

**North Carolina Historical Commission**  
**Conference Call Minutes**

**December 8, 2021**

The North Carolina Historical Commission (NCHC, Commission) met via Zoom conference call on Wednesday, December 8, 2021. The following commissioners were in attendance: David Ruffin, Chair; Dr. Mary Lynn Bryan; Shana Bushyhead Condill; Dr. David Dennard; Barbara Groome; Dr. Valerie A. Johnson; Susan Phillips; W. Noah Reynolds; and Barbara B. Snowden. Commissioner Samuel B. Dixon joined the meeting late, immediately prior to a vote on the accession and deaccession of items from collections. Absent was commissioner The Honorable Newell Clark.

Others in attendance included: D. Reid Wilson, Secretary, North Carolina Department of Natural and Cultural Resources (DNCR); Dr. Darin Waters, Deputy Secretary for Archives and History, DNCR; Ramona Bartos, Director, Division of Historical Resources (DHR); Sarah Koonts, Director, Division of Archives & Records (DAR); Michelle Lanier, Director, Division of State Historic Sites & Properties (DSHSP); Angela Thorpe, Director, North Carolina African American Heritage Commission; Phil Feagan, General Counsel, DNCR; Karen A. Blum, attorney, DNCR; John Campbell, curator, North Carolina Museum of History; Karen Ipock, Child Education Coordinator; and information technology facilitator Matt Zeher.

**Call to Order and Conflict of Interest Statement**

Chairman Ruffin called the meeting to order at 2:00 PM and welcomed those in attendance as well as any members of the general public who might be viewing the Livestream. He extended a special welcome to the newest commissioners, Shana Condill and Barbara Groome, whom he noted have been duly sworn into office prior to today's meeting. At the chairman's request each offered a few words about their background.

The chairman also noted that as mandated by statute governing virtual meetings, participants are required to identify themselves when they speak, and that all votes will be taken via roll call.

Before proceeding, Mr. Ruffin ask the commissioners, each having had a chance to review the meeting agenda prior to the meeting, whether any had a known or perceived conflict of interest with respect to any of those items. No such concerns were voiced, so the meeting moved forward. To ensure a quorum he then recited roll.

**Approval of Minutes**

At the invitation of the chairman, Ms. Snowden moved approval of the minutes from the September 22, 2021 regular meeting of the NCHC, as written. The motion was seconded by Dr. Dennard. With no discussion the motion was voted upon and carried in unanimous fashion via roll call vote.

## Comments from Secretary Wilson

Chairman Ruffin introduced Secretary Wilson, who began by thanking the commissioners for their service to the state. The Secretary summarized for the Commission the compromise state budget that has recently been signed into law by Governor Cooper, noting that several divisions in the DNCR received what he described as “transformative” funding. He touched on the difference it will make in non-history-related agencies, such as the North Carolina Zoo, the Division of Parks and Recreation, Clean Water Management Fund, State Libraries, and the North Carolina Arts Council. He opined that the state’s leaders from both parties recognize the importance that North Carolinians’ place on their cultural, historical, and natural assets, based upon what the DNCR does for its constituents. Most of it, he said, is one-time funding but some of it is in the form of recurring funding that will assist the department’s mission for years to come.

Secretary Wilson recited a selected list of the benefits coming to the OAH through this budget: \$10 million for construction of a new Fort Fisher State Historic Site Visitor’s Center; \$10 million for renovations at the North Carolina Transportation Museum; \$800,000 toward establishment of a Thomas Day Museum State Historic Site; \$60 million for renovation of the North Carolina History Museum in Raleigh; \$1 million for repairs and renovations at Tryon Palace & Gardens State Historic Site; expansion of the State Historic Preservation Tax Credit Program; \$20 million distributed over 10 different, other state historic sites; and very importantly, \$1 million in recurring funding for maintenance of state historic sites, which is vital given the age and condition of many of the sites’ buildings. The budget also provides for creation of new positions in the OAH, and provisions for creation of the American Indian Heritage Commission.

It is a relatively huge amount of funding for this department, and the department, said Secretary Wilson, has a huge responsibility to ensure that the money is spent wisely. And as the NCHC meets quarterly it will be receiving updates on how all of these projects are moving along.

Finally, the Secretary noted that 2022 is the 50<sup>th</sup> anniversary of the creation of the Department of Natural and Cultural Resources, one of many big things going on in the department. In summary, he reported that he has been traveling around the state to visit many of the offerings the department has—history museums, state historic sites, state parks, aquariums. In doing so he has noted how much visitors are enjoying their experiences in these places, how dedicated and passion-filled our employees are, and how dedicated the local support groups are to the achievement of our mission. He has also been struck by the resiliency and dedication the department’s employees have displayed as we’ve navigated the past 20 months of the COVID-19 pandemic, especially those places that welcome visitors.

