

## CAPITAL CENTER COMMISSION

### Special Meeting Minutes of Thursday, October 17, 2013

A special meeting of the Capital Center Commission (CCC) was held on Thursday, October 17, 2013 in the 1<sup>st</sup> Floor Conference Room of the Joseph A. Doorley, Jr. Municipal Building, 444 Westminster Street, Providence, RI 02903.

#### 1. Roll Call

Members Present: Deming Sherman, Wilfrid Gates, Duncan Johnson, Barry Fain, Seth Handy, Martha Werenfels, and Luis Torrado

Members Absent: Christopher Thomas, Guy Abelson, Greg Benik, Michael McCormick, John Sinnott, William Kite, Councilman John Iglizzi, and Chairman of the Committee on Urban Redevelopment, Renewal and Planning

Staff Present: Christopher Ise and Robert Azar

Call to Order: The meeting was called to order at 12:11 PM, Chairman Sherman presiding. There was no quorum present.

Chairman Sherman announced that the Commission was one member short of a quorum, so any decisions made at the meeting would be ratified at the next meeting.

Chairman Sherman welcomed new member Luis Torrado to the Commission, noting that he replaces Melvin Bilezerian. Chairman Sherman also announced the resignation of member Christopher Thomas due to work conflicts. He added that he will work with the Providence Foundation regarding a replacement for Mr. Thomas. Chairman Sherman recommended a Resolution be created for Mr. Thomas' 15 years of service on the Commission to which Mr. Gates made a motion, seconded by Mr. Johnson,

#### 2. Approval of Commission Special Meeting Minutes of August 28, 2013

A motion was made by Mr. Handy, seconded by Mr. Gates, to approve the meeting minutes. All voted in favor. *Subject to ratification.*

#### 3. FY 2014 Budget

Chairman Sherman presented the budget for FY 2014, which is administered by the Providence Foundation. A motion was made by Ms. Werenfels, seconded by Mr. Johnson, to accept the budget. All voted in favor. *Subject to ratification.*

Mr. Handy inquired about money in the budget for a maintenance study of the Capital Center District. A lengthy discussion followed. Ms. Werenfels suggested an assessment and report. Mr. Gates noted that the cost of the study could be around \$15,000 to \$20,000. Chairman Sherman noted that he could ask the Governor but prefers professional service. Leslie Gardner, former Chair and resident in the District, noted that there is an ongoing discussion with the Downtown Improvement District (DID) on how they can be involved in helping maintaining the area. Ms. Gardner is taking the lead on this initiative. Ms. Werenfels asked what happens to the report when finished. Todd Turcotte, from Capital Properties, stated that the company is working with the Providence Foundation and the DID, and is ready to sign a petition to activate the DID in the area. Chairman Sherman concluded that he will work with Ms. Gardner, Mr. Turcotte and the Commission on a solution. He added that he is not confident on getting additional funds to pay for a study.

#### 4. Parking Lot Discussion

Discussion regarding parking issues near the State House

Chairman Sherman gave an overview, explaining the history of the Capital Center District, the cooperative agreement with all relevant agencies, including the State, and the creation of Capital Center Commission (CCC). He noted that by the State signing the agreement, acknowledges that

