TEXAS HISTORICAL COMMISSION

AGENDA

Videoconference Meeting
June 17, 2020
9 a.m.

This is an emergency supplement pursuant to Section 551.045 of the Texas Government Code. The agenda was first posted to the *Texas Register* on June 9, 2020. Emergency item #E1 is hereby added to this agenda as an emergency supplement due to urgent public necessity. Public safety concerns related to potential demonstrations for and against a Confederate memorial present an immediate threat to public health and safety that necessitates timely consideration by the Texas Historical Commission. Additionally, item 6.7A will not be considered.
Additionally, pursuant to the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act due to the Coronavirus (COVID-19), the June 17, 2020 meeting of the Texas Historical Commission will be held by videoconference as authorized under Texas Government Code section 551.127.
Videoconference meeting access link (registration required): https://zoom.us/j/96348977851 or audio only access via telephone at 1(346) 248-7799 Code: 963 4897 7851.
Agenda and meeting materials will be available at www.thc.texas.gov/teleconferences after Jun 10, 2020.
Public comment registration is available at: https://bit.ly/3h7RrjD . You must register no later than 5 p.m. on June 16, 2020. To obtain a recording of the meeting please contact Esther Brickley at 512-463-5768.

The members may discuss and/or take action on any of the items listed in the agenda.
Note: The Commission may go into executive session (close its meeting to the public) on any agenda item if appropriate and authorized by the Open Meetings Act, Texas Government Code, Chapter 551.

1. Call to Order and Introductions – *Chairman Nau*
1.1 Welcome
1.2 Pledge of Allegiance
A. United States
B. Texas
1.3 Commissioner roll call
1.4 Establish quorum
1.5 Recognize and/or excuse absences

2. Announcements
2.1 Staff introductions –*Wolfe*

3. Report on the activities of the Friends of the THC–*Brian Shivers, Chair, Friends of the THC* & *Anjali Zutshi, Executive Director, Friends of the THC*

4. Report on the activities of the Texas Holocaust & Genocide Commission–*Lynn Aranoff, Chair, THGC* & *Joy Nathan, Executive Director, THGC*

5. Public comment
Members of the public may address the Commission concerning any matter within the authority of the Commission. The Chairman may limit the length of time available to each individual.

6. Consent Items – The Commission may approve agenda items 6.1 – 6.8 by a majority vote on a single motion. Any commissioner may request that an item be pulled from this consent agenda for consideration as a separate item.

6.1 Consider approval of meeting minutes
A. January 28, 2020 Joint Commission/AAB
B. January 29, 2020 Commission

6.2 Consider certification of Historic Texas Cemetery Designations including: Wright; Salem; Shiloh; Brinlee; Randon Bottom; Ridley; Veracrus Burial Ground; Wolfforth; Waddell; Barfield; and Post Oak-Parker

6.3 Consider approval of text for Official Texas Historical Markers:
A. Previously approved inscriptions (Dec-April 2020): New Hope Missionary Baptist Church; Watson Cemetery (HTC); Big Square Community; Yoakum National Bank (RTHL); Smith-Hartley House (RTHL); Virginia Lucille Ginger Murchison; Bob Harris Station (RTHL); Contributions to the Texas Rice Industry by Seito & Kiyoaki Saibara (Supplemental); Glen Rest Cemetery (HTC); Queen of Peace Catholic Church; Texas Tech Alumni Association; Danville Cemetery (THC); Braniff International Flight 352; Daggett's Crossing; Hardin-Simmons University Campus Triangle (HTC); Richland Spring Cemetery (HTC); Banks-Wood Cemetery (HTC); Post Oak Island
B. Currently considered inscriptions (April -May 2020): Peters-Hacienda Schuetzenverein; Grandview Cemetery (HTC); Martindale School and Gymnasium; Chesterville; Weisser Dairy Farm/Pfeiffer Ranch; Frederick Douglas Moore (Undertold); Antonio Lopez Family Cemetery (HTC); Memorial Baptist Church; Dick Dowling Monument; Nacogdoches Veterans of War of 1812; Bascom United Methodist Church; Wharton County Library; Indian Captives: Dot and Bianca Babb (replacement)

6.4 Consider approval of State Antiquities Landmark site designation for Willacy County Courthouse, Willacy County

6.5 Consider adoption of amendments to TAC, Title 13, Part 2
A. Chapter 16, section 16.13 related to Management of Collections without changes to the text as published in the February 21, 2020 issue of the *Texas Register,* 45 TexReg (1095-1096)
B. Chapter 24, section 24.17, related to criteria for access to restricted cultural resource information without changes to the text as published in the February 21, 2020 issue of the *Texas Register* 45 TexReg (1096-1098)
C. Chapter 26, sections 26.13, 26.15 and 26.17 related to archeological permits and decision concerning destructive analysis of human remains without changes to the text as published in the February 21, 2020 issue of the *Texas Register,* 45 TexReg (1098-1102)
D. Chapter 29, section 29.5 related to destructive analysis of human remains from accessioned held-in-trust collections without changes to the text as published in the February 21, 2020 issue of the *Texas Register,* 45 TexReg (1102-1105)
E. Chapter 19, section 19.3 related to the Texas Main Street Program, without changes to the text as published in the March 6, 2020 issue of the Texas Register, 45TexReg 1525-1527

6.6 Consider approval of the FY 2020 Survey of Employee Engagement Operational action plan

6.7 Consider acceptance of donations
A. Dick Dowling statue from the City of Houston (May 11, 2020, $ N/A) *(This item will not be considered)*
B. Live Oak Tree from the Texas Mayflower Society ($2530)

6.8 Consider approval of contract amendments
A. White Hawk Engineering & Design, LLC – 1-year renewal extension for professional services at the Eisenhower Birthplace SHS
B. Eagle Sign and Design – 1-year renewal extension for historical marker fabrication services

6.9 Ratification of action approved by the Executive Committee:
A. Contract amendment - Phoenix 1 Restoration and Construction, Ltd. - $262,337 (March 24, 2020)
B. Contract amendment - Coastal Environments, Inc. - $39,900 (March 24, 2020)
C. Contract amendment - Richter Architects - $79,100 (March 24, 2020)
D. Contract amendment – McConnell & Jones, LLP - $10,414 (May 22, 2020)
E. Contract amendment – Richter Architects, $561,430 and extend term (May 22, 2020)
F. Antiquities permit extension requests for Ross Fields, permit # 3211 & 3405 (March 24,2020)
G. Antiquities permit extensions request for John Griggs, permit # 7179 (March 24, 2020)

H. Historic Buildings/Structures Permit applications (3) - USS Texas preparation, transportation, temporary relocation; hull and blister rehab; and macro object restoration – (March 24, 2020)
I. Alamo archeological permit application for the Mission San Antonio de Valero/Alamo burial Exhumation (April 25, 2020)
J. Friends of the THC member reassignments from Corporate to Commission Trustees (May 22, 2020)

Emergency Item

E1. Discussion and possible action regarding the Historic Buildings and Structures Antiquities Permit #1052 related to removal of Denton County Confederate Memorial, Denton, Denton County

7. Antiquities Advisory Board – *Commissioner Bruseth*

7.1 Committee report – report on items considered at the advisory board meeting held on June 16, 2020 including SAL nomination information, and updates on permitted projects and State Antiquities Landmarks
7.2 Discussion and possible action regarding the Historic Buildings and Structures Antiquities Permit #1044 related to The Alamo Plan – Phase 1, Partial Crockett Street Improvements along the Alamo Garden Wall, Alamo Complex, San Antonio, Bexar County— *Graham*
7.3 Consider approval of the proposed 2-year extension on Antiquities Permits 7513 for principal investigator Josh Haefner, TRC

8. Archeology – *Commissioner Bruseth*

8.1 Committee report – report on items considered at the committee meeting held on June 16, 2020 including updates on personnel; regional archeology/marine activities; Texas Archeological Stewardship Network; Texas Archeology Month update; CFCP Program; and upcoming activities/events
8.2 Discussion and possible action regarding proposed notices related to the Alamo
A. Notice of Unverified Cemetery submitted by Texas General Land Office
B. Notice of Unverified Cemetery submitted by Lee Spencer White
C. Notice of Unverified Cemetery submitted by Raymond Hernandez

