

MINUTES
STATE CAPITOL COMMISSION
November 9, 2018

1. Introductions / Roll Call

Chairman Larry Martin called the meeting to order at 10:00 a.m.

Commissioner Martin shared his perspective on the Polk issue. He stated that there are strong feelings on both sides of the matter. Many have been helpful in providing the Commission ample background information. Since this request requires the Commission's thoughtful review and he didn't want to limit the Commission's time on this subject; Commissioner Martin suggested this be a two meeting endeavor, utilizing today's meeting as informational session and the second meeting to finalize the action. Commissioner Martin stated that he would like to have all the members of the Commission be in attendance when this matter was decided. Commissioner Martin stated that the Commission will allow the groups on each side of this request fifteen minutes to speak.

State Architect Ann McGauran called the roll and a quorum was established with the following members in attendance:

- Commissioner Larry Martin
- Commissioner Shari Meghreblian
- Secretary of State Tre Hargett
- Comptroller Justin Wilson
- Dr. Reavis Mitchell
- Senator Jack Johnson
- Howard Gentry
- Deputy Commissioner Tommy Chester, designee for Commissioner Bob Oglesby
- Joy Harris, designee for State Treasurer David Lillard

2. Approval of Minutes from the September 1, 2017 Meeting

A motion to approve the Minutes was made and seconded. There was discussion of two needed revisions to be made before approving the minutes. The prior motion was withdrawn and a motion to approve the Minutes as revised at the next meeting was made, seconded, and approved.

3. New Business

A. Metro Nashville Convention & Visitors Bureau Use of the Bicentennial Mall for the New Year's Eve Celebration

Commissioner Meghreblian stated that the Department of Environment & Conservation (TDEC) is seeking approval for the Nashville Convention & Visitors Corporation (NCVC) to use the Capitol grounds for their 2018/2019 New Year's Eve celebration. This would be the third annual approval by the Commission. This event has been very successful.

- This request includes the following:
 - Lighting the Capitol cupola red
 - Permission to shoot fireworks for less than 10 minutes with approximately one thousand 3-5" shells being shot from the observation deck on Capitol Hill at midnight

- Reservation of the Capitol grounds for the time frame as appropriate for the set-up and tear-down of the event
- NCVC is prepared to repair and replace any necessary items. This has been very successful and everyone has enjoyed the event. Commissioner Meghreblian stated that this has been a great boon for Nashville and the State.

Motion: Commissioner Meghreblian moved for the Capitol Commission to approve the NCVC to use the Capitol grounds for the 2018/2019 New Year’s Eve celebration. The motion was seconded.

Discussion: Secretary Hargett confirmed that this request is only for 2018/2019. Commissioner Meghreblian replied that this for this 2018/2019 New Year’s. Comptroller Wilson asked if the Department of General Services and Homeland Security were ok with this. Commissioner Meghreblian replied “yes”.

Vote: The Commission voted unanimously and the motion passed.

B. Reoccurring Approval for Ongoing Annual New Year’s Eve Events

Motion: Commissioner Meghreblian stated that the Bicentennial Capitol Mall State Park is seeking to enter into a multi-year contract with the NCVC to host the New Year’s Eve Music City Midnight. TDEC is seeking approval to use the Capitol grounds for all subsequent years the event is held at Bicentennial Capitol Mall State Park with the same conditions as the 2018/2019 approval.

Discussion:

- Secretary Hargett agreed that the event has been successful the last two years but believes it’s not harmful to come back to the Commission on an annual basis and is not supportive of a blanket approval.
- Comptroller Wilson also shared concerns with this motion and stated that if it is a timing issue the Capitol Commission could meet earlier in the year to approve the request.
- Commissioner Martin asked Commissioner Meghreblian if there is a timing issue and Commissioner Meghreblian replied that there is not a timing issue.
- Mr. Howard Gentry asked if denying this request would affect planning for the future.
- Mr. Butch Spyridon, President and CEO of the NCVC, thanked the Commission for the past two years support and the approval for the third year. Mr. Spyridon stated that they are trying to establish a long term plan. They are close on a network agreement with NBC television to broadcast the Nashville event as part of their New York event. Mr. Spyridon asked if there could be a compromise. He suggested a five year approval with TDEC and NCVC to return every year to check-in with the option of the Commission to revoke the approval. Mr. Spyridon stated that they don’t mind coming back but they are trying to plan ahead.
- Comptroller Wilson was concerned on how the Commission could be sure that the Departments of Safety & Homeland Security (TDSHS) and General Services (TDGS) issues were heard and addressed every year if the event were to change and stated that he is concerned about safety issues and the mechanics of the event.
- Mr. Spyridon stated that their initial request to TDEC was to lock in the approval long term and they would like to move toward with that understanding however NCVC would still go through the same procedure every time to check in with all the State departments.

