

## **I-195 REDEVELOPMENT DISTRICT COMMISSION**

### MEETING OF COMMISSION

#### PUBLIC SESSION

December 10, 2012

The I-195 Redevelopment District (the "District") Commission met on Monday, December 10, 2012, in Public Session, beginning at 5 PM, at the offices of the Rhode Island Economic Development Corporation, located at 315 Iron Horse Way, Suite 101, Providence, Rhode Island, pursuant to notice of the meeting to all Commissioners, and public notice of the meeting, a copy of which is attached hereto, as required by applicable Rhode Island law.

The following Commissioners were present and participated throughout the meeting as indicated: Chairperson Colin Kane, Ms. Barbara Hunger, Ms. Diana Johnson, Mr. John Kelly, Mr. Michael Van Leesten, Mr. Mark Ryan, and Mr. Robert Azar.

Dr. Barrett Bready and Mr. Bill Parsons were absent.

Also present was Mr. Michael Walker, as staff assigned by the Rhode Island Economic Development Corporation.

Chairperson Kane called the meeting to order at 5 PM.

Chairperson Kane welcomed the entire Commission and stated they have an ambitious agenda, including outside presenters. It was noted there are several items for Executive Session most notably related to identification and procurement of legal counsel, property maintenance and insurance, and an updated on the Executive Director-search process by Levin & Company.

#### **1. APPROVAL OF THE PUBLIC SESSION MINUTES OF THE MEETING HELD ON NOVEMBER 19, 2012**

Chairperson Kane stated that the public session minutes from last month have not yet been reviewed, as well as the Executive session minutes, and with the Commission's permission, they would like to defer both sets of minutes until the January meeting.

Upon motion duly made by Mr. Kelly and seconded by Mr. Ryan, the following vote was adopted:

VOTED: To defer the Public Session and Executive Session Minutes of the meeting held on November 19, 2012, until the January 14 meeting.

Voting in favor of the foregoing were: Chairperson Kane, Ms. Hunger, Ms. Johnson, Mr. Kelly, Mr. Ryan, Mr. Van Leesten, and Mr. Azar.

Voting against the foregoing were: None.

Upon motion duly made by Mr. Ryan and seconded by Mr. Kelly, the following vote was adopted:

VOTED: To go into closed session, pursuant to the Open Meetings Act, Rhode Island General Laws Section 42-46-5(a) (the Open Meetings Law) in order to consider and act upon discussion concerning identification and engagement of legal counsel.

Voting in favor of the foregoing were: Chairperson Kane, Ms. Hunger, Ms. Johnson, Mr. Kelly, Mr. Ryan, Mr. Van Leesten and Mr. Azar.

Voting against the foregoing were: None.

Members of the Commission and staff entered into closed session at 5:10 PM. Since engagement of legal counsel would be discussed, Ms. Johnson recused herself.

The public session was reconvened at 5:20 PM.

Chairperson Kane announced that a vote was taken to seal the minutes of Executive Session. He announced that they voted to engage legal counsel, Edwards Wildman Palmer, and to finalize the fee structure. He said Attorney Charles Rogers of that firm would represent the Commission. He confirmed that Ms. Johnson recused herself during executive session.

Mr. Rogers then joined the meeting.

## **2. PRESENTATION OF JWU AND PROPOSED CLAVERICK STREET IMPROVEMENTS**

Chairperson Kane introduced Chris Placco, Vice President of Facilities at Johnson & Wales University. Mr. Placco presented to the Commission the proposed Claverick Street improvements. He told the Commission that Johnson & Wales is adding a Physician's Assistant program, the fifth graduate-level program at the University and the first and only in Rhode Island. He said the program will be up and running in June 2014. Johnson & Wales looked at many existing parcels; however, due a June 2014 deadline, they realized they need to rely on an existing building to house the program. They purchased an existing two-story brick building on Clifford Street, located in the Jewelry District.

The building was built in 1948 and is listed in the historic register. It is a small but attractive building. However, there are some issues that need to be resolved. Mr. Placco presented diagrams of the building, including the property lines, sidewalks, entrances/exits, proximity to downtown campus and strong pedestrian link from new building to existing campus. He informed the Commission that Durkee Brown is the architect for this project. Mr. Placco outlined the building's features, which include the windows and doors and the location

of the new entrance, as well as a review the internal layout of the building. He said the building has about 9,000 square feet per floor.