9. Architecture – *Commissioner Perini*

9.1 Committee report – report on items considered at the committee meeting held on June 16, 2020 including updates on staffing, federal and state architectural reviews, courthouse preservation, and the historic preservation tax credit program
9.2 Consider approval of Texas Historic Courthouse Preservation Program Round XI grant awards – *Graham*

10. Communications – *Commissioner Gravelle*

10.1 Committee report – report on items considered at the committee meeting held on June 16, 2020 including division updates and media outreach

11. Community Heritage Development – *Commission Peterson*

11.1 Committee report – report on items considered at the committee meeting held on June 16, 2020 including updates on the Real Places 2020 conference, Texas Main Street program, heritage tourism activities including the Texas Heritage Trails program, and Certified Local Government activities
11.2 Consider Amendment of January 2020 CLG Grant Awards and Reallocation of Available FY 2019 Grant Funds
11.3 Consider amendment of the biennial funding plan for the Texas Heritage Trails Program
11.4 Consider extension of the Texas Main Street Program application deadline until August 31, 2020 for program entry in 2021
11.5 Consider adoption of the Strategic Plan for the Texas Heritage Tourism Program and Texas Heritage Trails Program

12. Finance and Government Relations –*Commissioner Crain*

12.1 Committee report – report on items considered at the committee meeting held on June 16, 2020 including a review of the agency financial dashboard and legislative report

12.2 Consider approval of the THC Annual Operating Budget FY 2021

13. Historic Sites – *Commissioner Crain*

13.1 Committee report – report on items considered at the committee meeting held on June 16, 2020 including updates on the collections, conservation and preservation at the Historic Sites Division, French Legation business planning, Goodnight Ranch SHS transition and operational plan, San Jacinto reflection pool, and Historic Sites facilities report

13.2 Consider approval of amendments to TAC, Title 13, Part 2, Chapter 16, section 16.3, related to Historic Sites, Addition of Historic Sites to the THC Historic Sites Program, for first posting to the *Texas Register*

13.3 Consider approval of the revisions to the THC Collections Management Policy

14. History Programs – *Commissioner White*

14.1 Committee report – report on items considered at the committee meeting held on June 16, 2020 including updates on division programs, cemetery outreach program and proposed outreach activities

14.2 Consider approval of filing authorization of proposed amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 21, Subchapter B, Section 21.6, related to Recorded Texas Historic Landmarks (RTHL) designation, for first publication in the *Texas Register*

14.3 Consider approval of filing authorization of proposed amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 22, Section 22.4, related to Cemeteries, for first publication in the *Texas Register*

14.4 Consider approval of work plan for 2021 Official Texas Historical Markers

15. Executive

15.1 Committee report – report on items considered at the committee meetings held on June 16, 2020 including updates on information technology, human resources, ongoing projects and upcoming events

15.2 Consider approval of intent to review and consider for re-adoption, revision or repeal, the following chapters in Title 13 of the Texas Administrative Code, Part 2: Ch 21 (History Programs); Ch 24 (Restricted Cultural Resource Info); Ch 28, Historic Shipwrecks; and Ch 29 (Management/Care of Artifacts & Collections for publication in the *Texas Register – Wolfe*

15.3 Consider approval of the THC Strategic Plan FY 2021-2025

15.4 Consider approval of MOA between THC and Friends of the Governor's Mansion

15.5 Consider approval of MOA between THC and the Friends of THC

15.6 Consider approval of easement renewal with Texas Eastern Transmission, LP (San Jacinto SHS)

15.7 Consider delegation of authority to the Executive Committee to approve the Legislative Appropriations Request for FY 2022-2023

16. Ongoing legal matters – *Assistant Attorney General Gordon*

16.1 Report from and/or conference with legal counsel on ongoing and/or pending legal matters including:

A. *Alamo Defenders Descendants Association and Lee White v. Texas Historical Commission, Mark Wolfe, et. al. D-1-GN-19-007845*

B. *Tap Pilam Coahuiltecan Nation et al. v. Alamo Trust, Inc. et al., D-1-GN-20-002102*

17. Executive Director's report – *Executive Director Wolfe*

17.1 Report on activities of THC Executive Director and staff for the preceding quarter including meetings held, consultations, contacts and planned travel/events

18. Chairman's Report

18.1 Establishment of subcommittees to Historic Sites Committee including appointment of members

18.2 Report on the ongoing projects and operations of the Commission including updates on meetings held, consultations, contacts and planned travel/events

19. Adjourn

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Esther Brickley at (512) 463-5768 at least four (4) business days prior to the meeting so that appropriate arrangements can be made.

Item E1
Texas Historical Commission
Quarterly Meeting
June 17, 2020

Discussion and possible action regarding the Historic Buildings and Structures Antiquities Permit #1052 related to Removal of Denton County Confederate Memorial, Denton, Denton County

Background

The Denton Confederate Soldier Monument was erected on the Denton County Courthouse square in 1918, twenty-two years after the construction of the historic courthouse. The monument placement was part of a movement in the southern states to commemorate the fiftieth anniversary of the Civil War.

Located facing south on E. Hickory Street, the monument frames the main entrance to the courthouse in an arch configuration spanning the sidewalk at the perimeter of the square. The monument base consists of a rusticated arch supported by a pair of square engraved columns of monolithic carved granite. Bas relief urns (water fountains) inscribed with "1861" and "1865" complete the symmetrical composition. A life-sized common soldier carved from white marble tops the arch. The monument is believed to have been fabricated by the McNeel Marble and Granite Company of Marietta, Georgia, for $5,000. In a structural assessment dated January 25, 2018, JQ Engineering noted the monument's condition as "generally good structural condition with no signs of significant distress or deterioration." Typically, steel or iron pins connect the stone elements, with a foundation of footings or shallow piers.

"OUR CONFEDERATE SOLDIERS" arcs across the face of the monument. An inscribed plaque on one square column supporting the archway says, "Erected by Daughters of the Confederacy in memory of our Confederate soldiers in heroic self-sacrifice and devoted loyalty gave their manhood and their lives to the South in her hour of need," while the inscription on the opposite column reads, "In Memoriam, 'Their names [en]graved on memorial columns are a song heard far in the future; and their examples reach a hand through all the years to meet and kindle generous purposes and mold it into acts as pure as theirs'"

A modern interpretive plaque adjacent to the monument reads, "The monument stands as a reminder of historic events and is intended as a memorial to Denton County citizens who sacrificed themselves for the community. Now let this be a testimony that God created all men equal with certain inalienable rights. We are all one, citizens of Denton County."

For the past fifteen years, the monument has sparked controversy, including a petition calling for the monument's removal initiated in 2008 which garnered significant media coverage. Graffiti defaced the monument in 2015 when the words, "THIS IS RACIST" were sprayed in red paint on the granite face. For the past three years, threats to demolish the monument have circulated on social media, culminating with on-going protests on the courthouse square following the slaying of George Floyd, Jr. in Minneapolis, MN on May 25, 2020.

On June 9, 2020, the Denton County Commissioners Court voted unanimously to relocate the monument from the courthouse square for safekeeping in storage.

As part of the 1896 Denton County Courthouse square, the monument is protected as a Recorded Texas Historic Landmark (1970), listed on the National Register of Historic Places (1977), and designated as a State Antiquities Landmark (1981). It also contributes to the Denton Courthouse Square Historic District (1999). Under the Texas Administrative Code Title 13, Part 2, Chapter 26, Subchapter D, Rule 26.20(2), "The commission must be notified of any anticipated…work to a landmark or *the site associated with a landmark*."

Staff Recommendation

Division of Architecture (DOA) staff has reviewed the application for Permit #1052 and found the attached documentation to be sufficiently complete.

Possible Motions

Move to authorize the Executive Director **to issue** Historic Buildings and Structures Antiquities Permit #1052 for the removal of the Denton County Confederate Memorial, Denton, Denton County.

Move to authorize the Executive Director **to deny** issuance of Historic Buildings and Structures Antiquities Permit #1052 for the removal of the Denton County Confederate Memorial, Denton, Denton County.