- State Architect Ann McGauran stated that after the approval from the Capitol Commission there is a large meeting with all the interested parties including the TDSHS, TDGS, the State Fire Marshal and a variety of other interested parties and they do not finalize the event plans until the entire group approves the details.
- Deputy Commissioner Tommy Chester stated that the meeting gets down into the weeds and discusses every requirement and the necessary details for a successful event. It is quite an extensive series of meetings which includes all the partners involved including Nashville Metro, the TDSHS and the TDGS. Deputy Commissioner Chester doesn't have any concerns with granting a five year approval and requiring a review each year.
- Secretary Hargett suggested that we have year three and come back next year to consider a longer term approval. This will allow the new administration to weigh in if they choose. Secretary Hargett stated that the Comptroller asked if everybody is ok today with the plans for the 2018/2019 event. The Secretary wanted to reiterate that it's one thing to say that the Commission has talked about it and various departments need to approve prior to the event and another to say the event is approved so "we're doing this, get ready". Secretary Hargett stated that he has no problem with the event and the NCVC coming back next year after three successful events to ask for a longer term but for today he's only comfortable with the approved 2018/2019 event.
- Commissioner Martin confirmed that Secretary Hargett would be open to looking at a long term approval. Secretary Hargett stated that he's open to have that conversation and requested that his comments not be taken as a negative. The membership will be changing next year and the Secretary wants to understand their perspective.
- Mr. Howard Gentry asked Mr. Spyridon if a multiyear approval is not approved how his negotiations would be affected because Mr. Gentry feels that this is bigger than this Commission and is about how the State is perceived nationally and internationally. Mr. Gentry stated that if we start delaying decisions until the next administration then we would be holding off on everything we're doing. We also don't want to limit our ability to be nationally televised just to include the next administration.
- Mr. Spyridon stated that if they could come back late winter or early spring to request a long term plan that would be critical.
- Mr. Gentry stated that he would like to feel good about doing the next administration a favor by locking in something great for the State of Tennessee.
- Commissioner Martin agreed with Mr. Spyridon and suggested that at the meeting after the event the Commission could discuss approval while the event is fresh on everyone's minds.
- Mr. Spyridon stated that this is a partnership that they want to continue.
- Secretary Hargett and Comptroller Wilson stated that the event has exceeded their expectations.
- Comptroller Wilson suggested that any multiyear approval should require the appropriate interested parties in the state sign off on the plan details.
- Commissioner Meghreblian withdrew the motion with the understanding that this request would be brought forward again in the early part of next year.

C. Recent Governor's Portrait Rotation

State Architect Ann McGauran stated that Ashley Howell from the State Museum is here to speak regarding this item. State Architect McGauran also stated that Christy Allen, General Counsel for the Commission, has some background information to share with the Commission.

- Ms. Allen stated that this is an informational item on the agenda. The Capitol Commission in 2015 adopted a policy regarding criteria for commemorative works in the Capitol. Under the Miscellaneous Provisions section is a provision that provides as follows: “A painted portrait of each of the past eight (8) former governors is to be placed sequentially in the Capitol’s public corridors.” We are at a time now where the eighth governor has rotated out and Governor Haslam would be placed in the Capitol.
- Commissioner Martin asked Ashley Howell about the new State Museum. Ms. Howell replied that the new museum is fantastic. There have been over 25,000 visitors since opening on October 4. They are very quickly learning the new building and excited to be able to share their collection with the visitors.
- Ms. Howell stated that the State Museum advises the Capitol Commission on items of artwork within the Capitol and Jim Hoobler, senior curator, is here at the meeting. The State Museum considers these portraits a temporary exhibition within the Capitol and wanted to make the Commission aware that they will be rotating the portraits shortly.

D. Location of POW-MIA Chair of Honor (Public Chapter No. 918)

State Architect McGauran introduced Representative Timothy Hill.

- Representative Hill is requesting approval for the location of the POW-MIA Chair of Honor.
- State Architect McGauran stated that the intended location is on the timeline of the Bicentennial Mall, near year marker 1956 along the same side as the visitor benches located on that timeline.

Motion: Comptroller Wilson made a motion and it was seconded.

Vote: The Commission voted unanimously and the motion passed.

E. President James K. Polk Tomb Relocation (SJR0141/HA0798)

Commissioner Martin asked Christy Allen to remind everyone of the role of the Capitol Commission in regards to this item. Ms. Allen stated that by statute the State Capitol Commission is charged with “formulating and developing a master plan and program for the adaptive restoration and preservation of the state capitol, including the building and contiguous grounds”. Ms. Allen stated that the Polk tomb is incorporated within the master plan adopted by the Capitol Commission and later by the State Building Commission, as a feature of the Capitol grounds, and any action to relocate the tomb would require approval by the Capitol Commission. According to the Heritage Protection Act, the approval would be for the Capitol Commission to request a petition for waiver be filed with the Tennessee Historical Commission (THC) whereupon the matter would be considered by the THC. All actions by this Commission would be subject to concurrence of the State Building Commission. If all the stages of the approval were met, somewhere in the process a court order would need to be obtained governing the exhumation of the bodies and relocation of the tombs. This part is not governed by statute so Ms. Allen is not sure where in the process this would take place. This is one of the questions that would still need to be answered. Generally speaking, under the current law, the Heritage Protection Act prohibits the relocation or removal of a monument and so, as a monument in the master plan, a waiver would have to be sought.

