



TENNESSEE HISTORICAL COMMISSION

Meeting Minutes

February 16, 2024

On Friday, February 16, 2024, the Tennessee Historical Commission (THC) met in person at the Sumner County Board of Education in Gallatin, TN for its regularly scheduled meeting. Participation was also provided via Webex. *The attachments referenced herein were sent to the Commission along with the agenda, prior to the meeting date.*

Members present in person were Madam 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; Kem Hinton; Dr. Bill Lyons; Reggie Mudd; Dan Pomeroy; Ray Smith; Laura Todd; Ann Toplovich; Susan Williams; ex officio members State Archaeologist, Phil Hodge; Governor Lee's Representative, Christian Potucek. Members attending virtually via Webex were Beverly Robertson and State Historian Dr. Carroll Van West. Communications explaining absences were received prior to the meeting for Allen Carter; Don Roe; Hanes Torbett; and ex officio member, State Librarian and Archivist, Jamie Ritter. Dr. Keith Norman and Kelly Wolfe were absent without excuse.

Staff present in person were Executive Director and State Historic Preservation Officer, Patrick McIntyre; Assistant Director for State Programs, Linda Wynn; Assistant Director for Federal Programs, Holly Barnett; Historic Sites Program Director, Dan Brown; Senior Historic Preservation Attorney, Miranda Christy; Tennessee Heritage Protection Act (THPA) and Outreach Coordinator, Caty Dirksen; Cemetery Preservation Program Director, Graham Perry; Administrative Secretary, Ashlee Pierce; and Tennessee Wars Commission Program Director, Nina Scall. Sara Page from the TDEC Office of General Counsel was also present.

Madam Chair Williams called the meeting to order at 9 AM CST and informed those present that votes would be conducted by roll call. The roll was called, and a quorum was present.

A. ANNOUNCEMENTS

Madam Chair Williams welcomed everyone to the meeting and expressed appreciation to Sumner County Schools for hosting the Commission and to local resident and Commission member, Reggie Mudd for organizing the tour and hosting a wonderful dinner. Madam Chair Williams recognized Mr. Mudd to speak and acknowledge those who assisted with everything relating to the tours, dinner, and the meeting location. He noted there were beverages and pastries available. Mr. Mudd then recognized that the superintendent and director of Sumner County Schools was kind enough to offer the building for the Commission's use. He recognized Shawn Lance, the Technical Support Manager for Sumner County Schools and Scott Langford,

Director/Superintendent for Sumner County Schools. Mr. Langford spoke of some family history and thanked the Commission for bringing their meeting to Sumner County. Mr. Mudd also acknowledged Bob Shults, Assistant Principal at Indian Lake Elementary in Hendersonville, who was instrumental in obtaining the use of the Sumner County Schools building for the meeting. Administrative Secretary, Ashlee Pierce called the roll, and a quorum was present, with 20 members attending in person and with 2 of those attending virtually.

B. PUBLIC COMMENTS

There were no public comments.

C. TENNESSEE HERITAGE PROTECTION ACT. Along with the MTSU Petition for Waiver, the final hearing on Fort Negley was continued until the next meeting in April.

D. APPROVAL OF MINUTES FROM OCTOBER 20, 2023 MEETING

Motion

Mr. Elliott requested a correction be made. He stated on page 5, 2nd paragraph, that in reference to the Knoxville Civil War Round Table, the person he spoke with along with Jim Doncaster, was actually Dr. Earl Hess. He made a motion to accept the minutes with correction. Mrs. Williams seconded. Ms. Pierce led a roll call vote. Motion passed.

Madam Chair Williams turned the meeting over to Executive Director of the Commission, Mr. Patrick McIntyre, to introduce the staff present. He noted that 5 of the Historical Commission's 18 sites were in Sumner County, which were part of the tour the day before. He acknowledged some memories of working with the late State Historian and former THC Commission Chairman Walter Durham of Sumner County.

E. FINANCE COMMITTEE

The meeting returned to regular business. Madam Chair Williams asked the Chair of the Finance Committee, Mr. Brad Grantham, to present the Finance report. Mr. Grantham presented. Mrs. Wynn reviewed the submitted financial statement (*Attachment E1*). Discussion ensued.