September 7, 2017

TO: John Nau
Chairman, Texas Historical Commission

FROM: Mark Wolfe
Executive Director, Texas Historical Commission

RE: Policy and Process Recommendations for Evaluating Requests for Removal and Relocation of Monuments or Markers

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As you are well aware, the mission of the Texas Historical Commission (referred to in this document as "the Commission") is to preserve our state's historically significant places, including those shaped by the Civil War.

The impact of the Civil War on Texas history was profound, as are the emotions it continues to evoke across our state today. As a slave-holding state and member of the Confederacy, Texas was at the center of many of the war's most pivotal events. Nearly 100,000 Texans served in the military during the war, and more than twice that number of Texans were enslaved.

Thousands of Texans lost their lives in battle, some on the side of the Union, but most on the side of the Confederacy. In response to this service, previous generations of Texans made the decision to place public monuments and memorials to honor their dead and to commemorate this epochal event.

Today, we see many communities pondering the role of these objects, both in the way they convey their history and in the way they choose to portray themselves to their residents and visitors. Many are discussing the potential removal and relocation of Confederate monuments and markers —– objects that not only communicate that history, but have themselves become part of history.

The Commission's authority over these decisions depends on the location of the objects and their level of designation.

While each request will be unique, just as the individual monuments and communities are unique, Commissioners and applicants must be able to rely upon a consistent evaluation process and policy. The staff of the Texas Historical Commission —– architects, archeologists, historians and administrators —– is providing a list of questions to help guide Commissioners' discussions and deliberations as they evaluate requests for the removal and/or relocation of Confederate monuments or markers.

While the intent of these questions is to help commissioners develop a uniform baseline of "technical" facts for evaluating permit requests, any decision of this nature would be incomplete without also taking into account the "non-technical" aspects of a community's permit request. The unique motivations and discussions that lead a community to apply for a permit — those factors which cannot be captured by a standard list of criteria — must also be considered.

PROCESS REQUIREMENTS

As a reminder, following is a description of the Texas Historical Commission's evaluation process for permit requests. Please note that some properties have several levels of designation. In such cases, all requirements must be met for each level of designation unless otherwise advised in writing by the Commission. It is proposed that the final decision in all cases would be made by the full Commission or by its Executive Committee:

Covenants:
Some courthouses and other properties that either are, or were at one time, publicly owned, are protected by covenants held by the Commission. In these cases, the terms of the individual covenant will govern the process for applying for approval to remove or relocate a marker or monument. Such projects require the consent of the Commission.

State Antiquities Landmarks:
Some county courthouses and other public places where these monuments and markers can be found are designated as State Antiquities Landmarks (SALs). If the owner of a SAL wants to remove or relocate a marker or monument, they must first notify the Commission. Within 30 days of such notification, the Commission staff will provide the owner with the necessary application forms. Upon receipt of a completed application, the Commission has 60 days to determine whether or not a permit will be issued. If a permit is denied, the proposed project cannot go forward.

County Courthouse Law:
Many monuments and markers are located on the grounds of county courthouses. Under Government Code 442.008(a), counties wishing to remove or relocate such objects must notify the Commission at least 6 months before such action is taken. This provides the Commission with an opportunity to work with the county in an effort to accommodate the county's goals without damaging the historical integrity of the courthouse or its surroundings. After the 6 months have passed, if the county and the THC have not come to an agreement, the county may move forward with its proposed project.

Recorded Texas Historic Landmarks:
Many of the Commission's markers identify properties as Recorded Texas Historic Landmarks (RTHLs). This includes courthouses and parks where monuments and markers can be found. Government Code Section 442.006(f) requires that the owners of RTHLs provide the

Commission with a minimum of 60 days written notice before proceeding with a project that will change the appearance of the landmark property. Upon receiving such notice, the Commission may extend the review period by an additional 30 days. At the end of the 60 (or 90) day period, the property owner may move forward with their project, with or without the Commission's permission, and the project must be completed within 180 days.

Markers and Monuments on State Lands:
Markers and monuments on state land can only be removed with the permission of the state legislature, the State Preservation Board, or the Texas Historical Commission. This includes statues, portraits, plaques, seals, symbols, building names and street names on state land honoring Texas citizens for their military or war-related service. Government Code Section 2166.5011.

State Markers on Non-State Lands:
All state markers installed by the Texas Historical Commission since 1955 are property of the State of Texas and were installed with the consent of the property owners, or are within state-owned right-of-way. Removal of these markers requires Commission approval.

National Register of Historic Places:
Some monuments are listed on the National Register of Historic Places. In these cases, if there is no other designation and the monument is not on federal or state land or on the grounds of a county courthouse, the Commission has no review authority unless federal permits or funding are involved.

Local Landmark Designation:
Removal or relocation of locally-designated landmarks will usually require the permission of a local landmark commission. The Texas Historical Commission has no review authority unless federal permits or funding are involved.

Cemetery Monuments:
Monuments and markers in cemeteries are subject to the processes stated above depending on their level of designation. In addition, the removal or relocation of such monuments is subject to the State Health and Safety Code.

RECOMMENDED GUIDELINES FOR EVALUATING REMOVAL/RELOCATION PERMIT REQUESTS

When evaluating permit requests for the removal or relocation of markers or monuments, Commissioners are encouraged to apply the following analysis. Please note that these guidelines are not in priority order, nor are they weighted in any way. The circumstances of each individual situation will guide the decision-making process:

1. Has the object retained its physical historical integrity? That is, does it still look like it did at least 50 years ago? Is it still at the same location where it was placed at least 50 years

ago? Does it retain the same physical context it had at least 50 years ago? If the answer to these questions is “yes”, then it is more likely that the marker or monument should be retained and remain in place. If the answer to any of these questions is “no”, then it is less likely that the monument should be retained or remain in place.

2. Is the object unique in some way, or the work of an important designer? This should be applied both to the object itself and to any cultural landscape of which it is a part. If the answer to this question is “yes”, then it is more likely that the object should be retained and remain in place. If the answer to this question is “no”, then it is less likely that the object should be retained or remain in place.

3. Is the object an element within a larger design that would be affected by its removal? Is it, for example, one of several sculptures or markers in a series, part of a larger whole? Is it visually connected in some way to adjacent landscape features or buildings, or was the surrounding landscape designed to provide views of the sculpture? If the object was part of a larger design that will be negatively affected by the object’s removal, then it is more likely that the object should be retained and remain in place. If removal of the object will not affect adjacent features, then it is less likely that the object should be retained or remain in place.

4. Assuming that the object celebrates or commemorates a particular group or person, what is the actual connection of that group or person to practices that are reprehensible or shameful? If the group or person was only tangentially or unexceptionally connected with the practice, then it is more likely that the object should be retained and remain in place. If the group or person actively promoted the practice, then it is less likely that the object should be retained or remain in place.

5. To the extent that this can be determined, what was the purpose of the original recognition? If the purpose of the original recognition was because of contributions toward the local, regional, statewide or national community that are not connected to shameful or reprehensible practices, then it is more likely that the object should be retained and remain in place. If the purpose of the original recognition was because of the group or person’s connection with shameful or reprehensible practices, or to intimidate local residents, then it is less likely that the object should be retained or remain in place.

6. Can public objections to the presence/location of the object or the content of language displayed on the object be addressed through mitigative interpretation that provides greater historical context? If so, then it is more likely that the object should be retained and reinterpreted in place. If not, then it is less likely that the object should be retained or remain in place.

7. Has the potential removal/relocation of the object been approved either by the vote of the people of the community or that of their appropriate elected officials? If so, then it is less likely that the object should be retained or remain in place. If not, then it is more likely that the object should be retained or remain in place.

8. Are there public safety concerns related to the object's current location? If not, then it is more likely that the object should be retained and remain in place. If there are public safety concerns that would be alleviated by removing or relocating the object, then it is more likely that it should be removed or relocated.

9. Is the object proposed to be relocated to an alternate site? If there is no plan for the use of appropriate professionals in the disassembly, removal, transportation, or relocation, then it is more likely that the object should be retained at its current location. If the object is proposed for relocation, and there is such a plan, then it is more likely that the object should be relocated.

10. Is the object more or less likely to be properly maintained if it is relocated? If the object is more likely to be properly maintained at its current location, then the object should be retained in place. If the object is more likely to be properly maintained at a new location, then it is more likely that it should be relocated.