Mr. Kelly asked about how many students will go through the program each year. Mr. Placco said they will have three cohorts of 30 each. However, one of the cohorts will always be out in the field at one time, so realistically two cohorts in the building at once. He said since this is a brand new program, there will be brand new faculty and staff as well. He explained the surface parking on the parcel. Mr. Van Leesten asked what the role and responsibilities are of a physician's assistant. Mr. Placco said the students come into this two-year program with a Bachelor's Degree. Their responsibilities are similar to those of a physician, and because of changes in medical insurance and cost-control, the field is rapidly growing and has become very popular.

He explained to the Commission there are issues with the entrance into the building, and in order to resolve them, he outlined the sidewalk plans on Parcel 35 on Clifford Street and explained the engineers' option to make the sidewalk 10 feet wide. However, he outlined where the City of Providence would be losing five parking spaces. He showed the Commission where they can locate three spaces and make the rest a pedestrian-oriented sidewalk, of which Johnson & Wales would maintain. He also pointed out to the Commission where they can come up with an additional five parking spaces on Parcel 35. Mr. Kelly asked how much the spaces are worth. Mr. Placco said the City did not have a dollar amount. However, Mr. Azar said about \$9,000 per year per space. Chairperson Kane questioned the time sensitivity and whether the Commission feels strongly about giving up parking spaces. The Commission reviewed the diagrams again and discussed the options available. Chairperson Kane ultimately said the question becomes "how strongly do we feel supporting the pedestrian-way versus the potential for five parking spaces, recognizing it is not our revenue." Ms. Johnson said the real issue was whether giving up space connected to one of our parcels would establish a precedent and this needs to be reviewed.

Mr. Ryan recommended they put together a subcommittee to review the parcel. Mr. Kelly and Ms. Johnson said they will participate. Chairperson Kane asked Mr. Placco what Johnson & Wales' timing is, and he responded with "they are running out of time." Chairperson Kane suggested mid-January, and Mr. Placco said that would be very good. Ms. Hunger asked if the reason why a door cannot be constructed elsewhere on the building is because it is a historical building. Mr. Placco said that is not the reason why, but instead it is because that is the only location where entrance/egress into the building is handicap accessible due to the height of the sidewalk. The Commission thanked Mr. Placco and wished him luck with his project.

### **3. CHAIRPERSON'S REPORT AND COMMISSION UPDATE**

Chairperson Kane reported on the successful submission of a very strong EPA grant application engineered and led by Fuss & O'Neil for \$350,000 to deal with site specific hazardous substances. He thanked DEM for their review and input with the package; Mr. Walker for the amount of great work he did; DOT's help with engineering; Mr. Azar's assistance with getting a letter from Mayor Taveras supporting the application; and Kelly Mahoney from the Governor's office. He also recognized the Fox Point Neighborhood Association, the

Providence Foundation, the Jewelry District Association, Grow Smart, and Mr. Van Leesten and the OIC for their generous letters of support in such a short timeframe and said this application demonstrates a team effort in trying to accomplish something positive. He informed the Commission that they should hear back from the EPA by April or May. If successful, this will further qualify each parcel for additional clean up that they will be able to provide as an incentive to people buying the property.

Chairperson Kane updated the Commission on the storm water management application. He said it was completed and submitted to DEM and CRMC and is consistent with all discussions they had related to district-wide storm water. He is hopeful it will find fertile ground.

#### **4. LAND ACQUISITION AND BOND PLACEMENT UPDATE**

Chairperson Kane told the Commission they are diligently working to both close the bonds as well as take ownership. There are two components to this (1) acquisition from DOT, which is a real estate closing checklist; and (2) the State, namely, the Department of Administration and the Economic Development Corporation, are managing the actual placement of bonds. Ms. Johnson and Mr. Kelly, along with Chairperson Kane have been leading that effort. The decision has been made to do tax exempt placement. There are many documents and much legal work that our attorney will review. The target date is January 18, 2013, and they are hopeful that they will close before the spring.

