

**MEETING MINUTES
CAPITAL CENTER COMMISSION**

**Thursday, September 8, 2005
12:00 Noon
First Floor Theater
30 Exchange Terrace
Providence, RI**

1. Roll Call

Chairman Gardner called the meeting to order at 12:15 PM. Members present included Leslie A. Gardner, Merlin DeConti, Steve Daniels, Steve Durkee, Barry Fain (arrived 12:25 PM), Wil Gates (arrived 12:25 PM), Duncan Johnson, Barry Preston, Robert Reichley, Christopher Thomas, and Stanley Weiss. Members absent included Guy Abelson, Phil Stone, Councilman Terrence Hassett and Councilwoman Rita Williams.

Staff present included Deborah Melino-Wender, Executive Director.

Others present included Ron Chrzanowski, Capital Properties; Amy Vitale, Partridge, Snow & Hahn; Nick Iselin and Richard Libardoni, Intercontinental Developers; and James Gray, ADD Inc.

2. Minutes

2.1 Approval of Commission Minutes of July 14, 2005

The motion was duly made, seconded and unanimously passed to approve the minutes of the Capital Center Commission meeting of July 14, 2005.

2.2 Acceptance of Design Review Committee Minutes of July 12, 2005 and August 16, 2005

Depending upon the wishes of the Commission, the following motion may be in order:

The motion was duly made, seconded and unanimously passed to accept the minutes of the Design Review Committee meetings of July 12, 2005 and August 16, 2005.

New Member: Chairman Gardner introduced Mr. Christopher Thomas from Bank of America, the newest appointment of the Providence Foundation. Chairman Gardner noted that Mr. Thomas is replacing Mr. Freeman who served on both the full Commission and on the DRC for many years. The Commission welcomed Mr. Thomas.

3. Report of the Executive Director

The Executive Director informed the Commission members of the new parking validation system. She also updated the members of the status of the various parcels under construction. She noted that Mr. Roth has informed her that the program on Parcel 6 will be changing from apartments to condominiums as a result of higher than anticipated construction costs. A groundbreaking is expected mid-fall.

4. Parcel 11: Westin Hotel Expansion: Temporary Construction: Fencing/Signage Modifications

Chairman Gardner stated that on August 16, 2005, the development team for the Westin Hotel expansion presented a revised plan for the temporary construction fencing and signage to the Design Review Committee. The DRC recommends approval of the revised construction protection plan to the full Commission. The development team was unavailable, so the Executive Director presented the fencing and signage plans.

The motion was duly made, seconded and unanimously passed to approve the revisions to the temporary construction fencing and signage, as presented.

5. Parcel 2: Intercontinental Development Sales Office: Proposed Awnings and Signage

Chairman Gardner stated that Parcel 2 development team presented a plan for signage and awnings to the Design Review Committee at its meeting of August 16, 2005. The sales office will be located in the East Office Building at 56 Exchange Terrace, with the entrance on Exchange Street. She noted that the DRC recommends approval of the awning with the recommendation that the development team reconsider the size and scale of the canopy.

Mr. Iselin then presented a project status update. With respect to the sales office, he presented a photo showing the existing area on Exchange Street and how the entrance would look with the proposed awning and signage. He noted that they had looked at other awning solutions, but that this seemed to be the most workable alternative. The awning will be canvas with framing and any trees removed will be replaced. Mr. Iselin stated that the sales office will open at the end of October, or early November. A brief discussion followed.

The motion was duly moved, seconded and unanimously passed to approve the signage and canopy for the sales office at 56 Exchange Terrace (with the signage and canopy on the Exchange Street side), as presented.

6. Parcel 2: Intercontinental Development: Proposed Design Modifications Building Materials, Plaza Design, Lighting, Temporary Site Signage

Chairman Gardner stated that the Parcel 2 development team will present a plan for (1) temporary site signage; (2) design modifications for the plaza; and (3) a change a portion of the building materials from arriscraft to precast. She noted that these plans were presented to the Design Review Committee on August 16, 2006 and August 30, 2005 and that the Design Review Committee is recommending approval of these changes.

