***(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 17, 2014, 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: Council Majority Leader Paul H. Archetto, Chair
Councilman Mario Aceto
Councilman Steven A. Stycos
Councilman Donald Botts, Jr.
Council Vice-President Michael J Farina
Council President John E. Lanni, Jr.

Absent: Councilwoman Sarah Kales Lee, Vice-Chair

Also Present: Councilman Richard D. Santamaria, Jr.
Council Minority Leader Michael W. Favicchio
Gerald Cordy, Director of Administration
Jeffrey Barone, Director of Constituent and Government Affairs
Evan Kirshenbaum, Assistant City Solicitor
Robert Strom, Finance Director
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committee
Heather Finger, Stenographer

**MINUTES OF THE LAST MEETING:**

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

**CORRESPONDENCE/COMMUNICATIONS**

**OLD BUSINESS:**

**Resolution proposing amendment to Section 3.19 of the Cranston Home Rule Charter and directing the Secretary of State to place on the ballot the following as a Referendum Question (Non-Interference in Administrative Matters). (Cont. 3/13/2014).** [click to view].

No one appeared to speak in favor or to oppose.

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

Under Discussion:

**Councilman Stycos** stated that he supports this Resolution because the people should remove an elected official form office and not the Mayor.

**Councilman Aceto** stated that he does not think the Charter prohibits the City Council from calling a department head and asking questions, it prohibits the City Council form doing something. He noted that the safeguard is there.

**Solicitor Kirshenbaum** referred to the City Code.

**Council President Lanni** stated that he does agree that the City Council has the right to remove a department head and ask questions, but they cannot order the department head to do something. He also stated that, as far as he knows, this section of the Code has never been used.

**Councilman Aceto** stated that he is opposed to this Resolution. He has worked under various Administrations, as other members of the Council have, and he has never had an issue whenever he has called a director for information or a question and he has always received a response. He thinks the system works well the way it is now and communication has been fairly well.

**Council Majority Leader Archetto** stated that, in the past, there have been occasions where certain Council members never received responses to their calls or requests. He also stated that if this Resolution does not pass, it would be empowering the Mayor more.

Roll call took place on motion to recommend approval of this Resolution and motion failed on a vote of 2-4. The following being recorded as voting "aye": Council Majority Leader Archetto and Councilman Stycos -2. The following being recorded as voting "nay": Council Vice-President Farina, Councilmen Botts, Aceto and Council President Lanni -4.

**Resolution proposing amendment to Section 14.01 of the Cranston Home Rule Charter and directing the Secretary of State to place on the ballot the following as a Referendum Question (Director of Personnel-Abolish Position). (Cont. 3/13/2014).**

[click to view]

No one appeared to speak in favor or to oppose.

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

Under Discussion:

**Solicitor Kirshenbaum** presented a revised draft of this Resolution, as requested by Councilman Stycos. He stated that the changes are in bold italic and underlined. He indicated that one of the changes is eliminating the "classified" position of the Personnel Director.

**Councilman Aceto** asked Solicitor Kirshenbaum to read the job description for the Personnel Director under the current Charter. He asked if it states anywhere in the Charter that this position has to be a classified position and test must be administered. Solicitor Kirshenbaum stated, yes, it states this in Section 14.02.

**Solicitor Kirshenbaum** stated that the next change he made is regarding promotions.

On motion by Council Vice-President Farina, seconded by Council President Lanni, it was voted that this provision would not be applicable if it is governed in the collective bargaining agreements. No roll call was taken.

**Chair** stated that the first step in addressing this Resolution would be to replace the draft that is listed on the agenda and with the draft Solicitor Kirshenbaum presented this evening.

On motion by Councilman Stycos, seconded by Council Vice-President Farina, it was voted to substitute the Resolution listed on the agenda with the draft presented by Solicitor Kirshenbaum. Motion passed unanimously.

**Solicitor Kirshenbaum** suggested adding to line #285 the following language: "unless specified by the collective bargaining unit, which specifies otherwise".

On motion by Councilman Stycos, seconded by Council President Lanni, it was voted to add the language as stated by Solicitor Kirshenbaum. Motion passed unanimously.

**Council Majority Leader Archetto** stated that he will not be supporting this for a number of reason, one being that this would be taking this position from Civil Service and makes this person an appointee of the Mayor. Another reason is he is against the promotion process.

Roll call was taken on motion to recommend the above Resolution as amended and motion passed on a vote of 5-1. The following being recorded as voting "aye": Council Vice-President Farina, Councilmen Stycos, Botts, Aceto and Council President Lanni -5. The following being recorded as voting "nay": Council Majority Leader Archetto -1.

**PUBLIC HEARINGS/NEW BUSINESS:**

**2-14-01 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "RFD Residential Planned District". (Withdrawn by Sponsor)**[click to view]

Ordinance withdrawn by sponsor.

**3-14- 01 Ordinance in amendment of Title 10, Chapter 12 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Trough Trucking Prohibited – Springwood Street). [click to view]**

No one appeared to speak in favor or to oppose.

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

**3-14-02 Ordinance authorizing the City to waive any and all rights with respect to property, specifically, a portion of Assessor's Plat 16-4, Lot 183. (New London Avenue).** **[click to view]**

No one appeared to speak in favor or to oppose.

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

Under Discussion:

**Councilman Stycos** stated that Chapel View had agreed to plant seven trees. He asked if they will be honoring that. Mr. Cordy stated that he is not sure.

On motion by Councilman Stycos, seconded by Council Majority Leader Archetto, it was voted to amend this Ordinance to add "provided that Carpionato fulfills its agreement to plant seven trees on City property".

Under Discussion:

**Council President Lanni** stated that he understands the concern of Councilman Stycos, but he does not think the Council should be holding this project up for seven trees.

**Councilman Stycos** stated that he is open to any other suggestions that people have for them to do this.

**Council Minority Leader Favicchio** stated that he does not think this is germane to the issue. He agrees with Council President Lanni to not hold this up.

Roll call was taken on motion to amend this Ordinance and motion failed on a vote of 2-4. The following being recorded as voting "aye": Council Majority Leader Archetto and Councilman Stycos -2. The following being recorded as voting "nay": Council Vice-President Farina, Councilmen Botts, Aceto and Council President Lanni -4.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed on a vote of 5-1. The following being recorded as voting "aye": Council Majority Leader Archetto, Council Vice-President Farina, Councilmen Botts, Aceto and Council President Lanni -5. The following being recorded as voting "nay": Councilman Stycos -1.

The meeting adjourned at 7:10 P.M.

Respectfully submitted,

Rosalba Zanni

Rosalba Zanni
Assistant City Clerk/Clerk of Committees