Mr. McIntyre reviewed the budget update for fiscal year 2024-2025 (*Attachment E2*). He relayed the House Budget Hearing was well attended by Madam Chair Williams, Vice-Chair for Middle TN, Doris McMillan, and the Finance Committee Chair, Mr. Grantham. There were not any reductions in the budget. He noted the Legislative breakfast held by the American Battlefield Trust and the Tennessee Civil War Preservation Association members.

F. BYLAWS COMMITTEE

Chair of the Bylaws Committee, Jeremy Harrell, acknowledged those that assisted and made the meetings possible. He also noted the meetings were open meetings. The proposed changes to the bylaws were sent as attachments in the agenda (*Attachment F*). He reviewed the proposed changes to the bylaws individually by Articles (for details on these changes please see the beforementioned attachments). Discussion occurred following each proposed change.

Motion to Approve Proposed Amendment #1 to Bylaws

Mr. Harrell motioned to approve the proposed changes to the bylaws of the Commission. Ms. Toplovich seconded.

First Motion to Amend Motion to Approve Proposed Amendment #1 to Bylaws

Mr. Elliott motioned to amend the abovementioned motion in Article V under the new Section 5, striking the wording, "and perform other duties appropriate to the office.", and substituting

“assume other duties as requested by the Commission.” Mrs. Susan Williams seconded. Discussion ensued. Mr. Harrell proposed placing the word, “ancillary” before the word, “duties”, followed by the wording, “appropriate to the office”, so that it would read, “other ancillary duties appropriate to the office.” Mr. Elliott stood by his proposed amendment to Article V, 5. Discussion continued. Mr. Harrell stated that he was not in favor of Mr. Elliott’s amendment, however, he was in favor of cleaning up the wording. A roll call vote was taken. There were 12 in favor, and 10 not in favor. A two-thirds vote of the Commission is required to pass amendments to the bylaws, so while this was being discussed a short break was taken. Ms. Christy conferred with Sara Page, during the break and it was their opinion that, because this is a motion to amend a motion and not a motion to amend the bylaws, the motion would pass and did not require two-thirds of the Commission to do so. Motion passed.

Second Motion to Amend Motion to Approve Proposed Amendment #1 to Bylaws

Mr. Elliott motioned to amend the motion to approve the proposed changes to the bylaws of the Commission under Article VI, Section 4, the first sentence should be removed and substituted with, “The Executive Committee shall establish, and the Commission shall approve, a process by which the Executive Director is reviewed annually.” Mr. Smith seconded. A roll call vote was taken. Motion passed. Mr. Harrell withdrew his motion and requested the remainder of the Bylaws section be moved to after H. Historic Sites Committee so that he could read over some material.

G. PUBLICATIONS COMMITTEE

Madam Chair Williams had Chair of the Publications Committee, Ann Toplovich, review her committee report (*Attachment G*). Ms. Toplovich relayed that the committee did not have any actions since the last meeting. She acknowledged Jennifer Core, Executive Director of the Tennessee Historical Society was present and reminded that the THS co-sponsors this award with the THC, as well as administers the award. She noted that there were 18 books nominated, which was a 30% increase from the previous year. Ms. Toplovich then announced the winners of the Tennessee History Book Award 2023.

H. HISTORIC SITES COMMITTEE

1. Report of Site Activities

Beverly Robertson, Historic Sites Committee Chair, reviewed her report from the committee meeting. She noted that she and Mr. Brown had discussed the value of creating a consistent schedule for the Historic Sites Meetings, 2 weeks prior to the full Commission meetings.

Program Director for Historic Sites, Dan Brown, reviewed his report (*Attachment H1*). He also discussed projects not currently included in the Governor’s budget yet will be included in the 2024-25 budget request. These include the Alex Haley Parking lot expansion, Marble Springs New Visitor Center and site improvements, and Burra Burra Historic Site.

He noted the Polk Home board had sent a request to be a full state historic site under the Tennessee Historical Commission. Mr. McIntyre clarified that the Polk Home is a hybrid combination of both State-owned property and property that was originally purchased by the State of Tennessee in the 1920s. The main house is held in trust and is deeded to the organization that oversees it. There is a very select group of sites fitting this profile, including the Sam Davis Home, Belle Meade Mansion, and The Hermitage. Mr. McIntyre stated that if these organizations were to go under, the deed would revert back to the State. These are often referred to within the office as “quasi-state-owned”. Discussion ensued.