11. What protection (law enforcement presence, covenants, etc.) does the object have now, and how will that be affected by relocation? If the object is protected at its current location, then it is more likely that the object should be retained in place. If the object is more likely to be better protected at a new location, then it is more likely that it should be moved.

12. Will visitation to the object be impacted by its relocation? If heritage tourists seeking out this kind of monument or marker are more likely to see the object at its current location, then it is more likely that it should remain in place. If heritage tourists seeking out this kind of monument or marker can easily find it at its new location, then it is more likely that it should be moved.

TEXAS HISTORICAL COMMISSION

ANTIQUITIES PERMIT APPLICATION

Historic Buildings and Structures

GENERAL PROJECT INFORMATION

Please complete the following. See detailed instructions, How to Complete the Antiquities Permit Application for Historic Buildings and Structures, for additional information.

1. Property Name and Location

NAME OF STATE ANTIQUITIES LANDMARK			
Denton County Courthouse on the Square			
ADDRESS	CITY	COUNTY	ZIP CODE
110 West Hickory Street	Denton	Denton	76201

2. Project Name

NAME OR BRIEF DESCRIPTION OF PROJECT WORK
Removal of Denton County Confederate Memorial

3. Applicant (Owner or Controlling Agency)

OWNER/AGENCY	REPRESENTATIVE	TITLE	
Denton County	Andy Eads	County Judge	
ADDRESS	CITY	STATE	ZIP CODE
110 West Hickory Street	Denton	TX	76201
PHONE	EMAIL		
940-349-2820	andy.eads@dentoncounty.com		

4. Architect or Other Project Professional

NAME/FIRM	REPRESENTATIVE	TITLE	
Unified Fine Arts Service	Kim Higgenbotham	Project Sales Manager	
ADDRESS	CITY	STATE	ZIP CODE
14105 Inwood Road	Dallas	TX	75244
PHONE	EMAIL		
214-678-9101	kim@unifiedfinearts.com		

5. Construction Period

PROJECT START DATE	PROJECT END DATE
June 2020	July 2020

PERMIT CATEGORY

Please select the category that best describes the proposed work. (Pick one.)

- [x] Preservation
- [ ] Reconstruction
- [ ] Relocation
- [ ] Rehabilitation
- [ ] Architectural Investigation
- [ ] Demolition
- [ ] Restoration
- [ ] Hazard Abatement
- [ ] New Construction

ATTACHMENTS

For all projects, please attach the following:

- [x] Written description of the proposed project;
- [x] Project documents (plans, specifications, etc.); and
- [x] Photographs of the property showing areas of proposed work.

Application reports may be required based on the project work or at the request of Texas Historical Commission staff. Please indicate if the following are provided with your application:

- [x] Historic Structure Report
- [ ] Architectural Documentation
- [x] Historical Documentation
- [ ] Archeological Documentation

PROPERTY NAME: Denton County Courthouse on the Square COUNTY: Denton

CERTIFICATIONS

The applicant and project professional must complete, sign, and date the following certifications. The Texas Historical Commission's Rules of Practice and Procedure and the Secretary of the Interior's Standards for the Treatment of Historic Properties are available through links from the Antiquities Permits page on our website at www.thc.texas.gov/preserve/projects-and-programs/state-antiquities-landmarks/antiquities-permits. Standard permit terms and conditions are listed in the detailed instructions, How to Complete the Antiquities Permit Application for Historic Buildings and Structures. Special conditions may also be included in a permit. Please contact Texas Historical Commission staff with any questions regarding the Rules, our procedures, and permit requirements prior to signing and submitting a permit application.

Applicant's Certification

I, Andy Eads, as legal representative of the Applicant, Denton County, do certify that I have reviewed and approved the plans and specifications for this project. Furthermore, I understand that failure to conduct the project according to the approved contract documents and the terms of this permit may result in cancellation of the permit.

Signature Andy Eads Date 6.9.20

Project Professional's Certification

I, _____, as legal representative of the Firm,

_____, do certify that I am familiar with the Texas Historical Commission's Rules of Practice and Procedure and the Secretary of the Interior's Standards for the Treatment of Historic Properties. Furthermore, I understand that submission of a completion report is required for all Historic Buildings and Structures Permits. Furthermore, I understand that failure to conduct the project according to the Rules, Standards, approved contract documents, and the terms of this permit may result in cancellation of the permit.

Signature _____ Date _____

SUBMISSION

Please submit the completed permit application in hard copy with original signatures to the mailing or physical address below, or electronically with scanned signatures to hspermit@thc.texas.gov. Attachments, including plans and photographs, must be sent to the mailing address below or delivered to 108 West 16th St., Second Floor, Austin, TX 78701.

Texas Historical Commission
Division of Architecture
P.O. Box 12276
Austin, TX 78711-2276
512.463.6094
fax 512.463.6095
architecture@thc.texas.gov

State Antiquities Code

Permit Application

Project Narrative

Date: June 9, 2020

On Tuesday, June 9, 2020, the Denton County Commissioners Court unanimously approved the following resolution:

To execute a State Antiquities Code Permit Application to remove and relocate from its current location, The Denton County Confederate Memorial for the purpose of interpretation by the Office of History and Culture.

The soldier statue and the arch will be moved and crated by a professional fine arts moving company. Denton County will notify the THC once the moving details are finalized.

Andy Eads
Denton County Judge

June 10, 2020

Mr. Mark Wolfe
Executive Director
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Dear Mr. Wolfe,

Denton County Commissioners Court kindly requests your consideration to place the Denton County SAL Permit Application on the Commission's agenda for Tuesday, June 17, 2020. Yesterday, my office submitted a complete application with supporting documentation to the Commission.

On Tuesday, June 9, 2020, the Denton County Commissioners Court voted 5-0 in favor of the submission of the application and removal/relocation of the Confederate Memorial. The Denton County Confederate Memorial has been used for many years by local protestors as a symbol of hate and a reminder of slavery. In addition, certain extremists have targeted the Memorial as a rallying site. Threats to demolish the Memorial have been posted on social media platforms throughout the past three years. It is time for the Memorial to be relocated, and a new inclusive interpretation to occur.

Confederate memorials and other statues and imagery have been defaced and removed by protesters across the United States and the State of Texas. As recent as this morning, Texas A&M reported the defacement of their "Sul" statue on campus. Texas A&M's defaced statue was found covered in red graffiti reading, "BLM, ACAB, [and] Racist." Last week the Denton County All War Memorial was also defaced on our courthouse lawn. The Denton County Confederate Memorial has already experienced defacement such as one of the two cannonballs on the Memorial has been removed by vandals in past years. The Memorial is in significant need of restoration, and due to its current proximity to a main street in downtown Denton, makes it especially vulnerable to vandalisim via automobile. If swift action is not taken to preserve the complicated history of our State, we believe our Memorial will continue to suffer significant damage or removal.

Additionally, as you may know, historial artifacts on the Texas State Capitol grounds were recently significantly damaged. The defacement of historical artifacts even in our state's capital shows how history across Texas is under siege. The culmination of all these events leads us to believe the Memorial is in danger of being significantly damaged or destroyed. Our efforts to properly preserve the Memorial as a historical artifact require us to remove it as soon as possible for the public's safety. Our priority at this time is to preserve our State's story in order for future generations to learn from past generations. We will determine a new location for the Memorial at a later date.

Thank you for your consideration. If you have any additional questions, I welcome your call.