He emphasized in closing the importance of the work that the NCHC is doing to ensure that the DNCR is presenting the state’s history and all its complicated facets. The important thing that the department plans to accomplish over the next three years is to make sure that it tells an inclusive story, that it provides a complete, accurate, full, and sometimes difficult story from a state perspective so that everybody in North Carolina can better understand where we’ve been, where we are, and how we can chart a brighter future. The work that the Commission will continue to do will be integral to what people get out of visiting our diverse venues and offerings.

Chairman Ruffin thanked Secretary Wilson for sharing this report with the Commission and expressed how meaningful it was that he himself presented that report.

## **Update on the Boyd Park, Hendersonville Petition**

Mr. Ruffin introduced Mr. Feagan to discuss a citizen petition asking the NCHC to intervene in planned construction that would affect Boyd Park, a local park in Hendersonville. Mr. Feagan stated that the argument presented by the petition received is very similar to that put forth in another petition received by the NCHC—pertaining to the Vance monument in Buncombe County—and upon which the NCHC has already rendered an opinion. In that prior matter, the Commission went into closed session to discuss the matter because of related litigation; Mr. Feagan stated that the Boyd Park matter could be discussed in open session, and that doing so would allow the statutory authority of the NCHC to be laid out clearly and the discussion placed on the record.

Mr. Feagan shared on his computer screen the Boyd Park petition so that everyone could follow along and see what is being asked of the Commission: to step in and help the petitioner—who bases its request on §143B-62 and §100-21—to preserve a local park that stands upon locally owned, locally governed property. Citing §143B-62 the petitioner insinuates that the NCHC is required to aid in local historic preservation and provide state aid or appropriations through the DNCR for the purpose of historic preservation. Citing §100-2.1 the petitioner claims that the NCHC is authorized to step in in this case. The relief being requested is for the Commission to preserve the local park under those statutes.

Mr. Feagan then brought up on his screen the two statutes being cited in the petition and explained what they actually say. §143B-62, the general creation, powers, and duties statute, empowers the Commission to do certain things and places some responsibilities upon the Commission. The subsection of the statutes quoted in the petition, Subsection (2)-f, specifically gives the NCHC authority “to establish standards and provide rules and regulations ... (f) or the extension of State aid or appropriations through the Department of Natural and Cultural Resources to counties, municipalities, organizations, or individuals for the purposes of historic preservation or restoration.” In full context, the statute provides for the NCHC to create rules and regulations regarding extension of state aid and appropriations and does not place an affirmative duty upon the NCHC to intervene or provide that aid when anybody who wishes to claim that some piece of local property or artifact sited thereon is in danger of being lost. For the Commission to do so in every such case anywhere in the state, said Mr. Feagan, is both unsupported by the law and impractical. The NCHC is not a general court of jurisdiction; it cannot order an injunction or stop local governments from acting unless that action falls within very specific parameters.

Mr. Feagan then displayed on his screen §100-2.1, Protection of Monuments, Memorials, and Works of Art. In the introductory section of that statute, the only time the NCHC is mentioned, the language states that the Commission’s approval is required when it comes to property owned by the state. It does not grant the Commission authority over property owned by local governments, or intervention rights over monuments owned by local governments.

Therefore, in the opinion of Mr. Feagan, the Commission does not have the power under the statutes cited to step in in the Boyd Park matter and grant the relief requested by the petitioner. He then offered to answer any questions.

Chairman Ruffin stated that it was his recollection that in the case of the Vance Monument the Commission opted to write a letter to the petitioner acknowledging receipt of the petition but saying that it did not believe that it was within the NCHC's power to step in on that matter. Mr. Feagan replied that was correct, that he believes the motion voted upon and passed by the Commission stated that the Commission did not have the authority to grant the requested relief and instructed that DNCR staff provide a letter to the petitioner on behalf of the Commission stating that position and denying that petition.

Dr. Dennard then asked Mr. Feagan what the next course of action for the Boyd Park petition might be for the petitioner, but Mr. Feagan stated that as counsel to the DNCR he would not be positioned to give legal advice to the petitioner and reiterated his opinion that the Commission is being asked to do something it doesn't have the authority to do. Dr. Dennard then asked whether that in effect concludes the action that can be brought against this Commission. In response Mr. Feagan reminded the commissioners that there is a separate, active case related to a similar petition brought before the Commission pertaining to a Confederate monument owned by Pasquotank County, and that it has been stayed by State Superior Court, pending a ruling by the State Supreme Court on an unrelated matter. He further noted that the same attorney who represents the Pasquotank plaintiffs filed the Vance monument petition, and after denial by the Commission filed an action against the Commission in Superior Court, but subsequently took a voluntary dismissal in that case. Mr. Feagan noted that citizens may attempt to bring an action against the Commission if they feel they are an aggrieved party in a matter, but that he did not believe this matter represented significant legal risk to the Commission.