2. Historic Property Land Acquisition Fund (HPLAF) Grant Program

Mr. Brown reviewed the HPLAF proposal provided in the packet (*Attachment H2*). This fund is comprised of dollars allocated from a portion of the real estate transfer tax allocated to the Tennessee Historical Commission. In 2020, the fund grew to \$9.5 million. However, in 2023, \$4.1M from the fund was encumbered for the completion of Rock Castle capital project currently underway. The request from the staff is to use \$2 million of the HPLAF funds to establish a competitive grant fund for restoration projects listed on the National Register of Historic Places in Tennessee according to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Motion

Ms. Toplovich motioned to approve Mr. Brown's request. Mrs. Campbell seconded. Ms. Pierce conducted a roll call vote. Motion carried.

3. Sparta Rock House Property Update

Mr. Brown gave an update on the Sparta Rock House and stated they were not where they wanted to be with it. He relayed that the appraisal in one area with cornfields came in at about \$12,000/acre, while another more wooded area came in at \$6,000/acre. The owner wants \$17,500/acre for the cornfields area, and \$15,000/acre for the wooded area. The THC can only offer the official appraisal amount from the State. The owner is now considering breaking up the land into 5-acre sections and placing it on the market. If he does, the THC can get it reappraised. Mr. Brown was informed by the owner that he is considering putting it up for auction. They are still communicating with the owner through the officials at STREAM with the State, where the official appraiser was assigned. Discussion ensued.

I. MONUMENTS AND MARKERS COMMITTEE

1. Request for Markers

Ray Smith, Chair of the Monuments and Markers Committee, presented the committee report (*Attachment H*).

Motion

Mr. Smith moved to approve the 8 proposed markers. Mr. Elliott abstained due to his connection to one of the locations. Discussion ensued over marker 7, but it was kept the same. Mr. Hinton seconded. A roll call vote was taken. Motion passed.

2. Request for new location of Elizabeth Avery Meriwether marker

A request was made for placement of the Elizabeth Avery Meriwether marker that had been in storage since it was removed from Riverfront Park in Memphis in 2017 at the Equality Trailblazers Monument at the University of Memphis Law School. Mr. Jimmy Ogle, former Shelby County Historian, and Ms. Paula Casey of Memphis were present in support of the request.

Motion

Mr. Smith moved to accept the proposal. Mrs. Williams seconded. A roll call was taken by Ms. Pierce. Motion passed. There was discussion among members and clarification by legal counsel, Ms. Christy. Motion passed.

A short lunch break was taken.

F. BYLAWS COMMITTEE (cont'd)

Mr. Harrell explained and discussed some of his observations and edits. Discussion ensued. Legal counsel, Ms. Christy, recommended that from a legal perspective, now that there has been such

discussion, and if members feel there have been substantive changes, then the bylaws do need to be sent back. She believed too many questions were being brought to the table that day.

At the same time, there are three other proposed amendments that were either recommended for approval or rejected by the Executive Committee. They could either vote to defer those or proceed with them. Ms. Christy's recommendation was that since there had been such discussion and amendments on the proposed amendment #1 that they should defer the proposed amendment until the entire process is gone through again with the Bylaws Study Committee. This would be followed by making a proposal to the Executive Committee for recommendation to be presented before the Commission.

Motion

Mr. Elliott motioned to remand the proposed amendments to the Committee for a review. Mrs. Williams seconded. Mrs. Williams seconded, stating that it go back to the Bylaws Committee.

Discussion ensued. It was decided to keep motions and voting down to one all-encompassing vote to keep everything as neat and less confusing as possible. Ms. Christy clarified the motion, stating, that all the proposed bylaws and amendments would be referred back to the Bylaws Study and Executive Committees for review and proposals pursuant to the requirements set forth in the bylaws. Ms. Pierce performed a roll call vote. Motion passed.

K. HISTORIC CEMETERY PRESERVATION PROGRAM

Madam Chair Williams decided to change the order of the meeting slightly to allow Mr. Graham Perry, Cemetery Preservation Program Director to give his report next as he had been so kind as to assist with microphones and the Webex screen during the meeting. Mr. Perry gave a brief review of his report.

J. TENNESSEE WARS COMMISSION COMMITTEE

Dr. Dollar reviewed the committee's report.

1. Tennessee Wars Commission Grants

Ms. Nina Scall, the Director of the Wars Commission gave her Project Proposal report (*Attachment J*), beginning with the slate of Tennessee Wars Commission Grant Fund projects.