- Comptroller Wilson asked for confirmation that this discussion is really for approval to ask THC to grant a waiver. Ms. Allen replied “yes”.
- Senator Joey Hensley stated that this is a very important issue for Maury County and for Tennessee. James K. Polk is a very influential figure in our State’s history as well as our Nation’s history. He served as the eleventh president of the United States, he was Speaker of the US House and Governor of Tennessee. President Polk spent most of his life in Maury

County. Senator Hensley stated that he is going to talk more about the process they are in and then Mr. Tom Price, Maury County Historian who has served as curator of the Polk Home will speak. Senator Hensley stated that President Polk is the only President that is buried at any State Capitol. All other former Presidents are either buried at their home or some specific site. Tennessee Code did require: "Notwithstanding any provision of the law or of this part to the contrary the graveside of James K. Polk shall not be relocated unless the proposed relocation is approved in advance by duly adopted joint resolution of the General Assembly." As mentioned earlier we do have that joint resolution by the General Assembly. Senator Hensley sponsored the resolution in the senate along with several co-sponsors, including Senator Bowling and Senator Roberts with Representative Curcio and Representative Butt sponsoring in the House. After this Commission's action, the tomb relocation would then need to go to the Historical Commission for approval and then to the Chancery Court for approval. This is a long process which has already been in the works for many years. The Polk home in Columbia has been a historical site since the 1920s. The Polk home is operated and managed by the James K. Polk Memorial Association using mostly private funds. They do receive \$39,000 per year from the State, but the rest of the funds to maintain the James K. Polk home and remaining artifacts from James K. Polk and his wife is raised by the James K. Polk Memorial Association and their board. The Association does an excellent job at preserving the site. James K. Polk wanted to be buried at Polk Place in Nashville. He died three months after leaving the presidency and his wife continued to live at Polk Place for forty-one years after President Polk was buried there. The Capitol grounds are James K. Polk's third burial site.

- Senator Hensley stated that this whole issue is not about money or anything else except recognizing and honoring James K. Polk. Today people come to the Capitol and can visit the tomb when they take a tour. There is a tomb and an inscription about James K. Polk and his wife. But people don't understand the broader significance of his life when they visit the tomb like they do when they visit his home in Columbia. The remaining Polk artifacts are in the home in Columbia. There are two homes there, James K. Polk's and his sister's. Seven of the nine siblings are buried in Columbia and his parents are buried in a cemetery in the center of Columbia, about two blocks from the Polk Home. James K. Polk wanted to have a home similar to Andrew Jackson, and that was his intended purpose for Polk Place in Nashville. If it had happened according to his will, we would not be here today making this request. Relocation will not cost the State any money and the tomb would be replaced with an appropriate statue similar to the one of Andrew Jackson as approved by this Commission. James K. Polk will still be recognized on the State Capitol. Senator Hensley stated that most people assume that he is buried at his home in Columbia. Most citizens don't realize that he is buried at the Capitol. This request is intended to properly recognize James K. Polk's achievements. There were many things accomplished during his time in the presidency from 1845-1849. It was a significant time in our history. He expanded our country's size by a third and established the US Postal system along with many other accomplishments. Unfortunately, he died when he was fifty-three years old, three months after leaving the presidency, so he did not have the time to build up his estate and his legacy like most presidents have.
- State Architect McGauran stated that there are four people speaking, two for the relocation of the Polk tomb (Tom Price and Representative Curcio) and two against the relocation of the Polk tomb (Dan Brown and John Summers).
- Mr. Tom Price thanked everyone for allowing this item to come before the Commission. This is a fascinating issue and deserves to be vetted on all sides. Mr. Price gave a bit of history on how this project began. This did not start with the James K. Polk Memorial Association it started as a grassroots effort, with visitors coming to the Polk home and asking

why is James K. Polk buried at the Capitol grounds. There's no interpretive signage and the tomb is a little bit lost on the grounds. The effort picked up steam after time and the community started asking why Polk couldn't be buried in Columbia. The Capitol grounds is not where he was initially buried, he was initially buried at his home called Polk Place, just a couple of blocks from the Capitol grounds. Why couldn't he be buried at his historic site, a place in Columbia where people come from all over the country and the world to learn about the life and legacy of the eleventh president? Mr. Price would reply that he didn't even know if it was possible to move the tomb. The first step was to gauge public opinion with a series of public meetings and it was overwhelming clear that once people heard the history that there was support for this relocation. They then approached Senator Hensley and others who immediately saw the merit in it. Mr. Price did a series of lectures around Middle Tennessee talking about the history of the tomb and the relocation gained more support. They have received seventy-five letters of support from seventy-five county mayors throughout the State. This went from being a local initiative, to being a regional initiative, and now a statewide initiative. Many businesses and groups like Farm Bureau and United Auto Workers have given their support for the project. The Director of the Tennessee Historical Commission (THC) outlined the pathway to see it through, referencing that the THC, the Capitol Commission, Chancery Court and the General Assembly would all have to have a say in this action.

- Mr. Price stated that this really began with James K. Polk's will. Just three months before President Polk left office in 1849, he surprised his wife by announcing that he had written his will and wanted her opinion on it. In his will he wrote that should he die first, Polk Place would be their burial place. Remember he had lived his entire life in Columbia. He moved to Maury County when he was ten years old, graduated from the University of North Carolina and throughout his life lived in Columbia. First he lived in the home that is the Polk Home, and then in a home a couple of blocks up the street. During that time he served fourteen years in the United States House of Representatives in Washington, Governor for Tennessee for a term, and then President. While the Polks were in the White House, they decided to buy a house in downtown Nashville that had been the home of his political mentor, Felix Grundy, one of the finest homes in downtown Nashville. They purchased Polk Place and looked forward to a long retirement, but sadly James K. Polk died just three months later. His will went into effect stating that his wife Sarah would receive life estate of the property but the property itself would be set in trust to the State of Tennessee and that when Sarah died her remains would be placed under a tomb in the side yard of Polk Place beside James K. Polk never to have another building erected over it. He continued in his will that the Governor of Tennessee would then choose a worthy Polk family member to live on the property, maintain it, and pay the taxes on it. The collections that the Polks had acquired during a lifetime of politics were at Polk Place. This would be the place where Polk's legacy would reside, similar to Mt. Vernon for Washington or the Hermitage for Andrew Jackson. His plan was that Polk Place would stay in the family and his tomb would reside there. Sadly a series of tragic events happened, fifty-five family members came forward and sued Polk's estate after Sarah's death. She died forty-two years after he did. The family argued that James K. Polk broke the laws of perpetuity because a deceased person can't say what's going to happen in the future to a property and the family won. The property was sold with the proceeds split fifty-five ways. The Polks had no children, no direct heirs. However, Sarah had adopted a two year old great niece shortly after her husband died which she raised as a daughter. Sarah's niece became the heir to the Polk belongings, and once it was determined that the Polk home was going to be torn down, she brought the collection into her own home and displayed them for a time. The Polk belongings were displayed in the War Memorial Building in Nashville for a time. In 1924, Sarah's niece and heir started the

James K. Polk Memorial Association and in 1929 purchased the home in Columbia, recognizing it as the only home still standing, except for the White House, that James K. Polk had ever lived in. From that time on, Polk Home and Museum has been the main Polk historic site. That is where Polk's legacy has resided.

- Mr. Price stated that if you go back to the intent of President Polk's will it becomes adequately clear, if you read his correspondence or his diary with his will, you'll see that his real intention was to be buried where his legacy resided, less about Nashville or Columbia. Mr. Price stated that their chief argument for relocation of the Polk Tomb is that since 1929, Polk Home in Columbia has been the place where President Polk's legacy resided. That is the place where people come from all over the country to learn about the life and legacy about the eleventh president. As such, it makes sense to have the tomb there as well. It completes the interpretation of President Polk.
- Mr. Price stated that the tomb on the Capitol grounds is a worthy place but is a little bit lost. The best example of this is that every year, on James K. Polk's birthday, the White House sends a wreath to be laid at the tomb site. The TN National Guard is there and conducts a solemn ceremony. Last year there are a handful of people, maybe ten, and there are more National Guardsmen there than visitors to the tomb with seven of the visitors associated with the Polk Home and Museum in Columbia, Tennessee. This is not the way we honor Presidents, it's not the way Andrew Jackson is honored because it is at the Hermitage where Jackson is buried at his own home.
- Mr. Price stated that he often hears misinformation, one being that this is for tourism in Columbia. It's absolutely not. In fact, the Polk Association doesn't expect a large uptick in visitation at all. This is really an effort to follow Polk's own wishes, to be buried where his legacy resides.
- Commissioner Martin stated that one of the Capitol Commission's primary responsibilities is the grounds of the Capitol and from this standpoint he was delighted that President Polk is buried here. This comment is not intended to be taken as for nor against this discussion. The Capitol Commission's responsibility is protecting what is located at the Capitol today and if the decision is to move President Polk, what would be installed in place of that tomb? And the fact that it is not only a burial site, but a historic structure designed by Mr. Strickland is a factor. Some of the material shared with the Commission indicates an estimate of \$500,000 to relocate the Polks. Commissioner Martin stated he believed one of the Commission's questions would be to know more about the details of the relocation and replacement, because \$500,000 seems to be on the light side of what it might cost to relocate the tomb and install a statue based on what some other items have cost the State. Commissioner Martin stated to Mr. Price that this would be something the James K. Polk Memorial Association and their board should thoroughly evaluate in order to give a more complete or comprehensive explanation of how that would be handled.
- Commissioner Martin stated that his second question would be, what is State property and what is not State property? This would be good to be clarified.
- Representative Curcio thanked Commissioner Martin for his service to the State. Representative Curcio stated that he was glad that Ms. Allen discussed the scope of the Committee and the role of this body. He stated that they have a letter from the United States, Department of Interior dated May 10, 2017 and referenced two paragraphs. The first is titled Tennessee State Capitol "The Tennessee State Capitol, designed by noted architect William Strickland, was designated a NHL (National Historic Landmark) in 1971 for its architectural significance, specifically as an excellent example of the Greek Revival style. Its period of significance is the period of construction, 1845 to 1859. For architecturally significant properties, the period of significance is typically limited to the date of construction and/or the dates of any significant alterations and additions. The Polk tomb,

which we understand was placed on the grounds of the Capitol in 1893, would be considered a non-contributing resource to the NHL by this measure, because it falls outside the period of significance as currently defined. Removal of the tomb therefore would not affect the NHL.” Representative Curcio wanted the Commission to be aware of the Department of the Interior’s perspective, that while the Polk tomb is obviously historic and very important for a lot of different reasons, it does not impact the Capitol’s NHL designation. Representative Curcio went on to say that further down in the letter regarding the Polk home it states “The James K. Polk Home in Columbia, TN, was designated as a NHL in 1961 for its association with the eleventh President of the United States. Typically, to be designated a NHL, a property’s association with an important person must be during that person’s productive years, or the time that they achieved national significance. In the case of President Polk, no other property associated with the President exists, other than the White House. The period of significance for the property is 1818 to 1824, the span of time that Polk lived in the house.”