There being no further discussion Ms. Phillips made a motion that the Commission deal with this matter as it did the Vance Monument matter, stating that based upon legal advice received the NCHC does not believe it has the authority to grant the relief sought by the Boyd Park petitioner, and therefore denies the petition. The motion was seconded by Mr. Reynolds. For the sake of clarification Mr. Ruffin stated his understanding is that the Commission also instructs DNCR staff to communicate this to the petitioner in the form of a letter on behalf of the Commission, to which Ms. Phillips concurred.

The motion was thereby carried on a unanimous voice vote.

### **Selection of Dates for 2022 North Carolina Historical Commission Meetings**

Because people found it helpful knowing in advance the dates for all NCHC meetings in 2021, the chair proposed selecting dates at this meeting for all next year's meetings. At Mr. Ruffin's prompting Mr. Feagan stated that doing so is not a legal requirement, but agreed that it would be helpful to adopt a regular meeting schedule, not only as a matter of practicality and convenience but for administrative and legal purposes as well. He also said that a vote upon the proposed dates is required.

Following what seemed to work in 2021, Mr. Ruffin proposes that quarterly meetings transpire on a Wednesday and commence at 2:00 PM. The 2022 dates he put forth are March 23, June 22, September 21, and December 7. He stated his hope that the opportunity to meet in person presents itself, but in the absence of that the meetings would continue in a virtual format.

Hearing no concerns Dr. Dennard moved approval of the proposed 2022 meeting dates. The motion was seconded by Ms. Phillips and carried on a unanimous voice vote.

### **Accessions and Deaccessions of Items in State Collections**

For the benefit of the newest commissioners Mr. Ruffin explained the process of accessioning and deaccessioning items into and out of state collections. The floor was then handed over to Mr. Campbell, who led the commissioners through the annotated list of items compiled by members of the Office of Archives and History Collections Committee (OAHCC), a copy of which was made available to the commissioners in advance of the meeting. For the sake of time he suggested that the accession items be considered as a single slate, a proposal supported by Mr. Ruffin.

• **Accession of items into NC Museum of History in Raleigh, Museum of the Albemarle, Mountain Gateway Museum, the Maritime Museums, and State Historic Sites** – Mr. Ruffin solicited questions about any of the items on the list but none were forthcoming, so Ms. Snowden moved approval of the recommendations as presented. The motion was seconded by Dr. Bryan, and a roll call vote to approve was unanimous.

Mr. Campbell then led the commissioners through the list of items recommended for deaccessioning from collections.

• **Deaccession of items out of the NC Museum of History in Raleigh and the NC Maritime Museum in Beaufort** – Mr. Campbell briefly discussed the lone item, a uniform, that staff wish to deaccession, explained the reason for the request, and outlined the proposed method of disposal.

Mr. Campbell addressed a procedural question from Ms. Condill, and Mr. Ruffin sought a procedural clarification from Ms. Blum, but there was no further discussion about the recommendations. Ms. Phillips then moved approval of the list of deaccession items. The motion was seconded by Dr. Johnson, and a unanimous roll call vote carried the motion. Dr. Bryan then moved approval of the proposed methods of disposal of the deaccession items, as presented. Dr. Johnson seconded the motion and the motion was carried on a unanimous roll call vote.

### **Deaccession of Items from State Archives**

Chairman Ruffin introduced Ms. Koonts to lead the commissioners through the list of items for deaccessioning from State Archives. Ms. Koonts explained for the benefit of Commissioners Condill and Groome that while accessioning of items into the State Archives is not run through the NCHC, by statute the deaccessioning of such items are. She further explained the two different categories of records that are considered for deaccessioning and what goes into those determinations.

Ms. Koonts then briefly summarized the four sets of records, each made available to commissioners in advance of the meeting. These records come from the State Archives' photographic collection, the State's Western Regional Archives, the Milk Commission, and the Administrative Office of the Courts. She summarized the rationale for removal and disposal, and addressed questions from Dr. Dennard about the process of how records recommended for deaccessioning make their way to the NCHC and how approved records are disposed of.

Dr. Bryan moved approval of the DAR staff's recommendations of records for deaccessioning. The motion was seconded by Ms. Snowden. A roll call vote to approve was unanimous. Ms. Snowden then moved approval of the methods proposed for disposition of items after deaccessioning. That motion was seconded by Dr. Dennard and carried on a unanimous roll call vote.