Motion

Dr. Dollar motioned to accept funding for the full slate of TWC Grant Fund projects. Mr. Elliott seconded. A roll call vote was performed. Motion passed.

2. Tennessee Civil War Sites Preservation Fund Grants

Motion

Ms. Scall paused her review of the report for a motion and vote on the projects. Dr. Dollar motioned for approval of all five Tennessee Wars Preservation Fund projects. Ms. Toplovich seconded. A roll call vote was taken. Motion passed.

Ms. Scall continued presenting the current slate of Civil War Sites Preservation Fund applicants. Dr. Dollar said they had no problem with the applicants; however, they are concerned with the high level of funding being required to purchase land tracts without much additional funding from other entities.

Motion

Dr. Dollar moved to approve the Civil War Sites Preservation Fund applicants. Mr. Elliott seconded. A roll call vote was taken. Motion passed.

L. FEDERAL PROGRAMS REPORT

Assistant Director for Federal Programs, Holly Barnett, was in attendance and Mr. McIntyre acknowledged and thanked her and the other staff present. Mrs. Barnett spoke a few words and acknowledged that there are now three PhDs on staff, including both staff positions in the National Register Division. Mr. McIntyre presented the Federal Programs Report (*Attachment L*).

M. THC FOUNDATION COMMITTEE

Mr. Pomeroy, Chair of the Foundation Committee, reviewed the committee report (*Attachment M*). He recommended the dissolution of the foundation due to it being inactive for several years. Ms. Christy read a resolution for the dissolution of the Tennessee Historical Commission Foundation.

Motion

Mr. Elliott motioned to pass the resolution as read by Ms. Christy. Mrs. Campbell seconded. A roll call voted was conducted. Motion passed.

N. EXECUTIVE DIRECTOR REVIEW

Madam Chair Williams passed the meeting to Mrs. Doris McMillan, Vice Chair for Middle Tennessee, to chair for the Executive Director Review process segment. Ms. McMillan stated it was important for everyone's voices to be heard. She confirmed with Mr. Harrell that there was nothing outlined in the current bylaws about an annual review process for the director.

Motion

Mr. Elliott referred to his October meeting motion that had been tabled until the current meeting, which was to make certain Mr. McIntyre would have an appropriate evaluation no later than the June meeting. Mr. Elliott noted that Mr. McIntyre has missed two or three years of an appropriate evaluation, including possible income increases, by not having performance reviews. He stated that by statute, Mr. McIntyre is the employee of every member of the Commission. Dr. Dollar seconded. Discussion ensued. Commissioner Harrell asked if the expectations were that this would be done under the Department of Human Resources regulations. Mr. Elliott pointed out the performance categories. Ms. Christy reminded everyone that from a legal perspective if they are going to speak about someone's performance, then they would need to go into Executive Session. However, they may discuss policies about the job performance. Mr. Mudd suggested the evaluation be referred to the Executive Committee. Mr. Elliott replied to that if the Executive Committee wanted to take it up that was fine but that the motion was for a review to be done by the June meeting in time for the current evaluation cycle. Ms. Pierce took a roll call vote. Motion passed.

O. PC 300 PUBLIC COMMITTEE POLICY

Ms. Christy gave her presentation (*Attachment O*):

P. MERIT AWARDS COMMITTEE

Mr. Ray Smith, Chair of the Merit Awards Committee, presented his report (*Attachment P*).

Motion

Mr. Smith moved, and Mr. Elliott seconded to accept all nominations for Merit Awards. A roll call vote was taken. Motion passed.

Q. AUDIT COMMITTEE

Dr. Bill Lyons, Chair of the Audit Committee, relayed they had not recently met, but planned to before both the April and June meetings.

R. OTHER BUSINESS

1. Format of Committee Meetings

There was a discussion regarding open meetings for all committee meetings.

