

*(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, April 11, 2013 in the Council Chambers, City Hall, Cranston, Rhode Island.

### **CALL MEETING TO ORDER:**

The meeting was called to order at 6:05 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair  
Councilwoman Sarah Kales Lee, Vice-Chair  
Councilman Mario Aceto (arrived at 6:15 P.M.)  
Councilman Steven A. Stycos  
Councilman Donald Botts, Jr.  
Council Vice-President Michael J Farina  
Council President John E. Lanni, Jr.

Also Present: Gerald Cordy, Director of Administration  
Carlos Lopez, Chief of Staff  
Major John Schaffran, Police Department  
Evan Kirshenbaum, Assistant City Solicitor  
Robert Strom, Finance Director  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Paula Campagna, Stenographer

### **MINUTES OF THE LAST MEETING:**

On motion by Council Vice-President Farina, seconded by Councilman Botts, it was voted to dispense with the reading of the minutes of the last meeting and they stand approved as recorded. Motion passed unanimously.

### **CORRESPONDENCE:**

None.

## **OLD BUSINESS:**

**2-13-01** Ordinance in amendment of Title 5, of the Code of the City of Cranston, 2005, entitled "Business Licenses and Regulations" (Yard Sales). (Cont. from 3/14/2013). [\[click here to view\]](#)

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted to recommend approval of this Ordinance.

### Under Discussion:

**Council President Lanni** stated that his concern is how to enforce this and who will count the number of yard sales. To him, this is unenforceable and why pass an Ordinance that is unenforceable.

**Councilman Botts** agreed with Council President Lanni.

**Council Vice-President Farina** stated that to him, this is realistically sound, but no enforcement power. He also questioned why pass this Ordinance. He asked Chair, as sponsor of this Ordinance, if he has spoken to the Police Department about them taking on the responsibility of enforcement. Chair stated that the signs would be taken down by the City Laborers. As to the infraction, Police or Inspections would handle this.

**Council President Lanni** stated that he does not have a problem with the signage issue. His concern is the enforcement of the number of yard sales a person has. He questioned if this is not enforceable, then why pass this Ordinance.

**Chair** stated that the neighbors on the street could be the person filing complaint if their neighbor exceeds the number of yard sales allowed. The best way to enforce this would be by permit, which would cause more work for the City. He stated that he would be open to further discussion on the permit issue and amending the Ordinance. The Ordinance last month was amended from twelve yard sales to six per year.

**Council President Lanni** stated that since there is no fine in the proposed Ordinance, language should be added to the Ordinance with a fine for people having the yard sales without a permit.

On motion by Council Vice-President Farina, seconded by Councilman Archetto, it was voted to continue this Ordinance and have Mr. Quinlan redraft the Ordinance with the proposed amendments. Motion passed unanimously.

## **PUBLIC HEARINGS/NEW BUSINESS:**

**Resolution** encouraging the Rhode Island General Assembly to eliminate single party voting by means of a single mark on a ballot. [\[click to view\]](#)

On motion by Councilman Botts, seconded by Councilman Stycos, it was voted to recommend approval of this Resolution. Motion passed on a vote of 4-3. The following being recorded as voting "aye": Councilmen Archetto, Stycos, Botts and Councilwoman Lee -4. The following being recorded as voting "nay": Councilman Aceto, Council Vice-President Farina and Council President Lanni -3.

**Resolution** in support of clarifying the right of City Council members to forward constituent concerns, complaints and requests for information to City Department Heads. [[click to view](#)]

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

Under Discussion:

**Councilman Archetto** stated that the process now is the City Council contacts Mr. Lopez. This Resolution would make it more expedient for the City Council to notify the Department Head to relay a concern or request.

**Councilman Aceto** stated that he does not see anywhere where it prohibits the Council to contact the Department Head to ask a question. It is working for him. He has contacted a Department Head with question and he was not told that he is violating any law.

**Chair** asked Solicitor to address this issue.

**Solicitor Kirshenbaum** referred to Section 3.09 of the Charter and stated that this does not prohibit the Council to contact the Department Head, but the Department Head can direct the Council member to contact Mr. Lopez. The Director does not have to answer the question.

**Councilman Botts** stated that the Constituent Affairs Director has a database for constituent issues. He asked if the Directors have access to this database. Mr. Lopez stated that the Director of Constituent Affairs maintains a database of all constituent request made by the Council or anyone else. The Directors do not have access to this database. He and the Secretaries in the Mayor's Office also have access to this database, if the Constituent Affairs Director is on vacation.

**Council Vice-President Farina** asked Solicitor if this Resolution would violate the Charter as long as the City Council does not demand or order the Department Head to do something. Solicitor Kirshenbaum stated that the City Council can request, but it does not necessarily mean they will receive a response.

**Mr. Lopez** stated that such a Resolution is not necessary. This Administration has and continues to work with the City Council on constituent issues and have an open line of communication. This Administration also has a good relationship and trust with the City Council.

**Councilman Aceto** stated that he does not see how this Resolution hurts anything, rather it enhances communication.

**Council Vice-President Farina** stated that the only fear he has is with some people, some questions could be interpreted being a command. This may cause issue.

**Council President Lanni** stated that every one of the Council members should have the right to ask for information. They should not be directing.

Roll call was taken on motion to recommend approval of this Resolution and motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Archetto, Stycos, Botts, Aceto, Councilwoman Lee, Council Vice-President Farina and Council President Lanni -7.

**3-13-1** Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Ashley and Hazelton). [\[click to view\]](#)

Councilman Aceto stated that since the sponsor of this Ordinance is not present to speak regarding this Ordinance, he motioned to continue this Ordinance to next month's meeting. Councilman Archetto seconded the motion. Motion passed on a vote of 7-0. The following being recorded as voting "aye": Councilmen Archetto, Stycos, Botts, Aceto, Councilwoman Lee, Council Vice-President Farina and Council President Lanni -7.

The meeting adjourned at 6:40 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rosalba Zanni".

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees