

## CAPITOL COMMISSION MEETING

DECEMBER 8, 1986

### MINUTES

Capitol Commission Members in Attendance: Chairman Amon Evans, Senator Douglas Henry, Mr. Russell Hippe, Dr. John Mallette, Treasurer Harlan Mathews, Susan Simons, Commissioner Hoy Stephenson, Comptroller William Snodgrass.

Chairman Evans announced and welcomed the newest member of the Capitol Commission. Susan Simons, upon her resignation as Commissioner of General Services, was appointed by Governor Alexander as a private sector member of the Commission.

Chairman Evans requested an overview of the current status of the restoration for the purpose of updating members of the Commission who had missed a few of the previous meetings as well as the Speaker-elect of the House who was in attendance. Chairman Evans stated that in view of the change of leadership in both the House and Senate as well as in the Governor's office, and in light of the fact that a potential reallocation of funds to certain areas and the reasons why we opted for what we opted in our previous recommendations that may need to be changed in view of the present funding and proposed funding of the project. Chairman Evans called on the State Architect, Mike Fitts, to give an overview of where we are and also asked John Mesick to brief the group as to why the Commission made the decisions made thus far.

Mike Fitts stated that the Capitol Commission acting on the recommendations in the Historic Structure Report, has recommended that we do the scope of the work of the total restoration of the ground floor and the total restoration of the First Floor and the construction of a kiosk and the restoration of the Gallery Offices underneath the Galleries in the House Chambers. That is the scope of the work which is approved contingent upon being able to relocate the various offices satisfactorily. That was taken to the Building Commission and the Subcommittee who approved that as the scope as well, contingent upon the satisfactory rearrangement and accomodation of office space that would be displaced in the Capitol. Based on those approvals, the architects have been proceeding with plans for that scope of work and have been working on the recommended potential time frame of being able to do the work this coming year and working around the legislative sessions and have developed a timetable recommendation of moving all the occupants of the ground floor out by the beginning of this coming legislative session and moving all the occupants out of the first floor by the end of the session and to complete all the work and be back in the Capitol for the beginning of the next session. The architects then developed a sophisticated time-frame, developed plans and documents to the point that we would be on schedule to implement that work. We have come across two things. One is that the estimate the architects have prepared have shown that we are over our budget by approximately one half million dollars in the scopes we have identified. They have recommended that we could reduce our work and not do the first floor painting restoration of the ceilings and corridor, and do a scaled-down version of the kiosk that was proposed for the second floor in order to bring us within the dollars that we have allotted. The Building Commission Subcommittee, however had approved this scope and schedule contingent upon no objections from the Governor-elect, his appointed Commissioner of Finance, or any of the Constitutional Officers.

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Since that time, having discussed it with the Governor-elect, he has indicated objections to doing the ground floor in total based on the fact that our original projection of funding over a period of time to do the total project, which was some ten million dollars, that it is his indication that funds are going to become slower than we had anticipated and therefore thought that the dollars that we have been appropriated should be used for the more visible and heaviest impact areas as recommended in the Historic Structure Report. So it is his recommendation that only minimal work be done to the ground floor such as asbestos removal and then the left-over ground floor dollars be applied to other more visible areas.

John Mesick was then called on by Chairman Evans to tell us why we opted to do what was in our initial recommendations and what his recommendations are in light of the view expressed. Mr. Evans added that he had had an opportunity to discuss the position of funding with the Governor-elect and that it is his feeling that since we do have architects and engineers of record saying that the present heating and air-conditioning system in the Capitol should last five years or more, that it is very difficult in light of the needs of the people of Tennessee to spend that money for a new heating and air-conditioning for the Capitol at this point in time not knowing that there will be available funds in the future and that he thought the funds should be utilized more for public benefit in the public areas of the Capitol than in the mechanical rehabilitation of the building.

Mr. Mesick stated that in trying to assess all the work that his firm found should in the long run be done on the Capitol building in the course of their HSR, they have always in the back of their minds that by the time of the State's bi-centennial in 1996, the Capitol Restoration would be largely completed. They outlined a program which they said could be done in as little as three years in which the disruption would be comparable to what was done in the 1950's. Or the restoration could take five to ten years. Given the level of funding in the last five years, the restoration was put on a three to five year track and the disruption would not be as all-inclusive as it was in the 1950's. The difficult thing in setting forth any plan is the level at which funding will occur - the rate at which funding will be coming. It is difficult to look eight years in the future. If it is thought that it is not possible, even over an eight year period, to reach the level of funding of an additional seven or eight million dollars that puts quite a different perspective on your considerations. If, on the other hand, it is thought that it would be possible in the fifth or sixth year to fund it at a level that would achieve all the goals of a master plan, that puts a different perspective on it. If one says that yes, it will be the goal by 1996 to do most of the complete restoration we are in large part on the right track, though there are some variations one could make in that. If it is thought that the funding won't be available then, very clearly, the scope of the restoration project over the next ten years would be completely reconsidered, and one would spend the money on the more visible aspects of the building; the more architectural, historically significant spaces. Clearly, the present funds won't do even all those items. The reason for beginning at the ground floor is really the very unglamorous thing that when you start building you dig the foundations and you spend several months doing work that doesn't look very nice at all. And that is really what happened here. In order to achieve the restoration of the ground floor, it was necessary to relocate the air ducts that redistribute the air through there. This machinery down here serves not only the first floor offices but the gallery offices on the second floor as well. So that we have ducts running up through the first floor and it is necessary to tear apart the walls of the first floor offices as well as to tear up their floors to relocate the ducts.

Clearly it was thought that that's where the work should begin. Now in our deliberations a year ago, we thought to reuse the existing mechanical plant realizing it had a five to ten year life. The engineers when they came to study it in depth really felt that that was foolish, that if you were going to build a new mechanical room you should put new equipment in it. And the cost escalated accordingly. If, on the other hand, we say that we don't care to do the ground floor at all - not even in the ten year period. You will come in the five to ten year frame having to replace that mechanical plant. It will have to go in the same place. It will have lasted forty to fifty years. The next one, with good luck will last forty to fifty years, so you are well into sixty years of the ground floor remaining essentially as it is now, not able to realize the Master Plan for it. The ground floor as we now see it is really a warren of small spaces that have been made over the last twenty or thirty years. Yet when the building was built they were the two largest spaces in the building. While they were only an arsenal and storage, they were spectacular: brick vaults and stone piers. It is well worth doing though it doesn't have the popular notion of the splendor that the upstairs chambers have. So one really has to consider is it something you want to do in the next ten years, or you don't care to do it for the next sixty years. There is, short of that kind of drastic decision, one other course and that is if you refer to the HSR, we had a two phased plan. One envisioned only restoring the south crypt; keeping the mechanical equipment room where it is. If you did that then you could limp along for five or ten years with the present plan but change the ducts at the present time. Really the only reason for disrupting the first floor offices was the relocation of those pipes and ducts for that whole system. If you are not changing that whole system; either by not tackling the ground floor or not doing Phase Two; then there is no reason to touch the ground floor offices at all now with the exception that the Commission has recommended, and I think it has been agreed, that the old Supreme Court Chamber ought to be restored with some disruption of offices that are there now and the thought that to put wood work in those offices would be moved across the hall to those offices that presently don't have it. So when the Constitutional Officers' suites are re-juggled, they all have very fine suites. But there really is no reason at this time, if one is not going to replace the mechanical duct work, to tackle the first floor offices other than the changes brought about by the courtroom restoration.

If you look then at the scenario of spending the money where it could work on the otherwise most significant spaces, I think you would then tackle the first floor lobby (the stone work in both the first floor and second floor lobby drastically needs cleaning, and the painting on the first floor ceiling was the most spectacular painted ceiling in the building dating from the original construction period), the second floor lobby (kiosk is priority, touch-up on the ceiling paint), grounds (the path system on the east flank and the garden around the Jackson statue. Leaving aside the two legislative chambers which will be the bigger showpieces when they are done, but the present money couldn't be stretched that far and one would hope that the ensuing appropriation in the next eight years would tackle the two chambers and the offices under the gallery. It is really a difficult decision to make, I think the logic follows from whether one decides that 1996 is a goal to strive for in the completion of the restoration. If it is, then it seems that the work planned is the course to pursue, or at least modified in so far as you do only the south half and keep the mechanical room where it is, leaving the Executive Conference Room. That is an in-between thing to consider as well as the other two extremes.

Senator Henry posed a question that if we defer the replacement of the mechanical room and go ahead with the changes in the visible parts of the building, then when we do get around to doing the mechanical work, will we have to undo part of what we have done and then redo it after we have finished the mechanical?

Mesick: If you tackle the Executive Suite and the Constitutional Officers' suites in the southwest quadrant now, you would have to tear them up again when you did the mechanical equipment. There is no compelling reason to tackle them (everything on the south half of the first floor) now if you don't do the mechanical equipment at this point. You definitely should go ahead and modify the ground floor bathrooms to accomodate the handicapped. That has been a need in the building for a long time.

Chairman Evans opened the floor for all discussion. Senator Henry asked what the cost would be to do the mechanical and the other as opposed to what would be done if we don't do the mechanical?