Motion

Dr. Kennedy motioned that the Commission approve that all standing committees have open meetings. Mr. Grantham and Mr. Smith seconded. Mr. Elliott pondered that if under certain circumstances open meetings are even necessary, that it might be best if the Committee Chair and the appropriate staff member discuss this and decide together. Dr. Dollar interjected that he understood the necessity of transparency, but there will not always be actionable items to discuss. Dr. Kennedy noted wanting to make recommendations in the Historic Sites Committee meetings, but being unable to do so if the meeting is not open. Madam Chair Williams added that there has been some complaining about the length of time these meetings are and that if more items were discussed in the committee meetings, then the Commission meetings could be shorter. Madam Chair Williams gave the floor to Mr. McIntyre to address from the staff's point of view. He reviewed the pros and cons. Mrs. Campbell felt that there should be an amendment that says the Chair of the committee and the staff decide whether each meeting should be an open meeting or not. Mr. Elliott proposed an amendment, stating that all meetings that involve discussion and deliberation be held as open meetings and those containing only dissemination of information between staff and the Commission need not be so. Mr. Elliott changed the wording to say that all committee meetings be compliant with the Open Meetings Act, except in a situation where the committee chair and the staff member have determined that it will just be done for distribution of information. Dr. Kennedy agreed. Mrs. Campbell seconded. Mr. Elliott restated the motion with the amendment, that all open meetings be compliant with the Open Meetings Act, with the exception of meetings where the chairman and the staff member have conferred and determined that informational items are the only things that will be disseminated. A roll call vote was conducted. Motion passed.

2. Report from State Archaeologist

Madam Chair Williams recognized that the previous day Mr. Hodge arranged for Dr. Kevin Smith of MTSU to discuss the Castalian Springs Mounds at Wynnewood for the Commission and thanked him for that. Mr. Hodge acknowledged the Governor's Archaeological Advisory Board had met a few weeks ago at the State Library and Archives building. The following day, they utilized the space again for their annual Current Research in TN Archaeology Conference, which is their hallmark event every year. He recognized Ms. Toplovich for representing the THC and Mr. Ritter for supplying the meeting space. Mr. Hodge then gave his report. He noted their work relating to the Native American Graves Protection and Repatriation Act (NAGPRA) continues. In 2023, working with Chickasaw and Muskogee Creek Nations, they facilitated the reburial, or repatriation of 375 individual sets of ancestral human remains from archaeological sites, along with more than 4,000 funerary objects that were buried with the people more than 1,000 years

3. Report from State Historian

Due to technical difficulties during the meeting, Dr. Carroll Van West provided a written report that was distributed electronically via email to the Commission.

4. Report from State Librarian and Archivist

Mr. Jamie Ritter was not present and did not provide a written report.

5. Black History Month, and National Historic Preservation Month

Madam Chair Williams recognized that the theme for this year's Black History Month would be "African American Contribution to The Arts". Mrs. Wynn spoke some words regarding this year's 43rd Annual Nashville Conference on African American History and Culture, which took place the week prior to the meeting.

6. April and June Meetings

With pending Heritage Act cases, the next meeting would be scheduled to take place on April 19th. However, the room typically used for meetings that contain these hearings is unavailable on this date. Ms. Pierce checked for the surrounding Fridays and the Nashville Room in the Tennessee Tower is available on the 26th. Ms. Pierce reserved the room just in case the Commission voted to change the date to obtain the conference room.

Motion

Mr. Elliott motioned to accept the date change from April 19th to April 26th. Dr. Dollar seconded. Discussion ensued. Ms. Christy noted that one of the THPA cases is contested, so more attention will be on this meeting. Conducting the meeting in a location known to have everything we need technically available in the room, as well as the security, is very helpful in a situation such as this. A roll call vote was conducted. Judge Haywood and Dr. West both abstained from the vote. Dr. West stated he would also have to abstain from the meeting itself. A roll call vote was taken. Motion passed.

The meeting in April will only occur if the THPA cases require it. However, if the hearings are postponed or the like, a meeting location for June should be established. Judge Jim Haywood offered to host the Commission in Haywood County.

Motion

The June meeting will take place in West TN on the 21st. There may be tours in Haywood County, but the meeting itself will be in Madison County. Mr. Elliott motioned to accept the Haywood/Madison location for the June meeting and Mr. Harrell seconded. Ms. Pierce took a roll call vote. Motion passed.

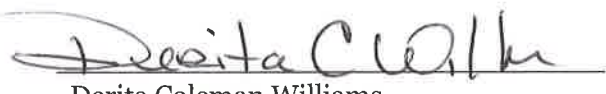
S. ADJOURNMENT

There being no further business to come before the Commission, Mrs. Harris motioned to adjourn. Mr. Mudd seconded. Motion passed.

The meeting adjourned at 2:02 p.m. C.S.T..



E. Patrick McIntyre, Jr.
Executive Director



Derita Coleman Williams
Chair