### **Report from the Director of the North Carolina African American Heritage Commission**

Mr. Ruffin introduced Ms. Thorpe to present a report on recent happenings within the African American Heritage Commission (AAHC). She cited the fuller, written report that was made available to the commissioners in advance of the meeting—a copy of which has been placed in the file for this meeting—and summarized that report in her oral presentation.

Ms. Thorpe touched upon organizational updates, including staff promotions and the appointment of new AAHC commissioners Lisa Matthews from Cabarrus County and Tanzy B. Wallace from Cleveland County. Ms. Thorpe also outlined some fiscal and legislative updates, citing the 2021-2023 biennial budget passed by the North Carolina General Assembly and signed into law by Governor Cooper, and how it will impact the AAHC. Highlighted in that budget are \$135,000 in recurring funding, the first such operational funding in the Commission's history, including the addition of one full-time staff position in the AAHC.

Director Thorpe took a few minutes to reorient the NCHC about the AAHC and the work that it does, outlining its mission, its vision, and the primary ways it goes about its work. She also outlined the AAHC's strategic plan goals for 2021-2022. Each of these is discussed in more detail in the written report.

With a pause to entertain questions or comments, Ms. Groome expressed her excitement about the work being done in the area of educational resources being extended to students, an initiative that is particularly close to her heart. Dr. Johnson, who serves not only on the NCHC but is chair of the AAHC, then expressed her gratitude to Ms. Thorpe for all the hard work she and her staff have done and continues to do overseeing the AAHC. Mr. Reynolds related that over that previous weekend he had spoken with a member of the three-year-old Winston-Salem African American Heritage Commission about difficulties it was having securing oral histories under pandemic conditions. He asked her to reach out to that body to offer whatever experiential or technical assistance she could.

Chairman Ruffin commended Ms. Thorpe on both her dedication and enthusiasm and thanked her for her work.

### **Report from the Director of the Office of Archives and History**

Dr. Waters began by expressing his appreciation for the leadership to the NCHC of Mr. Ruffin and expressed his gratitude for the DNCR team with whom he works every day to serve the people of North Carolina. He then presented a summary report of the goings on within the OAH. He noted that he's been on the job for almost exactly three months and continues to get acclimated to the challenges and opportunities. He noted that he's been doing a lot of traveling around the state visiting the historic sites—more than a dozen since the fall meeting of the NCHC—and museums—five of late—and other facilities under his command, meeting staff and familiarizing himself with the work being done on the ground.

Dr. Waters reported that senior staff of the DNCR gathered at a retreat in October to outline and discuss priorities for the department over the next three years. He noted that the OAH continues to work with the Lord Cultural Group on its findings during assessment and evaluation of operations at several strategic historic sites, museums, and state parks, in an effort to refine and maximize the visitor experience.

He discussed the ongoing America250 commemoration planning, which will continue to be a major focus for the next four years and which was a major topic of discussion during the annual State Historical Administrators Meeting that he recently attended in Denver, Colorado. He also touched upon the National History Day Program and introduced the supervisor of that initiative, Karen Ipock. Ms. Ipock provided an overview of the program for the benefit of the newest commissioners and presented a report on its initiatives and planning, especially its evolution over the past 20 months that saw middle and high school students dealing with the complexities of the pandemic.

In summarizing his report, Dr. Waters described the November 2021 American Indian Cultural Celebration, hosted by the North Carolina Museum of History. Despite it being virtual, as it was last year, it still attracted over 30,000 viewers from across the United State and Canada. He stated that they are looking at holding a hybrid version of the upcoming African American Cultural Celebration, but discussions are still underway.

### **Concluding Thoughts**

Chairman Ruffin recognized Ms. Snowden who reported that Dr. Harley Jolly, a former NCHC commissioner, passed away. She outlined the contributions he made to the appreciation of North Carolina history, among many other things being very influential in the establishment of the Western Office of the OAH in Asheville. Therefore, Ms. Snowden recommends that a letter be sent from the Commission to Dr. Jolly's family and to Mars Hill College where he taught, recognizing his contributions.

Dr. Dennard so moved and Mr. Reynolds seconded the motion, which was carried on a roll call vote. The chair asked that the language of the letter be jointly drafted by Dr. Waters and Ms. Snowden.

### **Adjournment**

With business concluded Dr. Dennard moved adjournment. The motion was seconded by Dr. Johnson and a unanimous roll call vote to adjourn ended the meeting.

Respectfully submitted,

*[A final, post-edit version will be  
presented for a signature]*

---

Darin J. Waters