

*(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, January 14, 2016, in the Council Chambers, City Hall, Cranston, Rhode Island.

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

The meeting was called to order at 6:02 P.M. by the Chair.

Present: Council Majority Leader Archetto, Chair  
Councilman Mario Aceto, Vice-Chair  
Councilman Steven A. Stycos  
Councilman Michael J Farina  
Councilman Donald Botts, JR.  
Council President John E. Lanni, Jr.

Also Present: Council Vice-President Richard D. Santamaria, Jr.  
Robert Coupe, Director of Administration/Acting Personnel Director  
Christopher Rawson, City Solicitor  
J. Patrick O'Neill, Assistant City Solicitor  
Robert Strom, Director of Finance  
Stephen Mulcahy, Traffic Engineer  
Patrick Quinlan, City Council Legal Counsel  
Maria Medeiros Wall, City Clerk  
Heather Finger, Stenographer

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

On motion by Councilman Stycos, seconded by Councilman Botts, 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:**

**8-15-02 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Handicap and Disabled Parking Space Permits). Sponsored by Councilman Stycos. (Referred back from 12/21/2015 City Council).**

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

Under Discussion:

**Councilman Aceto** asked if there is a final report or final recommendation from the Administration regarding this Ordinance. Mr. Mulcahy referred to a letter from Mr. Cooper of the Governor's Commission on Disabilities, which was directed to Councilman Stycos. One of the issues is relative to the design of ADA on-street parallel parking spaces and in his report he indicated that we do not have any streets within the City that are of adequate width to accommodate the specifications to be in compliance with the ADA ruling. Mr. Mulcahy also stated that in his review of the letter from Mr. Cooper, the ADA guide for small towns only makes reference to government facilities. This is not specific to on-street parallel parking. He can find no official government document from the ADA that relieves or offers any relief for providing the compliant dimensions for an access aisle. Basically, the response in this letter does not seem to apply to on-street parking.

**Councilman Aceto** asked Mr. Mulcahy if he has spoken to anyone in RIDOT or RI Commission for ADA. Mr. Mulcahy stated that this letter is from the Commission on Disabilities. He has not spoken to them personally. Councilman Aceto asked Mr. Mulcahy, through the Administration, to speak to the RIDOT or RI Commission for ADA to see what they recommend because there may be another municipality that has tried it and if they have, maybe we can see how they did it.

**Councilman Stycos** stated that what Mr. Cooper indicated to him is that they would like to have a five foot passenger side access aisle, which is like a curb cut, but it is not legally required. He indicates in the letter that the City of Providence has many on-street disability parking spaces, most do not have a level five foot access aisle. Councilman Stycos also stated that he thinks we can do this according to the law. It may not be the best, but he recognizes that this system would make it better than it is now for people who are handicapped and for people who care for them.

**Councilman Farina** suggested that maybe we can speak with the City of Providence to see how they can do this and we can't and get feedback from them before the Council meeting. Mr. Mulcahy reiterated that he cannot find any official ADA document in support of this statement. He cannot find anything that relieves the municipality from having to comply with the current technical standards.

**Councilman Farina** asked if there is an appeal process if someone is denied handicapped access spaces. Councilman Stycos stated that he does not know the answer to that, although he thinks the Building Inspector is the one to do it. Councilman Farina questioned how the decision is made of what the best location is for the space. Councilman Stycos stated that the Building Inspector would decide that. He also stated that each spot is only good for one year and it would have to be renewed every year.

Councilman Farina asked if anyone has thought about working with the public safety departments to see what streets could not accommodate. Councilman Stycos stated that we have the Building Inspector to make the right decisions in a short term.

**Councilman Botts** asked if there is grandfathering process involved with ADA. Solicitor Rawson stated that it would depend on a case by case basis. Councilman Botts stated that his concern is being sued under federal law. Solicitor Rawson stated that the letter from Mr. Cooper does not absolve us, it is a federal statute.

**Councilman Stycos** indicated that this is permissible under the Department of Justice handbook.

**Council President Lanni** asked if anyone has spoken to the City of Providence to see how their handicapped parking is set up. Mr. Mulcahy stated, no, he has not. Council President Lanni stated that he does not see how Providence can do it and we can't because our streets are no more narrow than the City of Providence streets. He suggested that Mr. Mulcahy call the officials in the City of Providence and discuss this with them and report back to this Committee.

