

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, October 11, 2012 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:20 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair
Councilman Steven A. Stycos, Vice-Chair
Councilman James E. Donahue
Council President Anthony J. Lupino

Absent: Council Vice-President Emilio L. Navarro
Councilwoman Maria A. Bucci

Also Present: Councilman Michael W. Favicchio
Gerald Cordy, Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
Robert Strom, Director of Finance
Patrick Quinlan, City Council Legal Counsel
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Devin Baccari, Stenographer

MINUTES OF THE LAST MEETING:

City Clerk referred to an e-mail she sent to the City Council regarding minutes of the last meeting as to some confusion regarding amendments made to the zoning ordinances that were on the docket. There were inferences made that the Administration made amendments to the Zoning Ordinances without the Committee's approval. She clarified that those amendments were only proposed and had to be acted on by the committee and they had been drafted by the Planning Director at the Council's request.

On motion by Councilman Donahue, seconded by Council President Lupino, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded.

CORRESPONDENCE:

OLD BUSINESS:

PUBLIC HEARINGS/NEW BUSINESS:

8-12-3 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (59 Phenix Ave. – Zone Change). [\[click here to view\]](#)

John DiBona, Esq., appeared to represent the applicant.

On motion by Council President Lupino, seconded by Councilman Archetto, it was voted to suspend the rules and hear any additional comments and take a vote on this Ordinance. Motion passed unanimously.

No one appeared to oppose.

On motion by Council President Lupino, seconded by Councilman Donahue, it was voted to recommend approval of this Ordinance.

Under Discussion:

Council President Lupino stated that the historic façade rebuilt has not been completed. He questioned if this Zone Change can be conditionally approved until that is done. Solicitor Kirshenbaum stated that he is not familiar with this project, but he can look into this.

Attorney DiBona stated that the Historical Committee has already given permission to the demolition. The only issue left to address is the overhang.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

9-12-3 Ordinance in amendment of Title 6, Chapter 4 of the Code of the City of Cranston, 2005, entitled “Animals Generally”. [\[click here to view\]](#)

The following appeared to speak in favor:

Kim Morin, presented a handout.

Ken Ayars, Chief Division of Agriculture of D.E.M. appeared and stated that D.E.M. is in support of this Ordinance.

Leo Pollock, 4 Terrace Ct., Providence, Director of Providence Southside Community Land Trust.

Jackson Deer and **Drake Patten**.

Camille Morrison, Rhodes St.

Chris Allen, Shaw Ave.

Valerie Schuele, 27 Farm St.

No one appeared to oppose.

On motion by Councilman Stycos, seconded by Councilman Donahue, it was voted to recommend approval of this Ordinance.

Under Discussion:

Council President Lupino asked if there is a requirement of a permit for the coops. Councilman Stycos stated, no, not as the Ordinance is drafted. It was discussed, but it was felt that the number of people who would have chickens was not worth the paperwork and the money it would generate.

Council President Lupino stated that the permit process is necessary in order for the Building Inspector to monitor these coops. This issue was addressed to the Administration. Mr. Cordy stated that the question of how the City would monitor these coops was one of his concerns. There is a financial impact because this would require manpower.

Council President Lupino stated that he would support this Ordinance only if there was a permitting process to ensure the Building Inspector would have the capability to make sure the coops are properly constructed and the person is following the Ordinance. We need to know also, how complaint process would be handled. He also questioned who is going to be the enforcement of this Ordinance and what fines can be administered if someone violates the provisions of this Ordinance. Solicitor Kirshenbaum stated that he does not know what the intentions of the sponsor is. Maybe this should be redrafted to address these issues.

Council President Lupino asked how Providence handles these issues. Mr. Pollock stated that enforcement is through Animal Control of the Police Department. A non-permanent structure would not involve the Building Inspector. Providence did not feel registering with the City was worth it. They felt Animal Control would address complaints. He does not think there is any fine if the Ordinance is not followed. The person would be given a warning and if that does not work, the chickens would be taken away.

Mr. Quinlan addressed the fines issue and stated that in terms of the permits, he looked at several cities and towns who have chickens and the only one that required a permit was Barrington, it was a \$25 registration permit. With regards to the penalty, there is a general provision in the Code and that is stated in line #86 of the Ordinance.

Councilman Donahue stated that he also is concerned with enforcement and if we have the resources. Mr. Cordy stated that if this Ordinance would provide for the Building Inspector to oversee the construction of the structure, it would be a financial impact to the City, but we do not have the manpower. If enforcement fell in the control of that office, he would have some concerns.

Councilman Archetto stated that he is in favor of the concept of this Ordinance, but he feels it needs to be redrafted to address permit fee and a registration requirement.

On motion by Councilman Stycos, seconded by Council President Lupino, it was voted to amend line #27 and add “commercial” after “any”. Motion passed unanimously.

On motion by Councilman Stycos, seconded by Councilman Donahue, it was voted to amend line #25, delete “primarily” and add “solely”. Motion passed unanimously.

Council President Lupino stated that he would like to see a building permit be issued by the Building Inspector for the coop and enforcement be done by Animal Control.

Councilman Stycos asked what the Administration's feeling is of who should do the enforcement. Mr. Cordy stated that, initially, Animal Control, but he would like to explore that.

On motion by Councilman Donahue, seconded by Councilman Archetto, it was voted to table this Ordinance to the November meeting in order to give the Administration time to check into this.

Under Discussion:

Council President Lupino indicated that Councilman Stycos cannot attend the regular Committee meeting in November. He stated that if the Administration can look into this, he would like to have this addressed at the Council meeting.

Councilman Donahue suggested rescheduling the November Committee meeting to another date in order for Councilman Stycos to be present.

It was agreed upon to reschedule the Finance and Ordinance Committee meetings from November 13th to November 19th at 6 p.m. and 7 p.m. respectively.

On motion by Councilman Donahue, seconded by Councilman Archetto, it was voted to continue this Ordinance to the November 19th Committee meeting. Motion passed unanimously.

The meeting adjourned at 7:30 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees