

## MINUTES

### CAPITOL COMMISSION MEETING November 5, 2003

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#### 1. WELCOME

Chairman Douglas Henry called the meeting to order at 10:40 a.m. He noted that a quorum was present with the following members in attendance.

#### Members Present

Senator Douglas Henry  
Representative Ben West  
Secretary of State Riley Darnell  
State Treasurer Dale Sims  
Commissioner Dave Goetz  
Commissioner Gwendolyn Davis  
Howard Herndon  
Paula McCord  
Norman Hill  
Faye Weaver (designee for Comptroller John Morgan)  
Tim Schwarz (designee for Commissioner Betsy Child)

#### Members Absent

Michele Frazier

#### Others Present

Mike Fitts, State Architect  
Georgia Martin, Department of Finance and Administration  
Thad Watkins, Department of General Services  
Ken Scalf, Department of Finance and Administration  
Jim Hoobler, Tennessee State Museum  
Karen Hale, Comptroller's Office  
Representative Diane Black  
Ed Jones, Department of General Services  
Larry Hart, Thomas Miller & Partners  
Wayne Johnson, Thomas Miller & Partners  
Nick DePalma, Department of Finance and Administration  
George Garven, Stafford Consulting Engineers  
Jim Douglas, Hodgson & Douglas  
Clara Mims, daughter of sculptor Puryear Mims  
Andy Spears, Senate Democratic Caucus  
Debra Julianna, Representative Ben West's Office

2. MINUTES

A motion was made and properly seconded to approve the Minutes of the meeting from the July 17, 2003 Capitol Commission meeting.

3. OLD BUSINESS

• **Proposed Security Improvements to the Capitol**

Referring to the drawings in their handouts, Mr. Fitts explained the proposed options for security improvements to the Capitol at the tunnel entrance on Charlotte Avenue. When asked by Chairman Henry which option he recommended, Mr. Fitts stated that the less obtrusive option would be Option 2, but it would be more expensive because of operational costs. Secretary of State Darnell stated that he assumed security in the Legislative Plaza would take care of people coming into that facility. Mr. Fitts replied that he had only heard from the Clerks regarding that issue. Secretary of State Darnell commented that it sounded like they have a problem in the Plaza. Senator Henry stated that the Capitol Commission doesn't have jurisdiction over the Legislative Plaza. Commissioner Goetz suggested that one of the elevators could be cut off to facilitate the security checkpoint. The Commission voted to recommend Option 1, the lesser expensive plan.

• **Report on improvements to the Senate and House Chambers**

Mr. Fitts reported that they are going back with historic level carpet in the Chambers and are on schedule to be substantially complete in early December. Secretary of State Darnell asked Mr. Fitts if there would be any carpet remnants left to do his office. Chairman Henry directed Mr. Fitts to have Mr. Darnell's carpet be made respectable.

• **Report on location of Purple Heart Memorial**

Mr. Fitts reported that he had been working with the Purple Heart folks including former Representative Ralph Yelton regarding the proper location for the Purple Heart Memorial. He said they have decided on the south planting bed in the south fountain on the War Memorial Plaza. The Commission accepted Mr. Fitts' report.

4. NEW BUSINESS

• **Proposed ban on smoking in the Capitol**

Chairman Henry stated that there were two issues before the Commission. First, the Capitol Commission has jurisdiction if smoking in the Capitol is detrimental to its furnishings. Secondly, if a ban on smoking is established, there must be a room set aside for smokers. He asked Jim Hoobler, as curator, to comment on the effect of smoking in the Capitol. Mr. Hoobler responded that tar and nicotine would be detrimental to the finishes and artwork. He said that when the walls were cleaned, they found that there was 1/16" of tar and nicotine from 150 years of smoking, which also adheres to paintings, carpets and draperies.

Chairman Henry asked Mr. Fitts about a room to be set aside for smokers in the building. Mr. Fitts stated that space in the Capitol was at a premium, but they could create a space in the south end of the Capitol on the Ground Floor for smokers out of a storage room. As an alternate, they could create a space in the alcove of the south corridor on the Ground Floor that could physically meet the letter of the law. Senator Henry asked Thad Watkins if that met the statutory requirements. Mr. Watkins responded that if a policy prohibiting smoking is invoked, space indoors must be provided for smoking. Commissioner Goetz asked who has authority over the Chambers themselves. Secretary of State Darnell said that, based on the recommendation to provide a space, he assumed that one space per building, not per floor, would be required and, therefore, a single space would satisfy the requirement. Senator Henry commented that, as a practical matter on the Second Floor, smokers usually go out on the balconies.