Sincerely,

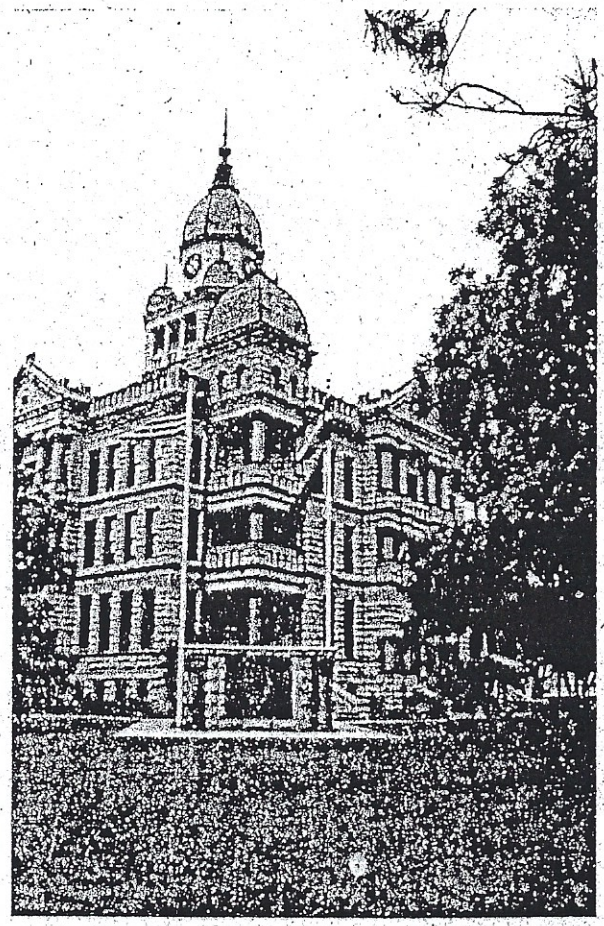
Andy Eads
Denton County Judge

110 W. Hickory, Denton, Texas 76201 • Second Floor, Courthouse-on-the-Square
940.349.2820 • www.dentoncounty.com • Andy.Eads@dentoncounty.com

Denton County Courthouse of 1896

Denton, Texas

Historic Structure Report
&
Restoration Master Plan



ARCHITEXAS
Architecture, Planning & Historic Preservation, Inc.
1907 Marilla
Dallas, Texas 75201
(214) 748-4561

Denton County Courthouse of 1896

Denton, Texas

Historic Structure Report & Restoration Master Plan

Project Team

ARCHITEXAS
Architecture, Planning and Historic Preservation, Inc.
1907 Marilla
Dallas, Texas 75201
(214)748-4561

O'Dea & Associates
4230 LBJ Freeway, Suite 625
Dallas, Texas 75244
(972) 239-6100

Jaster-Quintanilla & Associates, Inc.
2105 Commerce Street, Suite 300
Dallas, Texas 75201
(214) 752-9098

Thos S. Byrne, Inc.
900 Summit Avenue
Fort Worth, Texas 76102
(817) 335-3394

Leeds/Clark, Inc.
Post Office Box 222
Midlothian, Texas 76065
(972) 239-6100

Prepared for the citizens of Denton County under the direction of:

Kirk Wilson, County Judge
Jeff Krueger, Commissioner, Precinct 1
Sandy Jacobs, Commissioner, Precinct 2
Scott Armey, Commissioner, Precinct 3
Jim Carter, Commissioner, Precinct 4

With special assistance from:

Shala Blackman, Court Administrator
Danny Brumley, Maintenance Technician
Dr. Betty Alford, Chair, Denton County Historical Commission
Jim Heath, Chair, Courthouse Sitewatch Committee, Denton County Historical Commission
Roslyn Shelton, Administrtive Assistant, Denton County Historical Commission
Dr. Georgia Carroway, Director, Courthouse on the Square Museum
Kim McCoig, Curator of Collections, Courthouse on the Square Museum
The Texas Historical Commission

George W. Bush, Governor
Jane Nelson, Senator, 9th District
Mary Denny, Representative, 63rd District

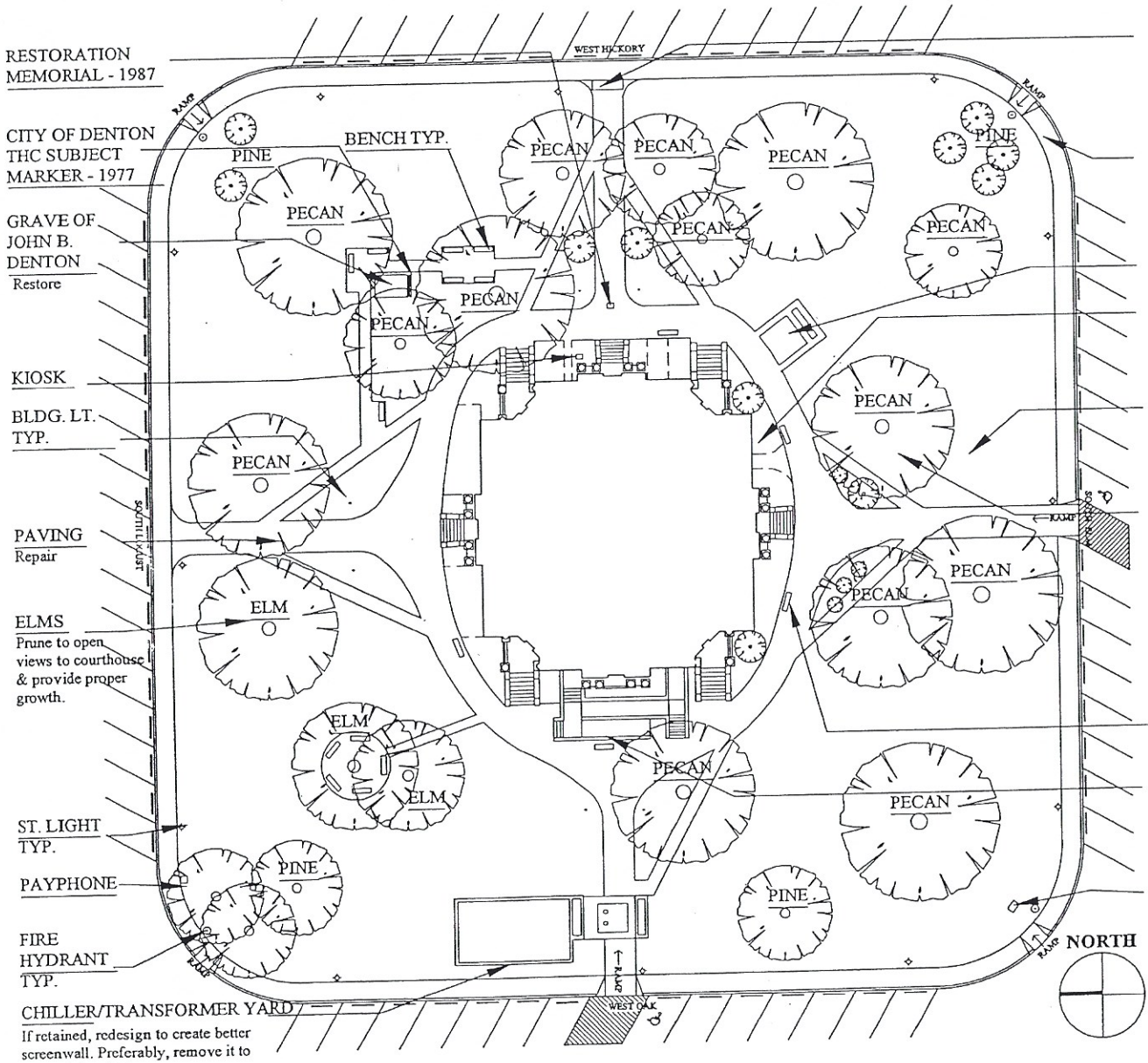
ARCHITEXAS – Architecture, Planning, and Historic Preservation, Inc.

Site

The courthouse site master plan focuses on landscaping and drainage characteristics, and the repair and restoration of existing features. First and foremost, the plan calls for the removal of existing plantings around the base of the courthouse. The plants will be totally eliminated in favor of turf or groundcover, or new drought tolerant plants will be incorporated into a new design. In conjunction with the change in plantings, the existing irrigation zones adjoining the building will be eliminated or replaced with a low-volume system. These changes, in conjunction with improvements described in the exterior master plan, are designed to relieve moisture infiltration problems in the basement. These improvements will be conducted as part of phase-1 work.

Phase two will include other improvements to the site such as the repair of sidewalks and the redesign of the equipment yard to better conceal the chiller and transformer. Monuments will be cleaned and restored. As described in the existing conditions and recommendations section of this report, the Civil War Memorial is to be included in the restoration. An interpretive plaque will be placed near the monument explaining both its negative and positive iconographic significance.

The remainder of site work will be largely limited to maintenance issues such as tree and shrub pruning.



RESTORATION MEMORIAL - 1987

CITY OF DENTON THC SUBJECT MARKER - 1977

GRAVE OF JOHN B. DENTON
Restore

KIOSK

BLDG. LT. TYP.

