

(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 17, 2013 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:10 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair
Councilwoman Sarah Kales Lee, Vice-Chair
Councilman Mario Aceto
Councilman Steven A. Stycos
Council Vice-President Michael J Farina
Council President John E. Lanni, Jr.

Absent: Councilman Donald Botts

Also Present: Carlos Lopez, Chief of Staff
Jeffrey Barone, Director of Constituent and Government Affairs
Patrick Quinlan, City Council Legal Counsel
Evan Kirshenbaum, Assistant City Solicitor
Robert Strom, Finance Director
Roy Damiano, City Council Internal Auditor
Maria Medeiros Wall, JD, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committee
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

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

CORRESPONDENCE:

City Clerk stated that Councilman Botts is out of the country on business and will not be attending this meeting.

Letter from Attorney J. Mancini withdrawing Zone Change application for 777 Cranston Street (former Trolley Barn location)

Letter was read into the record.

OLD BUSINESS:

8-13-1 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (Tax Assessment Board of Review). (Cont. 9/12/2013).

[\[click to view\]](#)

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

Under Discussion:

Mr. Strom indicated to the letter from the Tax Assessor, who is in favor of this Ordinance.

Councilman Stycos asked if the Tax Assessment Board of Review go out to all the properties that are appealed. Mr. Strom stated that he is not sure. He knows that the Board hears the appeals, but is not sure if they physically go out to the properties.

On motion by Councilman Stycos, seconded by Councilman Aceto, it was voted to amend the above Ordinance as follows: line #34, add “not to exceed \$3,000 per year”. Motion passed unanimously.

Roll call was taken on motion to recommend approval of the above Ordinance as amended and motion passed on a vote of 5-1. The following being recorded as voting “aye”: Councilman Archetto, Councilwoman Lee, Councilman Aceto, Council Vice-President Farina and Council President Lanni -5. The following being recorded as voting “nay”: Councilman Stycos -1.

8-13-3 Ordinance in amendment of Title 9.8 of the Code of the City of Cranston, 2005, entitled “Offenses Relating to Property” (Tree Planting Back of Sidewalk Program). (Cont. 9/12/2013). [\[click to view\]](#)

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

Under Discussion:

Councilman Stycos stated that a study was done by the Forestry Service in 2011 and had made recommendations for the set back plant model. This is what was also done in the Town of Warren.

Council President Lanni asked for legal opinion regarding liability section of the Ordinance and asked if a City employee is injured on City time, would the City be responsible. He also stated that he has a problem with a City employee going on private property planting trees. He asked who would bare the cost of the trees, the City or homeowner. Councilman Stycos stated that the City would have to bare the cost, under this program.

Council President Lanni asked if the City would be responsible if the roots of the trees get into the sewer system pipes. Solicitor Kirshenbaum stated that once the tree is on the homeowners’ property, the homeowner is responsible.

Council President Lanni stated that if tree limbs need to be cut down or tree dies, he asked if the City would be responsible. Mr. Quinlan stated that if the tree is sick, the homeowner can remove it or if the homeowner does not like the tree, he can remove it. Council President Lanni questioned why the City would be giving trees away to homeowners when they can do whatever they want with it at the City's cost.

Councilwoman Lee stated that she is in favor of this Ordinance because it would be reducing the liability to the City and the claims that come into the City and the expense of maintaining these trees.

On motion by Council President Lanni, seconded by Councilman Aceto, it was voted to amend this Ordinance to add language setting the same requirements, 8-10 feet, as putting up a shed along the property lines, as stated in the Code.

Under Discussion:

Councilwoman Lee stated that ten feet may be a lot. She would be in favor of maybe five feet because of urban areas.

Councilman Aceto questioned what the setback is in the Code. Mr. Quinlan stated that the setback standards are in Section 17.21.20, which deals with structures. There is no mention in the Code, which restricts plantings within the setback lines.

Motion to amend and second were removed.

On motion by Councilman Stycos, seconded by Council President Lanni, it was voted to amend this Ordinance as follows: add "no trees planted in the back of sidewalk program shall be at least eight feet from the property line". Motion passed on a vote of 5-1. The following being recorded as voting "aye": Councilmen Archetto, Stycos, Aceto, Council Vice-President Farina and Council President Lanni -5. The following being recorded as voting "nay": Councilwoman Lee -1.

On motion by Councilman Stycos, seconded by Councilwoman Lee, it was voted to amend the previous amendment to add "unless the neighboring property owner approves the planted sidewalk in writing". Motion passed on a vote of 4-2. The following being recorded as voting "aye": Councilman Archetto, Councilwoman Lee, Councilmen Stycos and Aceto -4. The following being recorded as voting "nay": Council Vice-President Farina and Council President Lanni -2.

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

8-13-5 Ordinance in amendment of Title 10, Chapter 40 of the Code of the City of Cranston, 2005, entitled "Miscellaneous Traffic Regulations" (No Tractor Trailer Parking on Cranston St., North Side between Victoria and Dyer). (Cont. 9/12/2013). [\[click to view\]](#)

On motion by Council Vice-President Farina, seconded by Councilman Aceto, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

8-13-6 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Stopping, Standing and Parking On Certain Streets” (No Tractor Trailer Parking on Cranston St., North Side between Victoria and Dyer). (Cont. 9/12/2013). [\[click to view\]](#)

On motion by Councilman Aceto, seconded by Council Vice-President Farina, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

PUBLIC HEARINGS/NEW BUSINESS:

John Bolton, Esq., appeared to represent applicant for Ordinance 8-13-8 and asked that this Ordinance be tabled until his client can modify the application at the recommendation of Planning.

8-13-08 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – East side of Power Road). Petition by Crown Holdings II, LLC. [\[click to view\]](#)

On motion by Councilman Aceto, seconded by Councilwoman Lee, it was voted to continue this Ordinance at the request of the applicant’s attorney. Motion passed unanimously.

9-13-06 Ordinance in amendment of Title 17, Chapter 64 of the Code of the City of Cranston, 2005, entitled “Zoning” (Residential Off Street Parking) [\[click to view\]](#)

Councilman Aceto stated that since Councilman Botts, sponsor, is not present, he suggested continuing this Ordinance to the next meeting.

On motion by Councilman Aceto, seconded by Councilman Archetto, it was voted to continue this Ordinance. Motion passed unanimously.

9-13-07 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Bridge Street, South Side Loading Zone Designated) [\[click to view\]](#)

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

Under Discussion:

Councilman Stycos stated that he is withdrawing this Ordinance and also Ordinance 9-13-8.

Motion and second to recommend approval were withdrawn.

9-13-08 Ordinance in amendment of Title 10, Chapter 32 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Bridge Street, South Side No Parking) [\[click to view\]](#)

Withdrawn by sponsor.

Withdrawn by applicant:

**9-13-09 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005,
entitled “Zoning” (Change of Zone–777 Cranston Street Trolley Barn) [\[click to view\]](#)**

Withdrawn by applicant.

The meeting adjourned at 6:55 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Rosalba Zanni". The signature is written in a cursive, flowing style.

Rosalba Zanni
Assistant City Clerk/Clerk of Committees