Representative Diane Black was recognized. She thanked the Commission members for taking on this difficult issue, and commented how important it is to be a good role model in providing a healthy environment, not to mention preserving the beautiful State Capitol.

Representative Ben West made a motion that smoking be banned in the Capitol with the exception of the Senate & House Chamber, which, he said, would be addressed at the beginning of the session, with the understanding that a designated space in the Capitol be provided as designated by law. Secretary of State Darnell said, based on the motion, he assumed Representative West meant smoking would be banned in all the offices as well as the public spaces. He said if the Legislators were going to be allowed to make the decision regarding their spaces, that he would feel better about banning in the public spaces and leaving the offices up to the individual.

Representative Black stated that, while they want to give some leeway, their concern is it does not send a good message to the students by making one set of rules for one body and another set of rules for another body. She said the idea is to provide a healthy environment, especially after hearing testimony about the effects of smoking on artifacts. Representative West gave a brief history of the bill stating that it had passed the Senate and was discussed with the smokers that smoking would be banned in the House Chambers. He explained that if exemptions were made, it could jeopardize the bill's passing.

Responding to Commissioner Goetz's question, Thad Watkins explained that there is some concurrent jurisdiction. In the public areas the Capitol Commission has jurisdiction. He said that the other offices are under both the Administration's control and the Capitol Commission. He said authority could be asserted through the Capitol Commission if a smoking area is created. Commissioner Goetz asked if the Capitol Commission has authority to ban smoking in public areas and not in private offices. Senator Henry asked if the Commissioner of General Services could impose authority, and was told "yes". Representative Black stated that she was not opposed to tobacco growing and felt it was a person's right to smoke. However, she said, we also need to be careful of our historic buildings and the perception given.

Senator Henry asked if it would be better for the Commission not to apply the motion to the offices of the Constitutional Officers and Commissioner of Finance and Administration, and to let them set their own policy. Representative West said he was agreeable to that. Secretary of State Darnell stated that he didn't have a problem

with banning smoking, but out of respect for the Governor, he thought the Governor should be excluded to make his own rule. Commissioner Goetz stated that there is very little smoking going on on the First Floor. Representative West rephrased his motion, and the Capitol Commission voted unanimously to prohibit smoking in all public areas of the Capitol with the exception of a designated smoking area as required by law. All areas under the administrative control of the Governor, Constitutional Officers, Commissioner of Finance & Administration and the House & Senate Chambers will be subject to policies those agencies establish for their areas.

- **Status report of War Memorial Plaza exterior upgrades**

The design team for the War Memorial Plaza Exterior Upgrades project gave a slide presentation describing the details of the project that included potential removal of all trees and plant material for proper waterproofing of the Legislative Plaza. Discussions ensued regarding the proposed changes in plant materials and trees and reasons for changing some or keeping others. The option for removing and replanting the same trees was also mentioned at a cost of \$20,000-\$25,000 per tree. The Commission thanked the teams for their presentation.

Chairman Henry mentioned that the pink stones on the Plaza create a slip hazard when wet and asked Mr. Fitts for a suggestion to remedy the problem. Mr. Fitts stated that replacement would be very costly, but that he would investigate alternative solutions.

- **Discussion of recommended plaques for sculptures by Puryear Mims**

Mr. Fitts stated that Clara Mims, daughter of sculptor Puryear Mims, had requested plaques be installed identifying the four sculptures adjacent to the Cordell Hull State Office Building. The Commission recognized Clara Mims who expressed her appreciation for their consideration of her request. The Commission offered no objection to the request and asked that it be recommended to the State Building Commission under the direction of State Architect Mike Fitts.

- **Discussion of a request to install a plaque by the Veterans of Foreign Wars designating an existing tree on the War Memorial Plaza as a "State Liberty Tree"**

Chairman Henry stated that the matter had been acted on by mail. No further action was required.

5. **OTHER BUSINESS**

There being no further business, the meeting adjourned at 11:52 a.m.