#### **5. STATE BUDGET SUBMITTAL UPDATE**

Chairperson Kane informed the Commission that both Mr. Walker and Earl Queenan have been very helpful in submitting a budget through DOA to the Governor's Office. There are two components (1) operating expenses; and (2) capital expenses. Mr. Walker reported that in FY13 they received \$3.9 million plus \$250,000 worth of capital. The Commission thanked Mr. Walker. Chairperson Kane informed the Commission that Mr. Walker and the EDC have established a budget with a set of accounts consistent with the Commission's responsibilities. He said this will allow for better accountability of available cash and anticipated expenses.

#### **6. Q1/Q2 MEETING SCHEDULE PLANNING**

Chairperson Kane reviewed the Q1 & Q2 meeting schedule, which is listed below. The Commission agreed there is much to do – such as, hiring an Executive Director, closing on property, bond documents to review, as well as other routine business. Also, they want to bring in those folks who have expressed an interest in the property, within the past year, to hear their thoughts relative to usage.

January 14 – regular meeting - focus on East Side Park and Executive Director-hire  
January 29 – special meeting  
February 11 – regular meeting  
March 4 – special meeting  
March 11 – regular meeting

January 29 and March 4 are dedicated to those people who are interested and who want to be heard, as well as discussion on regulatory development and marketing input. The Commission discussed how to establish the process for hearing from those with interest in Commission parcels. Chairperson Kane reiterated we are only putting together a schedule at this point. Mr. Kelly said it would make sense to have a couple of developers and representatives from the Universities address the Commission. Ms. Johnson stated that it was important to have the fact that the Commission is providing the opportunity to schedule presentations be through a public statement even though the sessions themselves could be in Executive Sessions. Mr. Van Leesten said that they should not make it complicated and that legal counsel will guide on appropriateness. He wants to maintain the impression of being an open-minded Commission and not lose sight on why we want to engage in the public discussions. Ms. Hunger just wants it to be fair, and Chairperson Kane reiterated that we are not transacting; we are only listening. Mr. Van Leesten said we need to use common sense in determining who is heard. Mr. Ryan suggested they limit each presentation to 30 minutes each, and it was decided that questions be allowed and included in that time limit.

Chairperson Kane continued the meeting with a review of the agenda for the January 14 meeting:

1. Contract 15 with DOT and landscape architect
2. Wickenden Street entrance and memorial
3. Report back on Claverick Street sidewalk discussion
4. Executive Director discussion
5. Public art
6. Formalize the interested party briefings
7. Bond discussion

**7. EXECUTIVE DIRECTOR SEARCH AND PROPERTY MAINTENANCE AND INSURANCE  
PROCUREMENTS UPDATE**

Upon motion duly made by Mr. Kelly and seconded by Ms. Hunger, the following vote was adopted:

VOTED: To go into closed session, pursuant to the Open Meetings Act, Rhode Island General Laws Section 42-46-5(a) (the Open Meetings Law) in order to discuss the search for an executive director and an update on property maintenance and insurance procurements.

Voting in favor of the foregoing were: Chairperson Kane, Ms. Hunger, Ms. Johnson, Mr. Kelly, Mr. Ryan, and Mr. Van Leesten.

Voting against the foregoing were: None.

Members of the public were then asked to leave the boardroom for the closed session, and members of the Commission and staff entered into closed session at 6:30 PM.

The public session was reconvened at 6:55 PM.

Chairman Kane reported that the discussion during the closed session was confined to discussion regarding the search for an executive director and the status of property maintenance and insurance procurements and that no votes were taken during executive session. Additionally, the Commission voted to end the closed session, maintain the closed session records, and reconvene the public session.

Upon motion duly made and seconded, the following vote was adopted:

VOTED: That pursuant to Rhode Island General Laws Section 42-46-4, Section 42-46-5 and Section 42-46-7, the Open Meetings Act, the minutes of the closed session shall not be made available to the public, except as to the portions of such minutes as the Commission ratifies and reports in public session of this meeting.

Voting in favor of the foregoing were: Chairperson Kane, Ms. Hunger, Ms. Johnson, Mr. Kelly, Mr. Ryan, and Mr. Van Leesten.

Voting against the foregoing were: None.

There being no further business in Public Session, upon motion duly made and seconded, the meeting was adjourned at 7 PM.

---

Colin Kane  
Chairperson