- Representative Curcio stated that while presence of the tomb on the Capitol grounds is beautiful and we all love having the tomb at the Capitol; relocating the tomb doesn’t impact the Capitol’s historic significance. In regards to the Polk home in Columbia, there have been several people stating that this is a backwater or community museum and regardless of the outcome of this discussion, Representative Curcio stated that he takes exception to those remarks. It is a beautiful place and he hopes that members of the Commission will come see it. It’s nestled right inside the sixty-ninth district which he is proud to represent.
- Representative Curcio shared that the wreath laying is significant. The White House sends out invitations to the event, and the first year he represented the district he received an invitation and drove to Columbia, where nobody was home. The wreath laying was in Nashville which makes no sense to him. Most of those in attendance this year were from Columbia. In contrast, President Trump was at the Hermitage last year, personally laying the wreath on Andrew Jackson’s grave and it was quite a different remembrance. Another personal experience was when his second grader had a field trip to Nashville and while on the Capitol tour the class did not visit the tomb, it was an afterthought. While the class were on the north porch looking at the new State Museum the tour guide pointed it out over the balcony so the kids saw the roof of the tomb. If they were to go on a field trip at the Polk home they would have a quite a different perspective.
- Mr. Dan Brown, Historic Sites Director for the Tennessee Historical Commission (THC), stated that T.C.A. § 4-11-111 provides for an agency review prior to demolishing, altering or transferring historically, architecturally, or culturally significant state properties and this is why he is at the meeting today, to share the THC review with the Commission. Mr. Patrick McIntyre has forwarded the results of the THC review from an official staff position. The THC considers the relocation contrary to the Secretary of Interior Standards. Mr. McIntyre’s letter also talks about ownership of the property and this is something they have been directly involved with for the last couple of years. As this process began to unfold and THC staff began to communicate with the Polk Home, THC staff began to look into the legal foundation for their position as staff in advising the THC as to what position the Commission could or could not take relative to ownership and authority under that ownership. Very quickly the Attorney General’s (AG) office referred THC staff to a prior formal opinion that the AG’s office said was binding. The opinion which stated that the Polk Home and Museum was not State property which meant that the THC does not have authority over the property. The Polk Home and Museum is not considered to be owned by the State, and that is an official position of the AG’s office which was rendered in the last few years. This came as a surprise the THC staff because that’s not the position they had taken and they were in the

process of seeking to understand the level of authority in order to best interface with the Polk Home and Museum to determine how this situation might be worked out.

- Mr. Brown stated the Representative Curcio was correct in his summation of the few paragraphs he quoted from the letter from the National Parks Service (NPS), but also stated that in that letter the Parks Service also recommend further study and did not recommend this action be taken. From a formal standpoint, the tomb would be eligible for NHL designation. The State Capitol is one of the earliest sites in the State to be designated a NHL and placed on the national register. The State has a low number of NHL sites and one of the smallest historical staffs in the United States so there hasn't been any reevaluations of NHL properties and how the State might add or subtract from those properties. The NPS speaks to that and says that the tomb could easily be added to the Capitol's NHL designation and could have received historical significance in its own time. Most of the old NHL designations are due for an update. Also, the Polk property in Columbia is an NHL property and if you alter an NHL property you can damage its NHL status. The property in Columbia is being evaluated by the NPS and Congress as well to become a national park. THC staff supports these efforts and considers the Polk Home and Museum a very important historic site and recommends formal designation. THC staff support the consideration and the designation but are concerned that altering the Polk Home and Museum site without proper process could damage or destroy its NHL status and could seriously affect the ability for the NPS to manage or take over. THC staff has felt that any considerations like this should be taken seriously and recommends that before any steps are taken to relocate the tomb, the study by Congress and NPS should be completed and submitted to the State and to this Commission to consider in their decision making process for the Polk tomb. THC staff feels any consideration of this matter is premature and incorrect on a number of levels. This action is essentially a violation of the Secretary of Interior standards. In the preservation community, THC staff has had a lot of support for this position. Relocating the tomb has been opposed by Dr. Carroll Van West, the State Historian who has verbally stated his opposition. Mr. Tim Walker, Executive Director with Metro Historical Commission (MHC) and Metro Historic Zoning Commission (MHZC), has sent a letter and made sure that this Commission is aware that Nashville and the citizens of Nashville are overwhelmingly opposed to this relocation. Mr. Brown also stated that THC staff has not heard from any professional preservationists at the state or national level that support moving the Polk tomb. At national conferences that THC staff has been attending, the people they speak with consider this a tragedy; they are mystified that this could continue, wonder why this is being considered, and wonder if this could possibly happen.
- Mr. Brown stated that he feels there hasn't been adequate consideration of Mrs. Polk. Everyone seems to talk about what might be done with the President but what about her wishes, what about where she wanted to be buried. She had plenty of time in her lifetime to make those statements and it seems to be pretty clear she preferred to stay in a physically and publicly at a prominent site here in Nashville.
- THC staff advises and requests that the Commission not move forward with a request to consider relocating the tomb. THC staff think it's important that the monument stay where it is; that the Polk's stay where they are, and request that any further consideration for this should be done down the road after the NPS and Congressional studies.
- Mr. John Summers, board member of Historic Nashville, stated that he hopes his presence isn't looked at as Nashville verses Columbia. This is really not how it should be considered. Mr. Summers has visited the Polk Home and Museum which was a nice facility and hopes nothing he says is misinterpreted as not being supportive of this historic site.
- Mr. Summers stated that the Polk Home is not the ancestral home of the Polk family; they came from North Carolina and President Polk was born in North Carolina in 1795. He was

