Chair and given an opportunity to address the meeting.

Madam Chair Williams then welcomed Governor Lee's new representative, Christian Potucek to his first in person meeting and thanked him for being there. She reminded everyone that there would be a lunch in Jonesborough and tour of the Chester Inn following the meeting. Mr. McIntyre introduced the newest staff member, Bobby Cooley, as the long-awaited second member of the State Historic Sites Program. Mr. McIntyre acknowledged the staff that were present. Ms.

Pierce called the roll. As there was a physical quorum in the room a Determination of Necessity was not required for the meeting to proceed.

Motion

Mr. Elliott motioned to place the topic “Discussion of Executive Director’s Annual Evaluation” in the agenda under section M, “Other Business”, and right before “February Meeting.” Mr. Wolfe seconded. He gave a brief explanation of the topic, and a roll call vote was taken. Motion passed.

B. Public Comments

No one signed up for public comments.

C. APPROVAL OF MINUTES

The June 16, 2023 meeting minutes were presented for consideration.

Motion

Mrs. Campbell moved to approve. Ms. Williams seconded. A roll call vote was taken. Motion passed.

The August 21, 2023 meeting minutes were presented for consideration.

Motion

Mr. Elliott moved to approve. Ms. Harris seconded. A roll call vote was taken. Motion passed.

D. TENNESSEE HERITAGE PROTECTION ACT MATTERS

Madam Chair Williams noted that there were two initial hearings to be heard today for petitions for waivers. Both waivers were filed prior to June 30, 2023. With recent changes to state law, all such future petitions will be filed with and heard by the Tennessee Monuments and Memorials Commission. The first petition, filed by MTSU, requested a waiver to rename Forrest Hall. The second petition was filed by Metro Nashville requesting a waiver to allow the implementation of the master plan for Fort Negley. Commission members were provided copies of these petitions for waiver prior to the meeting.

Madam Chair Williams continued by noting that included in the petitions was 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. A public notice was also published concerning these petitions.

Each of the petitions needed to be heard separately. However, because they were both initial waiver petition hearings the same statutory provisions of the Tennessee Heritage Protection Act applied to them all. The relevant sections were Tenn. Code Ann. § 4-1-412 (c)(3) and (c)(4). Madam Chair read the sections 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.

Madam Chair Williams informed the Commission that the purpose of these initial hearings was for the Commission to determine which interested entities, groups, or individuals had been given written notice by the Petitioner of the waiver being sought. It also inquired if additional entities, groups, or individuals needed to be notified of these waiver petitions. A hearing on the merits of these waiver petitions was to be held at later meetings of the Commission in accordance with the Tennessee Heritage Protection Act. The initial hearings presented were only concerned with the notice issue.

Dr. West recused himself from both discussions as he is an employee of MTSU which concerns Forrest Hall, and he is Director of the Tennessee Civil War National Heritage Area which concerns Fort Negley. He left the room for this period.

1. Initial Hearing, MTSU Forrest Hall

The initial hearing on Middle Tennessee State University's (MTSU) petition for waiver commenced. If granted, it would allow the name of Forrest Hall on their campus to be changed. No interested parties signed-up to comment, nor were any written comments provided. Madam Chair Williams asked if there were any suggested additions to the Petitioner's list of parties receiving notice of the petition for waiver by the Petitioner. Mr. Elliott requested it be clarified by Ms. Christy that all that was being voted on was the approval of the current list of parties to receive notice of the petition for waiver, and not the merits of the requests. Ms. Christy agreed that was correct. There were no suggested additions to the Petitioner's list of parties receiving notice of this petition for waiver by the Petitioner.

2. Initial Hearing, Metro Fort Negley

The meeting proceeded with the initial hearing on Metro's petition for waiver which, if granted, would allow the Fort Negley Master Plan to be implemented. No interested parties signed-up to comment, nor were any written comments provided. There were no suggested additions to the Petitioner's list of parties receiving notice of this petition for waiver by the Petitioner.

Madam Chair spoke of open meetings and strongly suggested all future committee meetings be open meetings. In the open meetings there should be deliberations, discussions and decisions made. Open meetings should have public notice published online at least 7 days prior to the meeting.

E. FINANCE COMMITTEE

Brad Grantham, Finance Committee Chair noted that the committee did not receive the financial report from staff until 30 minutes before his committee had its meeting and asked Mr. McIntyre to give the financial report (*Attachment E.1.*). Mr. McIntyre reviewed the financial statement and the FY 2023-2024 budget. He reminded the members that at the June meeting, portions of the budget including the State Historic Sites and Wars Commission budget were approved. At this meeting, the full budget for 2023-24 in the amount of \$11, 324, 304 required approval. Questions followed.