PAVING
Repair

ELMS
Prune to open views to courthouse & provide proper growth.

ST. LIGHT TYP.

PAYPHONE

FIRE HYDRANT TYP.

CHILLER/TRANSFORMER YARD
If retained, redesign to create better screenwall. Preferably, remove it to a remote location.

CSA WAR MEMORIAL
Restore & install interpretive plaque

PERIMETER PAVING&CURBS
Stamped Works Progress Administration. Repair.

DENTON COUNTY WAR MEMORIAL - 1996

PLANTING BEDS
Planting in beds around courthouse should be removed and replaced with groundcover or drought-tolerant plants.

TURF
Trim trees to improve growth. Maintain.

PECANS
Prune to open views to courtyard & provide proper growth.

BENCH TYP.

RAMP
Modify ramp details to prevent ponding around building foundations.

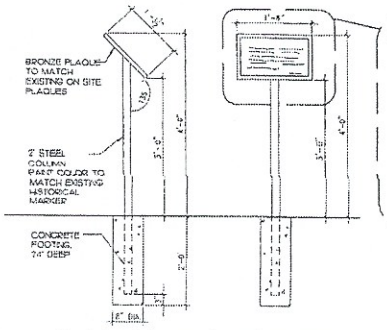
DENTON COUNTY SUBJECT MARKER - 1936

NORTH

Existing Site Plan

NO SCALE

82

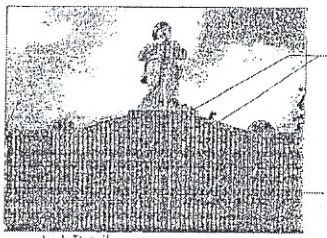


5J Confederate Monument Interpretive Plaque

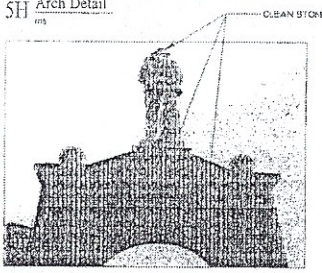
Denton County Confederate Soldier Memorial

The Denton County Confederate Soldier Memorial was erected in 1918 by the Daughters of the Confederacy. The monument stands as a reminder of historic events. It is intended as a memorial to local citizens who sacrificed themselves for the community, yet it is both a strong reminder of our struggle for equality and freedom, and a symbol of the problems our communities still face. The negative iconographic role of the monument serves as a valuable educational tool as a visible feature of the Courthouse Square. The monument is an exemplary piece of art and a rare example of its type.

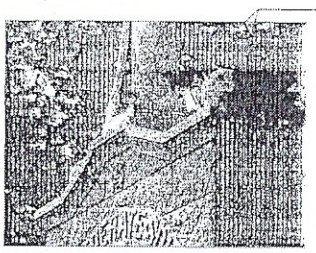
TEXT ON PLAQUE



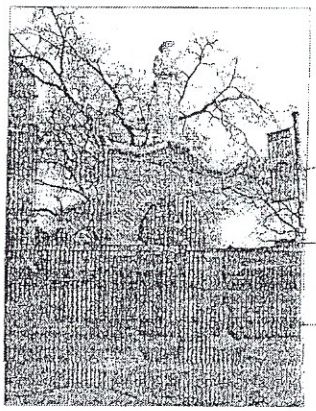
5H Arch Detail



5G Cornice Detail - North



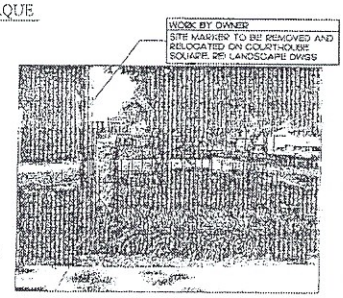
5F Cornice Detail - SE



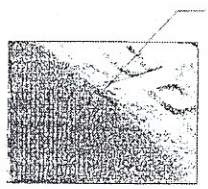
5E Confederate Mon.- SW Elev.

General Note:

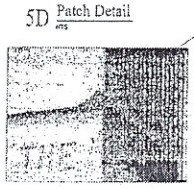
AT COMPLETION OF WORK, WATER WILL NOT BE SUPPLIED TO THE FOUNTAIN, AND THE FOUNTAINS WILL NOT BE FUNCTIONAL. NEW PARTS ARE TO BE PROVIDED AND INSTALLED TO ALLOW THE FOUNTAIN TO FUNCTION IN THE FUTURE.



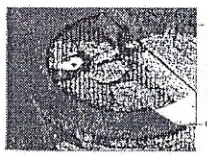
4C Denton Gravesite - South Elev.



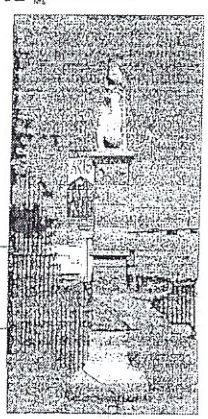
5D Patch Detail



5C Granite Detail



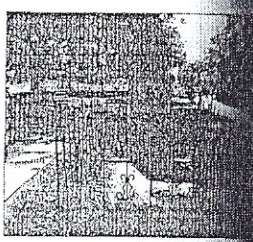
5B Fountain Detail



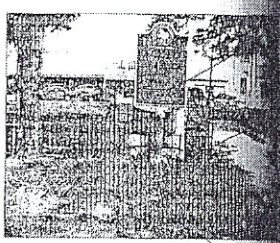
5A Confederate Mon.-West Elev.

5 Confederate Monument

2B NOT USED

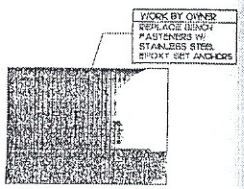


4B Denton Gravesite - East Elev.

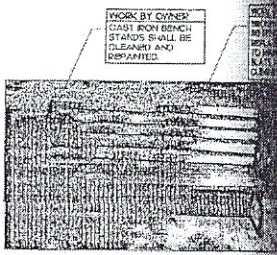


4A Denton Gravesite-West Elev.

4 Denton Gravesite Details



3B Bench Detail



3A Typical Bench

3 Bench Details

shaping the built environment

100 GLASS STREET, DALLAS, TEXAS 75207
214 752 9098 PHONE
JQENG.COM

01.25.18

Mr. Danny Brumley
Denton County Facilities Department
750 South Mayhill Road, Suite B121
Denton, Texas 76208

Re: Denton County Confederate Memorial
Denton, Texas
JQ Project No. 3180024

Dear Mr. Brumley:

JQ Engineering (JQ) performed visual reviews of the Denton County Confederate Memorial in Denton, Texas on November 14, 2017 and January 21, 2018. The purpose of these reviews was to assess the structural condition of the monument for the purpose of providing recommendations for repair.

Our findings are as follows:

Description

The Confederate Monument is located on the south side of the Denton County Courthouse and is oriented to face south toward Hickory Street. The majority of the monument is composed of monolithic carved granite. The soldier located on the top of the monument is carved from marble. Refer to photographs 1, 2 and 3. It is assumed that steel or iron pins are utilized to connect the stone elements which is typical of this type of construction. The foundation system supporting the monument is unknown, but is assumed to be composed of footings or relatively shallow piers.

Observations

The monument is in generally good structural condition with no signs of significant distress or deterioration. Specific observations include the following:

- The monument has a slight tilt of approximately 2.5 degrees to the south. This can be observed in photograph 3.
- Mortar joints between the stone sections have weathered with some lose of mortar near the surface of the joints. Refer photographs 4, 5 and 7. Given the age of the monument, such weather is normal and to be expected. No staining or widening of the mortar joints was observed and thus corrosion of any steel or iron pins connecting the stone sections does not appear to have occurred.

- A few small areas of stone at corners have been chipped and some repairs have been implemented. The repairs do not match the surrounding stone and are partially detached from the supporting stone. Refer photograph 6.
- A pendant was originally suspended from the monument arch, but is no longer present. Refer photograph 7.
- A stone ball is present on the east end of the monument adjacent to the base of the soldier. A matching stone ball was originally located at the west end of the monument, but is now missing. Based on the remaining evidence, these balls were set on a mortar bed and were connected to the supporting stone with steel or iron pins. Refer photographs 8, 9 and 10.