about seven or eight when the family moved to Middle Tennessee. The property being discussed in Columbia was actually purchased around 1816 and the house was built between 1816-1818. President Polk at that time was at the University of North Carolina in Chapel Hill. He only lived at this particular property intermittently between 1818-1824 while he was working as a clerk for a TN House of Representatives member in Murfreesboro, and as a law clerk for Felix Grundy here in Nashville. We all know how long it takes to get between Murfreesboro, Nashville and Columbia now, but think how it was back then on horse and slow roads he was not spending much time in Columbia. He was primarily in Nashville and Murfreesboro during that time period. When he returned to Tennessee after his presidency, he relocated to Nashville, not Columbia. That was where he purchased the Grundy home, renovated it and that was where he and his wife wished to live. Unfortunately, he died soon after, but his will was specific that he wanted to remain at that property. What you did not hear from the proponents, and they made good arguments, was that he never expressed the desire to be buried in Columbia. Neither he nor his wife desired to be buried in Columbia. It's unfortunate that the State did not step in and at least purchase the property where the home was located. Instead people of Tennessee, leaders of this State government, and members of the family requested the Polks be relocated to the Capitol grounds and the State of Tennessee granted this request so that the tomb was moved to where it is today, approximately two blocks away from where President Polk wished to be buried.

- Mr. Summers stated, with all due respect to the proponents that would like to move the President and his wife, there's no language stating that he wished for that to happen. The tomb has been here for 168 years, it's an integral part of the Capitol grounds. Could we do more to promote it? Certainly. Mr. Summers felt that with our new museum there's a greater opportunity to put on display artifacts from all three of our presidents. Mr. Summers stated that Nashville, the State Museum and the Capitol, with the tourism, attention, and history it has for all of the State of Tennessee, Nashville, not Columbia, is a better location to present a great president in our country and a governor of this state.
- Mr. Summers stated that if you look at the wishes of the President, if you look at the wishes of his widow, if you look at the wishes of the Tennesseans who were contemporaries of the Polks and the family during that time period, we should not second-judge their decisions.
- Mr. Summers requested that if the Commission were to consider relocating the tomb, and again he urged them not to, the resolution has very little specificity in it and he would hope that this Commission, as trustees of the citizens of the State of Tennessee who are the owners of this Capitol and where the tomb is located, would require several things that need to be put forth that have not been put forth.
 - Are there sufficient financial resources to undertake this relocation? This is not an insignificant act to undertake.
 - Does the requestor have the professionals that are capable of moving a tomb of this nature?
 - Is there a specific step by step plan? No one has seen anything of that nature.
 - What are the contingencies for damage? It's possible that taking apart a tomb and grave of this age, potential damage could occur.
 - What are the detailed plans for security? The State Capitol grounds are pretty secure and well protected, the site in Columbia does not have those same protections.
 - There should be guarantee that there would be access to the citizens of the State of Tennessee.
 - The legal rights of the State of Tennessee are in question in terms of who actually owns the property and who would remain in control. Mr. Summers stated that he would hope

that this Commission would maintain that control on behalf of all citizens of the State of Tennessee.

- Mr. Summers went on to state that at no point in time is there evidence that the President or his wife wished to be relocated to Columbia, Tennessee and he asked that the members respect their wishes and the wishes of the General Assembly at the time of making this decision and leave President Polk and Mrs. Polk on the grounds of the Capitol.
- State Architect McGauran stated that the Commission may want to hear from the State Museum as they manage the tours through the Capitol and could give basic information on how many visitors tour the Capitol and how the tomb is incorporated in their tours.
- Ms. Howell, Executive Director of the State Museum, stated that the State Museum has facilitated the curation and historical interpretation of the Capitol for over forty years. The museum is continually adding information to the tours. President and Mrs. Polk are discussed on every tour by the guides. The Capitol guides interpret the lives and legacies of the three US Presidents from Tennessee including President Polk. Each tour points out the significance of the Tennessee State Capitol as being the only State Capitol have a US President and First Lady buried on its grounds in the William Strickland designed tomb. The Capitol averages over 37,000 tourists visiting the NHL every year. In a typical year 25,000 are school children. Teachers are choosing to walk from the Capitol to the Bicentennial Mall State Park to end up at the new State Museum and to do that they will leave the Capitol and walk out the East entrance at the East garden then walk past the equestrian statue of Andrew Jackson, then past Polks' tomb and down the steps to Bicentennial Mall. Once there they can walk the timeline and learn more about Polk in the context of American History and within the museum visitors can encounter President Polk artifacts including his portrait, cane and eagle feather he used to sign the peace treaty with Mexico after the Mexican war. The Museum also has artifacts related to Sarah Polk including a beautiful mourning gown, which has been a highlight for visitors.
- Secretary Hargett asked one of the proponents to speak on who owns the property in Columbia. Mr. Doug Jones, with Schulman, Leroy & Bennett in Nashville represents the James K. Polk Memorial Association. Mr. Jones stated that he drafted the original resolution that the Legislature passed. When questions arose regarding ownership they hired an attorney in Columbia to get a title opinion. The Polk home owns the property but more importantly and what they didn't tell you is that TCA § 4-13-202 conveyed the property and possessions to the James K. Polk Memorial Association in trust. This issue came up a number of times in the Legislature; they asked the same question, who owns it? Mr. Jones stated that the State of Tennessee owns it and the James K. Polk Memorial Association does a report to the State every year on how they are doing and the finances. Mr. Jones stated that the property is in trust held by the trustee but the State of Tennessee owns the whole thing. He stated that they have added to the campus and this is what Mr. Brown was referring to but it is all under the trust that the Tennessee General Assembly created. Mr. Brown then stated that it is really important to understand the legal aspects of this ownership and it is something they worked very hard to clarify so that they would understand the authority that the THC and state agencies would have to interject, be involved, or possibly control the way this request could occur. THC staff also wondered whether the tomb could be relocated and then later be moved somewhere else without State approval and it was very clear, per the AG's correspondence, which was sent to this Commission, that the written opinion that this was not State property was a binding decision, and THC staff talked with AG staff numerous times on the phone. It is held in trust but the State does not have control over what work is done there, the James K. Polk Memorial Association does not have to check with the State or anyone else to approve what they do with the property, how they might improve it or how they might damage it. THC