Motion

Mr. Grantham moved to approve the full budget for 2023-24. Mrs. Campbell seconded. A roll call vote was taken. Motion passed.

F. PUBLICATIONS COMMITTEE

Ann Toplovich, Chair of the Publications Committee, reviewed the publications grants and the Tennessee History Book Award, along with some history on both (*Attachment F.*).

G. HISTORIC SITES COMMITTEE

Historic Sites Committee Chair Beverly Robertson recognized the site representatives present at the meeting. Those present were Executive Director of the Heritage Alliance, Ann Mason, representing the Chester Inn State Historic Site; Executive Director of Burra Burra Mine State Historic Site, Mitchell Hicks; Executive Director of Marble Springs, Kyle Dickson; Co-Directors of Tipton Haynes State Historic Site, Matt Frye and Wes Spurgeon; President of Sam Houston Memorial Association, Bill Cabbage, representing the Sam Houston Historic Schoolhouse State Historic Site; and Park Manager at Sycamore Shoals State Historic Park, Jason Davis, representing the THC partnership with Sabine Hill State Historic Site. Ms. Dirksen discussed the new sites brochure. She remarked about the groundbreaking documentary style augmented reality tours, which will be accessible through a QR code on the brochures through the historic sites' websites. This will be the first state brochure that functions this way. Program Director Dan Brown then reviewed his report (*Attachment G.1.*).

A short break was taken.

Next, Mr. Cooley and Mr. Brown presented on a situation and opportunity at Sparta Rock House State Historic Site in White County. The state-owned property is on a very small parcel, and the access driveway and parking lot are privately owned. This became an issue very recently, when the property surrounding the state site changed hands after generations of family ownership. The new owner is in the process of subdividing the property for development. He is conservation-minded and willing to work with the Commission to sell acreage around the state site to the state. Mr. Brown explained the background and purpose of the Commission's Historic Property Land Acquisition Fund (HPLAF,) developed in part for the Commission to acquire historic properties. Mr. Cooley presented on a Statement of Significance (*Attachment G.3*) he researched and wrote, noting that portions of the historic toll road bed and well as the 19th-century railroad path are on the subject property adjacent to the state site. Dr. West shared his knowledge of the property and area and some historic images of the Rock House. There were two requested action items in the presentation. The first asked that the Commission declare the land as historically significant, which is a prerequisite to be considered for HPLAF funding.

Motion

Mrs. Campbell made a motion to designate the land as historically significant and give authority to the staff to begin their due diligence on what needs to be done to get to the next step. Dr. Dollar seconded. Mr. Elliott suggested an amendment on the basis of statute, and Ms. Christy read from the statute. Dr. West proposed another amendment stating that Commission staff work with him as the State Historian on the statement of historical significance so the new documentation could be added in. Discussion proceeded. The motion was restated. Ms. Pierce led a roll call vote. Motion passed.

Motion

The second request would allow staff to develop a proposal for acquisition of approximately 50 acres around Sparta Rock House State Historic Site to bring before the Commission at a future meeting. Mrs. Campbell made the motion and Dr. Dollar seconded. A roll call vote was conducted. Motion passed.

H. MONUMENTS AND MARKERS COMMITTEE

Chair Ray Smith presented the report (*Attachment H.1.*). Two markers had been deferred from the June meeting and were being considered at the current meeting. Another was deferred this meeting - “The Battle of Fort Sanders” marker. The remaining 10 were recommended for review. Mrs. Harris referred to “Odem’s Chapel”, and noted that in the last sentence, “four-sharped”, should be “four-shaped”. Mr. Elliott said that for the “Chickamauga Mound” marker, on the last line, “Native Americans” needed to be changed to “indigenous people”, as written in an earlier sentence.

Dr. West informed the Commission that Dr. Warren Dockter, President and CEO of East Tennessee Historical Society spoke with him regarding the National Heritage Area, helping to co-sponsor a symposium on Ft. Sanders in Knoxville to bring more context and clarification to the issue. He supported the committee’s recommendation deferring discussion of the marker until the symposium has taken place. Mr. Elliott requested that Dr. West explain the symposium. Dr. West explained that the purpose was to speak about marking Civil War sites in Knoxville and particularly Fort Sanders. This would likely occur in the Spring. Mr. Elliott agreed and noted that there are strong opinions from experts in the area. This included Dr. Dockter and Jim Doncaster of the Knoxville Civil War Round Table. Dr. West approved and expressed that he thought the symposium should be supported so that everything could be aired out in public. Doing so would allow people to have a deeper appreciation of the issue. He noted a report would also come from the event. Mrs. Susan Williams recused herself from the vote on the Odem’s Chapel Marker, noting that Mr. Odem was her grandfather.