Discussion

Given the presence of expansive clays in the Denton County region, near surface foundations as probably used to support the monument have the potential to experience seasonal ground movement. This may result in shifting of the supported structure including both vertical and rotational movement. It is assumed that the slight tilt of approximately 2.5 degrees currently present in the monument is the result of this ground movement. While visually discernable, this tilt has not adversely impacted the structural stability or performance of the monument structure. In addition, there is no visual evidence such as cracking or widening of mortar joints that the monument is actively moving. Therefore, no corrective structural repairs are necessary to address the tilt of the monument.

Mortar joints deteriorate over time due to thermal movement, freeze-thaw cycles and weathering. Although such deterioration of the existing mortar joints is evident, the deterioration is limited to the near surface of the mortar joints and does not extend to any great depth from the surface of the monument. Re-establishing the original mortar joint profile will both restore the appearance of the monument and preclude future moisture intrusion into the joints which could ultimately cause deterioration of any connecting steel or iron pins.

Recommendations

We recommend the following repair:

- Deteriorated mortar joints should be repointing to restore the original joint profile. The repair mortar should match the existing mortar in color, texture and hardness.

If it is desired to restore the monument to its original design, the following structural repairs would be necessary:

- Aging defects caused by normal usage such as chipped stone should be repaired using material which matches the existing stone in color, texture and composition. Specialty stone repair products are available which can be specifically formulated for this type of repair.
- All missing features of the monument such as the pendant and stone ball at the west end of the monument would be recreated and installed. Attachment methods would be similar to those used in original construction.

Disclaimer

The opinions and comments provided in this report are based upon field observations as part of our scope of services. JQ has ascertained to the best of our ability the visually apparent defects in the monument structure. However, as field observations were conducted on a structure in which portions of the structural elements are concealed, JQ cannot be responsible for failing to ascertain deficiencies which were not visible due to the existing conditions. No warranty, expressed or implied, regarding the condition of the monument is intended. In addition, no representation as to the expected useful life of the monument is made.

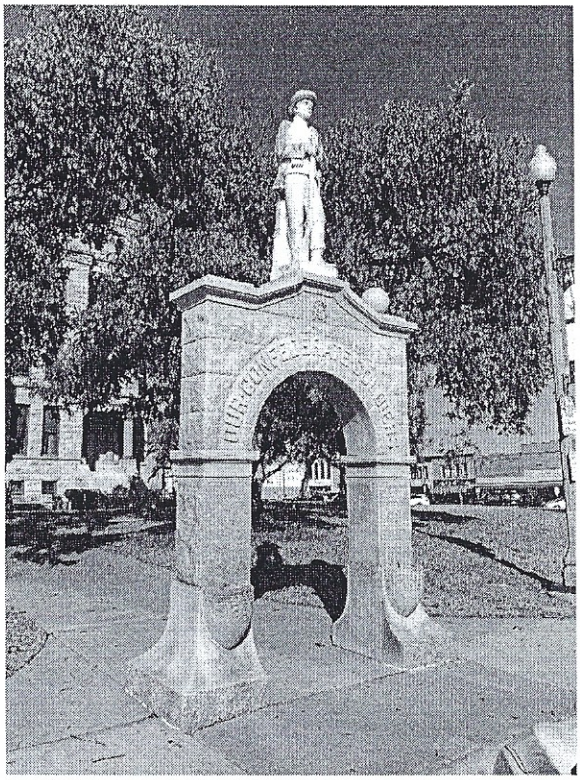
If you have any questions, or if we can be of further assistance, please contact us.

Sincerely yours,

JQ Engineering, LLP
Texas Registered Engineering Firm: 1294

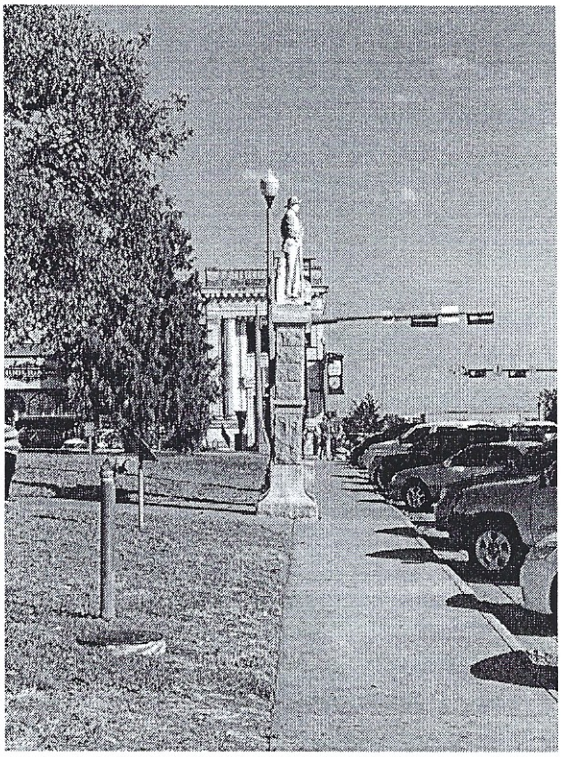
Stephen H. Lucy, PE
Partner

Enclosure



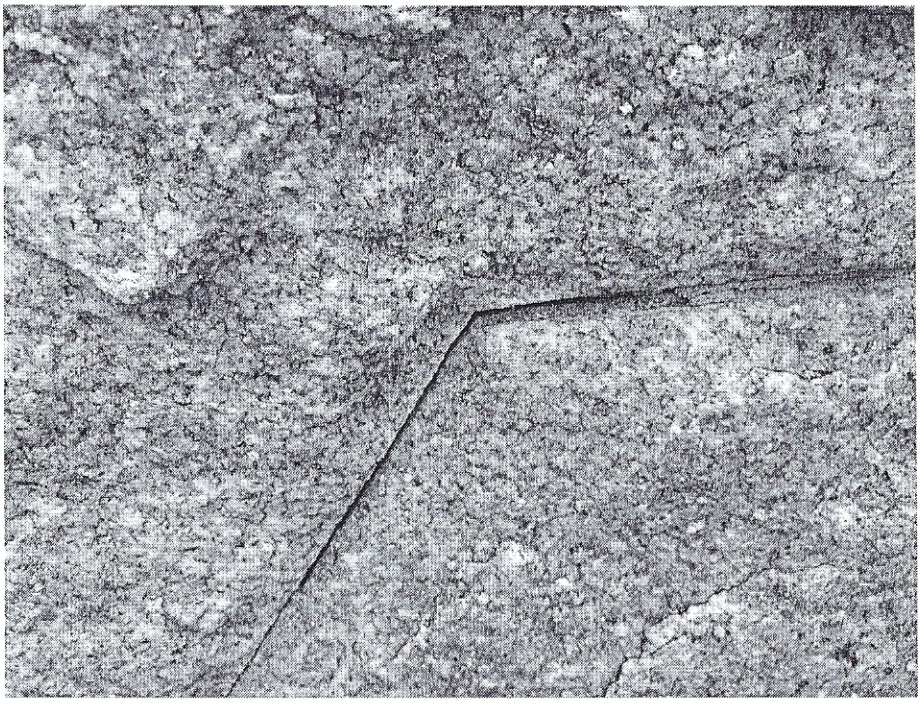
Photograph 1 – South face of monument

Photograph 2 – North face of monument (facing courthouse)