staff would hope that the Association would appropriately care for the property but that is part of the problem, this is not State property as determined by the AG of the State of Tennessee. Again this is not direction THC anticipated when they began the inquiry and asked for a decision. They argued with the AG's office and the AG's office told them to look at the earlier written opinions and please understand that it is binding and please understand that it is very clear and direct that it is not State property and anything about that would have to be addressed through a civil action. Mr. Brown stated that it was not the result they had hoped to have and in no way reflective of the quality of the Polk Home or the people associated with it. But there is a legal issue with moving this State property onto non State property and the THC feels it is a very definitive legal issue. This needs to be clear before State property is moved, something happens and the State is in the position of having no ability to control, influence or in any way be a part of the decision.

- Senator Jack Johnson advised the Commission that he contemplated this matter in Committee in the Senate and also on the Senate floor and was supportive of the resolution. Referencing the last sentence in section 2 of the letter from Patrick McIntyre dated November 6, 2018 "It would be unwise to move the tomb from a state property to a property not under state control." Senator Johnson asked if the conclusion was based on the fact that tomb is deemed to be state property, are the remains state property, exactly what leads to that conclusion? Mr. Brown replied there are two things in Mr. McIntyre's letter: It wouldn't be advisable to move state property, something that the State now owns and controls on the State grounds to non-state property. It also is not advised because it is in violation of the Secretary of Interior's standards. It is the THC office that renders judgement on those issues and is part of all Federal 106 actions related to those things. Senator Johnson asked if the tomb and the components that make up the tomb structure, is it the remains or is it the tomb and structure as a whole that are considered to be state property? Mr. Brown stated he was unclear about what perspective Senator Johnson was questioning. THC considers the tomb and structure as one unit that is NHL eligible. THC determines eligibility and this is an eligible site but it hasn't been moved through that process. The physical remains of the President of the United States and his wife that are interred there, the movement of those remains goes beyond the historical considerations and into all types of valued considerations related to respect and avoiding desecration of any remains including a President and his wife. The importance is not just the physically owned objects to the State of Tennessee but that importance viewed relative to the NHL eligible status. Senator Johnson stated that he doesn't dispute Mr. Brown's comments because this is obviously a very significant matter for consideration but when he hears that final statement he questions, who owns Andrew & Rachel Jackson's tomb, the physical structure and the remains? Similar to President Johnson's tomb in Greeneville. This sentence implies that the tomb is owned by the State and perhaps it is or is certainly under the control of the State and the State Capitol grounds but ownership is a different word. Senator Johnson supports Commissioner Martin's request to roll this item because of the magnitude and significance of this decision. Senator Johnson stated that he is supportive of relocating the tomb and was supportive of the resolution. Some of the comments heard today deal with processes. If this body and all the other respective bodies that need to contemplate this action, including Chancery Court, were to decide that this is the right thing to do he does believe the process deserves very serious consideration, including the monetary aspect because if you're going to relocate the tomb then the State would want it done right. The first contemplation that these respective bodies need to consider would be if relocating the tomb is the right thing to do. There are going to be people who disagree with the decision because there are people who feel very passionately on both sides.