Motion

Mr. Smith motioned to approve all 10 recommended markers presented. Mr. Harrell seconded. A roll call vote was taken. Motion passed.

Dr. Dollar requested clarification that the Fort Sanders marker was a new, relocated marker. Mr. Smith replied that it is an additional marker with similar, but different text.

I. WARS COMMISSION COMMITTEE

Dr. Dollar reviewed his committee report. Nina Scall, Program Director of the Wars Commission presented her report (*Attachment I.1.*).

J. CEMETERY PRESERVATION COMMITTEE

Mr. Graham Perry, Cemetery Preservation Program Director presented his report (*Attachment J. 1.*), during which he noted that both he and the program have been receiving awards.

K. FEDERAL PROGRAMS REPORT

Executive Director Patrick McIntyre reviewed the Federal Programs Report (*Attachment K.1.*).

L. BYLAWS COMMITTEE

Committee Chair Jeremy Harrell presented the report.

M. OTHER BUSINESS

1. Audit Committee

Chair of the Audit Committee, Dr. Bill Lyons, had no report this time. It was noted the THC Audit Committee will meet prior to the February meeting.

2. Foundation Committee

Chair Dan Pomeroy gave an update on Foundation Committee activities. He relayed that he would like to reestablish the non-profit status of the Foundation, and that he believes the Foundation is potentially very useful. He advised that staff support and perhaps that of legal counsel will be required for this to be successful. Madam Chair Williams noted at the June meeting Mr. Elliott asked if the Jones Family had been apprised of the situation. Madam Chair Williams noted that the Jones family donated \$10,000 to the Foundation in 2016, of which \$2,500 was to be awarded for a 4-year period to a historic site that had outstanding performance for educational purposes. No funds have been distributed for the award. Mr. Jones passed away from COVID in 2020 and Mrs. Jones has said that she would like the \$10,000 donation returned to her. \$22,000 would remain in the account. Discussion ensued.

3. 2024 Certificate of Merit Awards

Applications for the 2024 Certificate of Merit Awards have been provided and a press release will follow soon. This is a constituent-based program and applications from the public are mainly encouraged. Madam Chair Williams requested Ms. Dirksen to give a brief overview.

Mrs. Robertson suggested deferring the remaining items on the agenda to the next meeting.

Discussion of the Evaluation of the Executive Director

Madam Chair Williams led the discussion with excerpts from her research into how to best perform the Evaluation of the Executive Director. Mr. Elliott explained that Mr. McIntyre has not received an evaluation to allow for the possibility of a performance-based pay raises in 3 years. He reviewed upcoming dates and timelines for the best time to discuss the evaluation.

Motion

Mr. Elliott motioned to set the Discussion of the Evaluation of the Executive Director before the Commission at the June 2024 meeting.

Motion

Mr. Harrell motioned to defer the previous motion and the remainder of the agenda until the February 2024 meeting. Mr. Potucek seconded. Mr. Harrell amended his motion and removed the item “February Meeting” under M off of the agenda. Ms. Pierce performed a roll call vote. There were 10 No votes and 12 Yes votes. Motion passed.

Discussion continued.

4. PC 300

THC attorney Miranda Christy was to present recent changes to state law outlined in PC 300; however, it was voted to move this item to the February agenda.

5. Report from State Historian

Dr. Carroll Van West, State Historian, was present to give his report, however, it was voted to move this item to the February agenda.

6. Report from State Archaeologist

Phil Hodge, State Archaeologist, was present to give his report, however, it was voted to move this item to the February agenda.

7. February Meeting

The next meeting will be Friday, February 16, 2024. Reggie Mudd of Gallatin was asked to host the meeting. The plan is for the Commission to tour THC sites in Sumner County. Madam Chair Williams noted that there may be one or more final Tennessee Heritage Protection Act final hearings for the next meeting.

Mr. Mudd motioned that the February meeting be held in Gallatin. Mrs. Campbell seconded. Ms. Pierce conducted a roll call vote. Motion passed.

N. ADJOURNMENT

The meeting adjourned at 12:46 p.m. E.D.T..

E. Patrick McIntyre, Jr.
Executive Director

Derita Coleman Williams
Chair