Mr. Iselin presented the plans for the temporary signage around the construction site. He also pointed out the construction sign which will cover the end of the construction trailer. This signage will tie into the sales office on Exchange Street.

Mr. Gray then presented the revised plans for the plaza, noting that the changes were primarily driven by the requirements of the Fire Department. He reviewed the circulation and parking changes and the planned materials and lighting. A brief discussion followed.

Mr. Gray then presented the proposed changes in materials for a portion of the buildings. The previously approved arriscraft would change to beige precast, with differing textures.

Mr. Gray indicated that the change was driven by both economics and design. The precast allows for easier and less expensive installation. Additionally, it is available in larger blocks, allowing for a sleeker look. Mr. Gray presented the material samples. Discussion followed. Mr. Preston indicated that he did not like the proposed new materials.

The motion was made by Mr. Daniels and seconded by Mr. Reichley to approve (1) the temporary construction signage, as presented; (2) the design modifications for the plaza, as presented, and (3) the change in a portion of the building materials from arriscraft to precast, with the final decision to be made upon viewing the field mock-up. Mr. DeConti, Mr. Daniels, Mr. Durkee, Mr. Fain, Mr. Gates, Mr. Johnson, Mr. Reichley, Mr. Thomas and Mr. Weiss voted in favor of the motion. Mr. Preston voted in opposition. The motion passed 9-1.

7. Legal Contract

Chairman Gardner stated that the legal services contract with Richard Peirce. Roberts, Carroll, Feldstein & Peirce Inc. expired on June 14, 2004 and that the Commission has engaged the services of Mr. Peirce since 1991. The contract was for an annual amount of \$20,000, and has been renewed each year. During this fiscal year, the Commission spent \$4,167.30 for legal services, of which \$3,650 was reimbursable, leaving a net cost to the Commission of \$517.30.

Chairman Gardner informed the Commission that the per hour legal services fee has not changed since the original contract was signed in 1991. Legal counsel is required to certify that the billing rate does not exceed the rate charged to other preferred public or private clients. The current hourly rate is \$125 per hour and Mr. Peirce is requesting an increase to \$145 per hour, with all other terms and conditions to remain the same.

A brief discussion followed with the Chairman noting that Mr. Peirce has given very good counsel and has been very available to the Commission. Mr. Johnson requested that Mr. Peirce be contacted to be sure that the proposed rate was reasonable for the litigation which Mr. Peirce is handling for the Commission.

The motion was duly made, seconded and unanimously passed to authorize the Executive Director to execute a one year \$20,000 legal services contract with the firm of Roberts, Carroll, Feldstein and Peirce, Inc. terminating on June 13, 2006, with the hourly fees to increase to \$145 per hour and the remaining terms and conditions to remain as set forth in the previous year's contract.

8. FY-06 Budget

Chairman Gardner presented the proposed budget to the Commission. The Executive Director reviewed the operating results from the most recent fiscal year and the proposed budget for the upcoming fiscal year. The Commission will conduct the performance review and final budget deliberations at the next meeting.

9. Internal Operating Procedures: Proposed Revisions

Chairman Gardner noted that this item was mis-titled and should be the By-Laws Proposed Revision. She noted that the By-Laws have not been updated since the mid-1980's. She noted that the draft presented has been reviewed and approved by the Commission's legal counsel. The Executive Director noted that the format has been updated so a side-by-side comparison is not feasible. Also, certain sections have been revised to reflect the changes in the law. The Commission members requested that the Executive Director prepare a sheet noting the changes from the old to the proposed.

10. New Business

Chairman Gardner requested that a resolution be drafted for the next meeting recognizing the long and distinguished service of Mr. Freeman.

The Executive Director also presented her plans to attend a workshop in Washington, DC sponsored by the American Planning Association. Chairman Gardner noted that professional development had been a recommendation from last year. The Executive Director presented the projected costs for the 4-day as compared with the 2-day workshop. It was the consensus of the members that the Executive Director should take advantage of the four day workshop.

11. Executive Session

(Pursuant to Par (1) Section 42-56-5 of the General Laws of the State of RI, if required)

11.1 Personnel

The Commission did not go into Executive Session.

12. Adjournment

The meeting was adjourned at 1:35 PM.

Robert Reichley
Secretary