- Mr. Brown stated that he wasn't aware of any question or determination about the ownership of the tomb or anything associated with the tomb. Cemetery law is something that THC deals with periodically when a city or county own a cemetery but in that case the graves themselves are family owned. This may be a matter that needs the AG's office to put forth an opinion but it is not something THC were led to believe was a question and therefore THC hasn't requested a legal opinion.
- Senator Johnson stated that he would submit to THC that if in fact the tomb is state property then the State, through the sovereign powers of the General Assembly, would have the authority to bequeath or remand the tomb to some other entity. Mr. Brown stated that THC believes the tomb is fully under the control and ownership of the State. Senator Johnson asked if the State decided to do so, could they gift the property to another entity. Mr. Brown stated that this is THC's understanding but they are not attorneys nor authorized to make that determination. Senator Johnson stated that this would need to be determined down the road.
- Mr. Reavis Mitchell commended the THC and their staff for the many hours of review in carrying out the role of the THC to look at, interpret and provide information on historical, legislative and legal opinions that affect this Commission. Under the present actions of the Legislature, the activities of the Commission have far been expanded under the Tennessee Heritage Protection Act and other pieces of legislation. Mr. Mitchell commended Mr. Patrick McIntyre and his staff for their diligence in carrying out their duties to the Commission.
- Secretary Hargett asked that both sides be given three minutes to summarize any last thoughts for the Commission to consider. Commissioner Martin agreed with this suggestion.
- Mr. Tom Price stated that in reference to Mr. Brown's comments about the ownership of the Polk Home, for many years the Polk Home has enjoyed an excellent working relationship with the THC who has overseen the interpretation of the site. As far as the Secretary of Interior's standards are concerned, the Polk Home is a little bit different in that it is not a historic house. They are not interpreting the house in the time period that James K. Polk lived there, 1818-1824. This is really his presidential museum and as such it interprets his whole life, including the grounds. Under the auspices of the THC over the years, who have spent a great deal of resources interpreting the site, including changing the garden space around, it's never been interpreted the way it looked in 1816 and it doesn't make sense to do so. From a Secretary of Interior standards perspective, the tomb coming from one NHL site, the Capitol grounds in Nashville, to another NHL site, the Polk Home in Columbia, is a move that makes good sense. Sarah Polk is a very important part of this story and not something the James K. Polk Association and their board take for granted at all. Sarah was a widow for forty-two years and she did have a say in what she wanted. Mr. Price encouraged the members to read her will. Her will terminated with a sentence that she wished to be buried next to her husband wherever that may be. She saw the writing on the wall and understood that by not having any children there was the potential for difficulties in the greater Polk family. The James K. Polk Memorial Association has taken her into account. When it was mentioned that if the tomb gets moved the James K. Polk Memorial Association would like to partner with the State to place a statue in its place and they would advocate having a statue of both President and Mrs. Polk because she was such a big part of his life, legacy, and that of Nashville as well.
- Mr. Price stated that after many hours of thought, speaking to the public and gauging public opinion, having the support of so many entities including the James K. Polk Memorial Association, which there are a number of members attending the meeting to show their support of Polk family members. Mr. Price stated that they have taken steps to understand

every side of this argument. This is not an easy issue; this is not a black and white argument. Mr. Price loved the comments on all sides and this decision deserves to be vetted, but after many hours of conversation he is convinced. For twenty-one years Mr. Price was the curator of the James K. Polk Museum, he has read every bit of President Polk's correspondence and diary and this is not something that he takes lightly, this is his career and he believes fully that relocating the tomb is the right course of action, following what Polk's intent was in his will. Relocation provides the means to appreciate a President who is considered one of the most underrated yet most successful presidents in American history.

- Mr. Dan Brown stated that as a representative of the THC, he applauds the time and attention the Commission is giving to this matter. He believes it is important to very carefully consider this action. The major concerns for the THC are how this would affect the National Register status of the Capitol and how it might affect the National Register status of the Polk Home. In the letter that came from the NPS, it says, "Without more information on the significance and integrity of the Polk Home's cultural landscape, it is currently not possible to fully evaluate how the introduction of a new feature (the tomb) would affect the historic property, regardless of whether it is inside or outside the NHL boundary." THC feels there are a lot of other issues for consideration with the Polk home, which THC has great respect for after many wonderful decades of involvement with the Polk Home and Museum. THC staff would love to be a part of this going forward but that a study should be performed first with Congress and the National Parks Service because an official study could determine if there are major ramifications to the Polk Home becoming a National Parks Service site. A study would also assure the site is properly interpreted so that all parties could work together to make sure it's done in the best interest of the State of Tennessee. Mr. Brown stated that THC believes it's wholly inappropriate to vote on this action now and that the air should be cleared, these issues should be worked out, there should be clear understandings. Then, whatever does happen going forward, all parties should be working together to make sure it's in the best interest of the State. THC staff believes that this action is premature at this point, there are too many other items to be worked out with the National Parks Service and Congress before this moves forward.
- Commissioner Martin stated that this has been very good discussion and commended both groups on the very respectful way they have approached this. The members could see that thoughtfulness in the materials the Commission received in advance of the meeting. Commissioner Martin stated that he has learned a great deal about President Polk and that's a good thing.
- Commissioner Martin recommended to the Commission that they move forward on a couple of fronts.
 - Commissioner Martin asked each Commissioner to share any specific questions they would like to be answered either prior to hearing this item again or addressed at that meeting. If members could get those questions or areas of concern to the State Architect that would be helpful.
 - Commissioner Martin urged Senator Hensley to have a more detailed plan, to the extent possible, about the relocation and the proposed replacement, including security issues and how those would be addressed.
 - Commissioner Martin asked General Counsel to explore with the AG's office the matter of ownership. Commissioner Martin stated that he agreed that the AG's office seems reluctant to open up that question again from the 1980 opinion. He stated that we need to understand that better.
 - Commissioner Martin stated that they will get a copy of areas of discussion out to each group so that you will know what the Commission will be looking for. State Architect

McGauran stated that she does have the contact information for all those who spoke today.

- Commissioner Martin stated that it would be very important to have the information pulled together in a couple of weeks, which would require the members to get their comments or questions they want addressed as soon as possible.
- Commissioner Martin asked that the members try to be as flexible as they could with their calendars when the follow up meeting is being scheduled.

4. Old Business

There was no old business.

5. Other Business

There being no other business, the meeting adjourned at 11:36 a.m.

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