Mike Fitts: Roughly speaking, the dollars that we have in hand, including contingencies, to apply is three million dollars - that is our target. We are over our target by approximately a half million dollars for the work that we described the last time the Commission met. The estimate to do a minimal amount of work on the ground floor (asbestos removal, some fire safety work, straightening the corridor, and minimal upgrade of the concession stand) is \$2,264,000. So you can see we would be three quarters of a million dollars under our budget should we do that reduced scale of work on the ground floor. Mr. Mesick is even suggesting that if we are going to go the route of doing minimal work on the ground floor, we shouldn't even straighten out the corridor or expose the arches in the concession area.

Mr. Evans requested a clarification of the \$2,264,000 - that it does include the ceiling painting of the first floor hallways, but it does not include the stone cleaning or painting of the second floor. The estimate for the second floor stone cleaning and ceiling painting was @ \$550,000, while the estimate for the first floor was @ 380,000.

Mr. Fitts reported that he did not yet have an estimate of what it might cost to put in enough duct work in the floors of the south half in order to have it available at such time as we would ever do the ground floor in its entirety so as to not cause disruption.

Mr. Evans clarified that the indications are that we had better not forecast more than the allocations that we presently have in hand; that there is no assurance that any funds will be available. And we thought it best to utilize the present funds in the most significant and the most historic areas that relate directly to the public, if possible.

Speaker-elect Murray asked if there were a regulation which stated that even though no ceilings were being removed, it is still necessary to remove the asbestos from them. Mr. Fitts responded that that is a debatable issue; that there is no E.P.A. regulation that mandates that the asbestos be removed. However, in order to avoid future conflict over this issue, it is best to remove the asbestos now as it is subject to being "stirred up" by maintenance of the premises.

Harlan Mathews commented about the Governor-elect's point of view with respect to Capitol Restoration. He stated that Mr. McWherter raises a question about

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the difference between restoration and creation. He views the first floor as a project that ought to be done in a first class way because it is a highly public space and belongs to the people of the State. The Governor-elect feels that the work on the second floor is a matter for the legislature to decide. He, however, raises a question about the work proposed to be done on the ground floor since it was never a public area, as to whether or not it is worth while, recognizing that we are on a tight budget, to strip out everything on the ground floor, trench all the floors, expose the arches, disturb the first floor while this work is going on to take away some very badly needed office space. If we were restoring something that existed before I think you'd have his full support. But, to the best of my knowledge, this was never a public area.

Mr. Evans pointed out that while the Executive Conference Room and the room across the hall were excavated for public use, the two crypts always existed with their exposed arches. One crypt housed an armory and the other was used for storage. The crypt is an historically significant space because of the design features of it. At some point in time, there is no doubt, they need to be restored.

Mr. Murray commented that he recognized the impending tight budget, and that he concurred with the Governor-elect's viewpoint that we need to go with the first floor as we had planned, that money has already been appropriated and is available for that. He said that he thought that it would be the mood of the legislature to delay the major renovation of the second floor at this time, notwithstanding some basic sprucing up that needs to be done. He said that we need to be aware of the possibility of some major work on the columns in the near future.

Senator Henry asked if we restore the first floor, and do not do the ground floor, then in five to ten years we are going to have to replace the mechanical system. When that time comes, will that entail our having to undo what we have done on the first floor? Mr. Evans responded that it would not necessarily if you just replace the heat and air system as it presently is configured. Senator Henry then stated that the question seems to be whether the north and south crypt enjoy a high priority with the State Administration and with this Commission. And it does not enjoy a high priority with the incoming Administration. Is that right Mr. Mathews? Mr. Mathews responded that simply from the standpoint that there has got to be working space in the Capitol and that there will be budgetary restrictions.

The budget and cost estimates were discussed. The \$2,264,000 would be reduced by \$250,000 if the corridor work was not undertaken. So, roughly speaking, we have \$1,000,000 to apply toward other priority projects. We think the second floor lobby and corridors would cost a little over \$500,000. That would leave a little less than \$500,000 to apply toward whatever this group designates. To clarify, Fitts stated that within the \$2,264,000 total, the work on the ground floor would include: removal of asbestos, fire suppression, handicapped toilets, the straightening of the corridor, and restoration of the concessions area to a vaulted ceiling. Fitts further clarified what he meant by straightening the corridor. The corridor presently turns west at the maintenance area and then north. What is proposed is to straighten the corridor through the maintenance area and through the concessions in order to make that space function more efficiently. Fitts pointed out that Mr. Mesick has already indicated that in light of the budgetary constraints, that he would recommend that we do not do that work at this time. Senator Henry asked if the vault over the concession stand was part of the original design of the building? Fitts replied that the brick vaults were originally exposed and that since the concession stand is a public area, it might be a good idea to complete

that work at this time. The two million dollars then would do the total first floor and the necessities on the ground floor, which would leave one million dollars for further discretion on the part of the Capitol Commission.

Mr. Hippe asked what the cost would be to restore the ground floor as outlined in the HSR, including relocating the mechanical room. Fitts replied, \$3,629,000. Mr. Hippe asked that if we do all we had planned on the ground floor, would there be a net loss of office space? Fitts replied that there is not a net loss, that the square footage of space in the ground floor would be about the same and perhaps a little bit more, although it would be different kinds of space than presently exists.

Senator Henry commented that the issue seems to be that the Governor-elect and the new administration, as the law requires them to do, will submit a budget for consideration by the legislature. The new administration presently is of a mind to fund the first floor work and put off the ground floor work. Therefore, what this Commission needs to do is to assess the importance of the proposed restoration work on the ground floor, and if this Commission believes that that is an item of high priority, then we should argue with the new administration that it ought to be done. It has been stated that the two vaults, although part of the original building, were not public spaces. Since the Governor-elect is presently of the opinion that the work on the ground floor may not rise to the level of priority of the work on the first floor. Senator Henry stated that he would like to hear Mr. Mesick's comments on that subject.

Mr. Mesick stated that if the Commission could foresee a situation in the next four or five decades in which they might want to restore the basement. If the Commission decides that the basement would not be restored in the next ten years, then it seems there are three decisions to be made. If not in the next ten years, do we leave the door open so that the ensuing decades may do the work. If that is the case, then at this time it seems the office floors in the first floor should be cut and the walls torn apart to put in ductwork and piping that can be connected at some future time. In other words we would avoid the kind of scenario where ten years down the road people have to vacate their offices again. The second thing that could be done which Mesick described as a "neither...nor" solution, is to restore the south crypt - the so-called Phase One plan which leaves the Executive Conference Room as it is and leaves the mechanical room where it is. And when in the next five to ten years, the existing mechanical equipment has to be replaced, you simply replace it in that location. Therefore no money would be spent now on the hvac equipment, but the ductwork that feeds it would have to be put on the outside. These last two things, Mr. Mesick stated, are simply a way of "having the cake and eating it too" in the next fifty years.

Senator Henry asked what would be the cost of doing on the first floor those things that would leave the door open for a future restoration of the ground floor space. Mike Fitts replied that he did not yet have a figure on that

Mr. Hippe stated that what he is hearing is that the work that has been proposed to do the ground floor right is not very appealing to a lot of people. He stated that in his opinion, the decision presently before the Capitol Commission is whether the ground floor work will ever be done or not. Mr. Hippe's opinion is that if the Commission does not exercise their discretion with the money that has already been appropriated to do the ground floor, then it will never be done. He stressed the importance of doing an excellent job of the restoration of the building due to the historical significance of the building

and its importance to the state as we move toward our bicentennial in 1996. He further stated that what seems to be the issue is that what has been proposed for the ground floor is not very appealing politically. He believes that the Commission needs to weigh that factor as well, but that it needs to realize that if we defer it, it will never be done. He suggested that in the more attractive, more public areas of the building such as the House and Senate chambers, it may be that the Commission could seek funding from private sources. He stressed that the Commission's job ought to be to do the tough things with the money that has been allocated at this point, and to provide the basic ground work to move this building where it ought to be by 1996.

Mr. Snodgrass stated that the Governor and the Legislature make the policy for the State. The Legislature appropriated the money to set up the Capitol Commission. I presume that we have the support of the Governor and the Legislature to do our work here. We have an indication now of what the Governor for the next four years thinks about what should be done. I think we have some indication from a Legislative Committee recently as to their feelings about this. Mr. Snodgrass stated that he did not think the Capitol Commission ought to proceed in contradiction to the policy makers of the State. At this point, the credibility of this Commission of being able to proceed with what we would all like to see done with the Capitol building is in our hands right now in terms of the direction we take. In light of that, Mr. Snodgrass stated he thinks we ought to proceed as the Governor-elect has indicated and as I think members of the Legislature have indicated.

Mr. Snodgrass made a motion that the Capitol Commission proceed along the lines as outlined by Mr. Fitts as a result of his conversation with the Governor - elect, and as outlined by Mr. Mathews. Mr. Mathews seconded the motion.