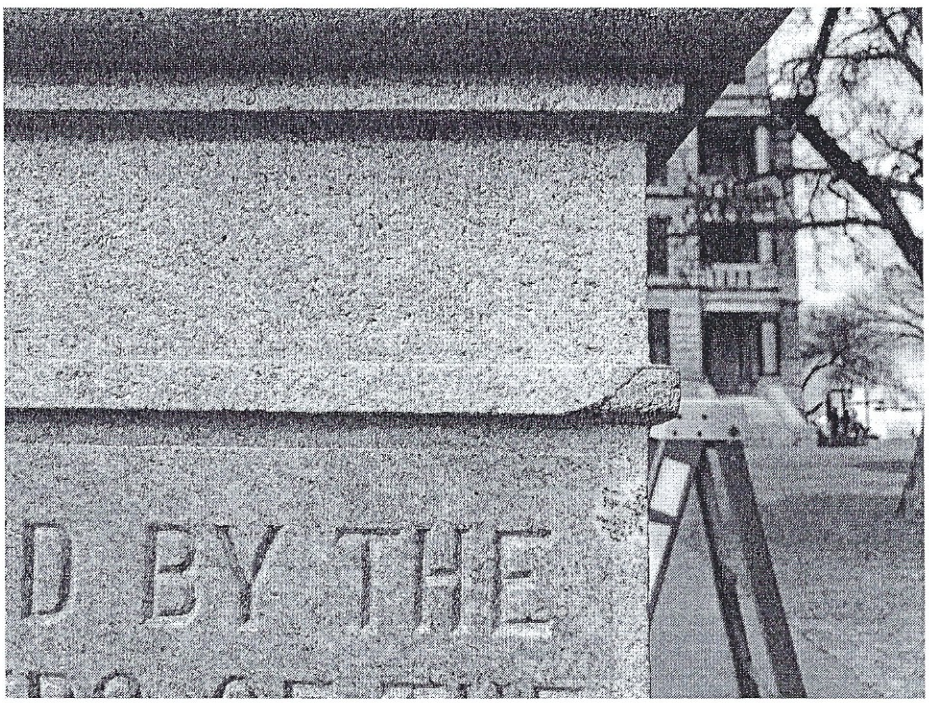


Photograph 3 – View of monument from the west

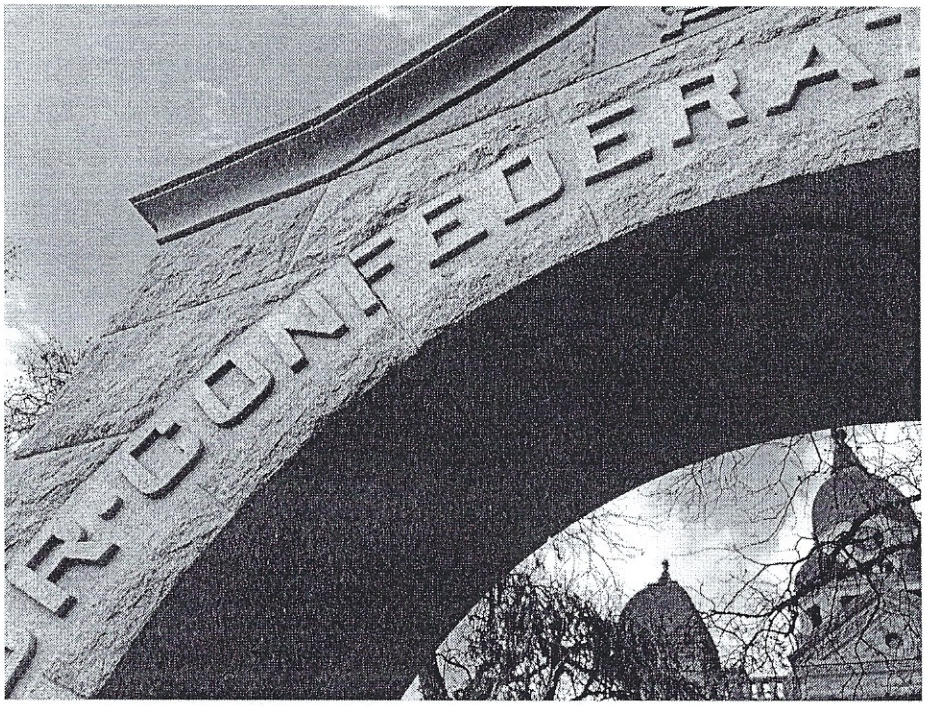
Photograph 4 – Typical deterioration at mortar joints



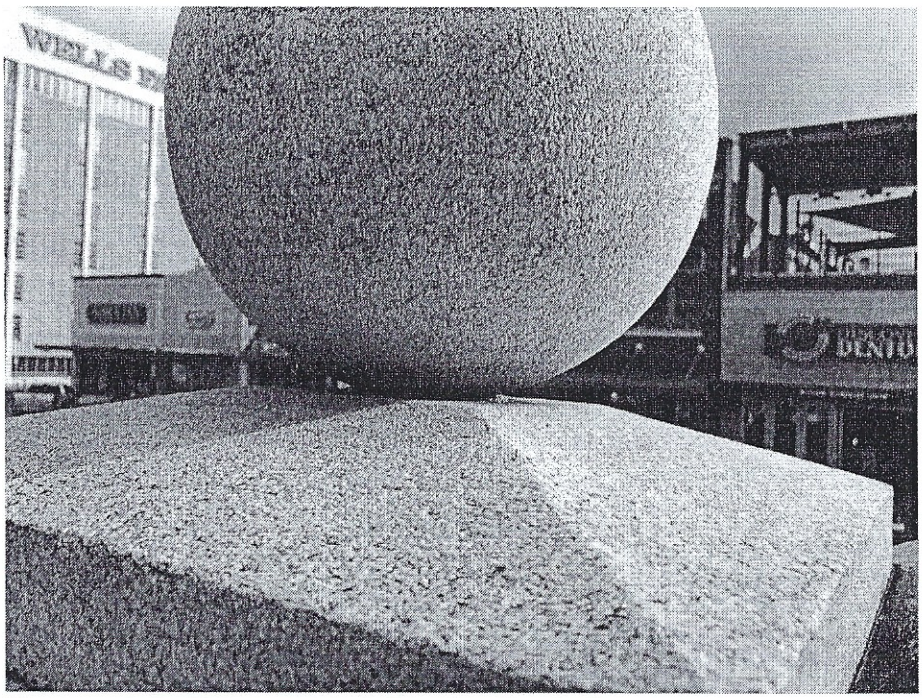
Photograph 5 – Typical deterioration at mortar joint



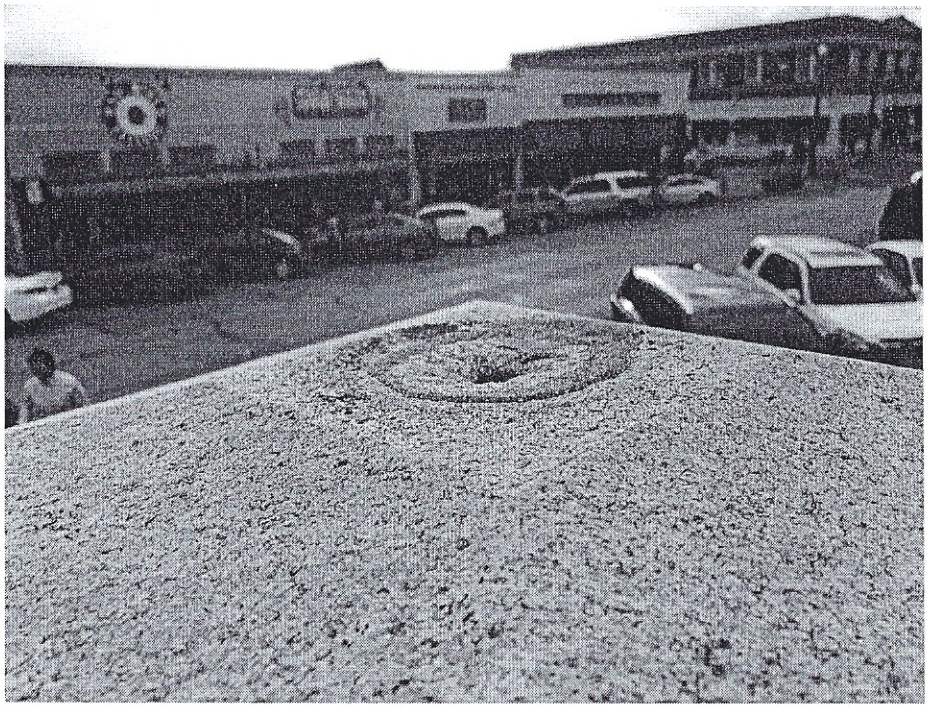
Photograph 6 – Chipping and prior repair of stone



Photograph 7 – Open mortar joint and missing pendant



Photograph 8 – Stone ornamentation at east end of monument



Photograph 9 – Missing stone ornamentation at west end of monument

Photograph 10 – Pin attachment for base of missing stone ornamentation at west end of monument