they are subject to the Design Regulations for the District for any improvements on property they own. He explained that the first proposal to expand the State House parking lot into the State House lawn was presented to the Commission in 2010. There was immediate concern with the project because the State House lawn is under jurisdiction by the CCC. A written legal opinion from the CCC's legal counsel, Richard Pierce, stated that the area of expansion is under the CCC's jurisdiction under the cooperative agreement, adding that the no parking regulations also applied to the State's proposal. Chairman Sherman stated that a letter dated 4/28/10 from Mayor Cicilline to Governor Carcieri expressed concern with the parking expansion and suggested exploring other opportunities for alternatives to parking. The State acknowledged jurisdiction by proceeding with the CCC's process. He stated that in 2013, Jonathan Stevens and other State officials explained that the reason for the expansion was to create additional handicap parking spaces. Chairman Sherman noted that the Commission had an issue with the expansion and not the improvements to the parking lot. He explained that the CCDRC held a special meeting on June 11, 2013 for the parking expansion plan, where State attorney Michael Mitchell stated that the CCC had no jurisdiction. Chairman Sherman disagreed with the State's position, Mr. Gates, DRC Chair, decided to only make recommendations on the proposed improvements. Chairman Sherman stated that he wrote a letter to Governor Chaffee, copied to Edward Sanderson and Jonathan Stevens, requesting a meeting to discuss but never heard back. He noted that shortly after, the State announced the purchase of Parcel 15, adding that the intent was to use it for surface parking. Chairman Sherman noted that surface parking is not an allowed use. CCC staff received a revised State House parking plan with a letter stating that the project was to proceed without any review. He explained that he met with CCC staff and the City Solicitor regarding the issue, and the City agreed to take possible action against the State. Chairman Sherman noted that Richard Licht agreed to consult with the Commission on parking but would not concede to its jurisdiction. He noted that a letter dated 8/23/13 from Jeff Padwa to Mr. Mitchell offered to try to resolve the issue. Chairman Sherman noted that soon after the City decided not to pursue the matter and gave no explanation as to why. Chairman Sherman explained that then he met with Mr. Licht, who stated that the State did not need to abide by the CCC's regulations. Chairman Sherman noted that work has begun on the parking expansion at the State House. He explained that he requested a written stud or legal opinion to justify their action but has not received anything. He noted that the CCC has worked with the State on other projects, such as the Veteran's Auditorium addition and Providence Station Plaza, which were both cooperative efforts. The CCC also worked on the State's reconfiguration of Avenue of the Arts. He added that even the Amtrak security/bollard project was reviewed and approved by the CCC. Chairman Sherman expressed concern because the CCC has always demonstrated a willingness to work with the State.

A discussion followed. Chairman Sherman stated that the State signed a Cooperative Agreement and is therefore subject to the regulations. Chairman Sherman stated that the State is wrong, and that this is setting a bad policy. He added that the State should be trying to reduce the amount of parking, not adding more. He also stated that the regulations require the Francis Street properties to have buildings built on them, and that it is the wrong place for surface parking. Chairman Sherman explained that the idea behind the regulations is to have aesthetic consistency and design controls over the entire Capital Center District. He added that the State not following the regulations undermines the Commission's role. In response to a question by Mr. Handy, Chairman Sherman explained that there are two options, either accept the State's position or litigate. He added that he was unsure if litigation is right because it costs money and he would rather spend money on future projects. In response to a question by Mr. Fain, Chairman Sherman responded that Ted Sanderson, from the Rhode Island Historic Preservation Commission, is not taking a position on this issue.

Mr. Gates explained that under the CCDRC's recommendations, they hope to get the best project possible under the circumstances as it moves forward. The DRC recommended creating tree islands in the parking lot and to plant trees to modify views of the lot. He noted that the State could abolish the Commission. Chairman Sherman thought a meeting with Speaker Fox would be a good idea.

Todd Turcotte, representing Capital Properties, stated that the Providence and Worcester Railroad also signed the cooperative agreement, adding that they should respond by denying the project. He noted that Mr. Sanderson had an issue with the proposed Amtrak parking lot when it was presented to the CCC, but did not offer any objection to the State House parking lot expansion. He ended by saying all parties that signed the agreement are affected.

Chairman Sherman read a letter submitted by Sam Coren. Leslie Gardner raised the issue of parking and grandfathered parking lots. A discussion followed. She noted that Capital Properties has been a good partner, but added that this situation is an unfortunate erosion of a partnership with the State. Ms. Werenfels inquired about the Credit Union parking lot. Ms. Gardner replied that the CCC granted it by waiver. Chairman Sherman stated that there needs to be a follow-up letter to the State stating that the proposed plans for the State House Lawn and Parcel 15 are a violation of rules and work should cease. Mr. Handy suggested a letter to the City stating that the City Solicitor should represent the Commission. He added that the CCC should reach out to other agencies. Lucie Searle, CCDRC member and Providence Preservation Society (PPS) President, stated PPS will follow up. Chairman Sherman stated that he is unaware how this will impact other property owners who signed the cooperative agreement. Letters will be sent out. There was no further discussion.

**5. Designation of Auditor**

On a motion made by Mr. Handy, seconded by Mr. Fain, the auditor contract was approved for another two-year period. All voted in favor. *Subject to ratification.*

**6. Adjournment**

The meeting adjourned at 1:30 PM.

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Christopher Thomas  
Secretary/Treasurer