Senator Henry stated that he believes it is appropriate for the Commission to at least represent to these policy makers what we think would be a good policy. If the policy makers say no, then obviously we go ahead and do what they approve. But, he stated, he doesn't think that the Governor-elect or the Legislature is telling us that we shouldn't even have an opinion as to whether we should go ahead with the ground floor work. He stated that the Commission needs to determine what is the true value of going ahead with the ground floor work and then informing the policy makers of our opinion, and let them see that and react to it. If they react negatively, fine, then we will go ahead and do what we are told to do, but we need to make an assessment of it.

Chairman Evans stated that he understood Senator Henry's point of view, but that it was his opinion that the Commission has done that in the creation of the priorities that we had originally established. And our problem has been that we got trapped into the replacing of an air conditioning and heating system that cost at least twice what we had estimated the old system would have utilized and it threw us so far over budget that there was not any way that we could do that. And that's why we had to come back and at that time reestablish priorities, and now we are further having to reestablish priorities. Mr. Evans further stated, in response to Mr. Hippe's comments, that he believed the ground floor would, at some point be restored the way it ought to be; that he believed whether or not it is done now is not germane to whether or not it will ever be done.

Mrs. Simons asked for further clarification of what will be included in the package before a vote was taken by the Commission. Fitts replied, asbestos removal, replacement of those ceilings that need to be replaced, the removal of asbestos

on the piping, the reinsulation of the piping, the handicapped toilets, and currently included are the extension of the corridors and refurbishing the concession area, on the ground floor. On the first floor: the Supreme Court Chamber, all of the offices, the corridors and ceiling. The second floor includes the kiosk. That total is \$2,264,000.

Mr. Hippe asked whether or not we could use the additional \$700,000 to accomplish the south crypt. Mr. Evans commented that before that question can be determined, we will need the consultation of architects, engineers, etc.

Mr. Hippe stated that he would like to amend the pending motion to approve going forward with the first floor in its entirety and leaving us to come back again to determine what we can afford to do on the ground floor in addition to the essentials of asbestos removal and equipping the handicapped restrooms, as well as what we can afford to do on the grounds and the second floor with the monies available. Mr. Snodgrass accepted the amendment. MOTION CARRIED.

It was agreed that the Commission would meet again with further financial data to determine how the remaining funds will be spent. to which projects the funds remaining (after the entire first floor and the ground floor necessities have been dealt with) will be allocated.

Agenda Item No. 2 : FURNISHINGS REPORT

John Kiser gave a furnishings report. The oak benches are being finished and will be in the halls of the Capitol in January. The chairs to be used in the restored Supreme Court Chamber are currently being produced based upon an original. The reproduction of "Morgan" chairs to be used in the Legislative Library is also currently being undertaken. He reported that the Furnishings Committee has been looking at various drapery, carpet and window treatments, but no firm decision has yet been made. The search continues for a prototype for the Cornelius and Baker gasoliers, and the committee has made arrangements to acquire the original Supreme Court Justice chairs.

Agenda Item No. 3 : ANNUAL REPORT

A copy of the Capitol Commission's report to the Fiscal Review Committee was handed out. Adele Jones explained that the report would be incorporated into the Capitol Commission's Annual Report to the General Assembly together with the Commission's pending recommendations for redirection of priorities and expenditure of the allocated funds.

Agenda Item No. 4 : RECOMMENDATION FOR CONTINUATION OF CAPITOL CONSULTANT

Mrs. Simons reported that the contract for the Capitol Commission's consultant, John Kiser, has expired. She stated that in view of the redirection of priorities for the restoration project from a less architectural to a more decorative approach, his services will be required at least as much as in the past, if not more. She stated that his contract would be a "not to exceed" contract which would allow flexibility for him and would allow us to utilize his services fully. Mrs. Simons made a motion that the Capitol Commission approve a contract for John Kiser not to exceed \$25,000 for the next twelve month period. Senator Henry seconded the motion. MOTION CARRIED.



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Agenda Item No. 5 : POLICY REGARDING USE OF CAPITOL BUILDING &  
GROUNDS

Jerry Daniels presented two drafts of a policy regarding the use of the Capitol building and grounds. He explained the differences and similarities of the two drafts and answered questions regarding the approval process for commercial and non-commercial use of the Capitol. Senator Henry suggested that the policy be amended to state that the Capitol Commission would give a recommendation to the Governor and the two Speakers regarding both non-commercial and commercial uses of the Capitol building and grounds. It was decided that a new draft of the policy would be presented at the next Commission meeting.

Chairman Evans read a letter he received from Thom II Productions requesting use of the Capitol for the purpose of filming a commercial. Motion made that the Capitol Commission recommend to the Speakers and the Governor to deny the request for filming. MOTION CARRIED.