**Councilman Farina** asked Councilman Stycos, as sponsor of this Ordinance, if anyone has thought of creating a general overnight or handicap on-street permit that would allow them to park where the person wants on the streets we designate handicap eligible for on-street parking. Councilman Stycos stated that this may work. The purpose is not for them to park overnight, the purpose is so the constituent can have the space needed open.

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

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

**Keith Croft**, Assistant Principal at Gladstone St. School, appeared to speak in favor of "Resolution for Traffic Safety Report on Gladstone Street School Vicinity" and stated that there is a three-way intersection with cars going multiple directions and there are approximately 600 students in the school. It is very difficult in the winter with snow and the banks and there are very few sidewalks in the area. He is requesting this study for the safety of the students and families in the area.

**Ed Flori**, 95 Legion Way, appeared to oppose to proposed Ordinance 12-15-02 and stated that he has been a resident of this area since 1972 and there have never been any problems.

**John Perrotta**, 110 Legion Way, appeared to speak regarding proposed Ordinance 12-15-02 and presented a petition of people opposed to no parking anytime on Legion Way between Elsie St. and Reservoir Ave.

**Joe Morenzi**, 55 Legion Way, appeared to speak regarding proposed Ordinance 12-15-02 and stated that he has lived at this address for 58 years. He stated that this Ordinance only affects approximately 13 cars, which could park on other streets.

**Ralph Flori**, 95 Legion Way, appeared to speak regarding proposed Ordinance 12-15-02 and stated that he is opposed to this Ordinance not just because of inconvenience, but he is also thinking about commerce too, such as landscapers who need to park their trucks on the street while they do their landscaping.

**Terry Perrotta**, 110 Legion Way, appeared to oppose to proposed Ordinance 12-15-02 for the following reasons: people visiting her would not be able to park in her driveway due to the fact that her driveway is very narrow and if this Ordinance passes, her visitors would not be able to visit her. She also indicated that most of the driveways on this street are very narrow. As taxpayers, the residents should have parking rights on their own streets.

**Anthony Pagano**, 114 Legion Way, appeared to oppose to proposed Ordinance 12-15-02 and stated that he has a single lane driveway and he needs access to the street.

**Ronald Pagano** 114 Legion Way, appeared to oppose to proposed Ordinance 12-15-02 and stated that the car wash at the end of Legion Way is causing problems now, especially on weekends. If this Ordinance is passed, it would cause more problems.

**12-15-02 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic", Stopping, Standing and Parking on Specific Streets (Legion Way from Pontiac to Elsie). Sponsored by Councilman Botts.**

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

Under Discussion:

**Councilman Stycos** asked if there is a Traffic Engineer report for this Ordinance. Mr. Mulcahy stated, no.

**Council President Lanni** stated that he understands both sides of the story, but he questioned if this could be amended to make it a one or two hour parking only and Police take notice. This would give residents the opportunity to use the parking spaces.

**Chair** stated that he understands the concerns, but he thinks the people that live on the streets have the right to park in front of their home.

**Councilman Botts** stated that he was contacted by Mr. Morenzi last year and again this year regarding this issue. Initially, he was not in favor of this Ordinance, but he asked Mr. Morenzi that if there was support for this from the neighbors, he would submit it for discussion. Mr. Morenzi did obtain a petition and there were numerous signatures on it from people in his block area that are in support of it. Councilman Botts asked that this Ordinance be continued for one month and he would like to meet with the City and School Department for further studies.

Motion and second to recommend approval were withdrawn.

On motion by Councilman Botts, seconded by Councilman Aceto, it was voted to continue this Ordinance for one month.

Under Discussion:

**Councilman Farina** stated that since we have a Traffic Safety Commission, he would like to see that Commission discuss within the next few meetings the on-street parking issue and look at different options and different types of permits and report back to the City Council as to what is best approach. Council Vice-President Santamaria indicated that the Committee currently active is to address speeding only. The City Council would either have to amend the Ordinance to add on-street parking or create a sub-committee off of the current commission.

**Chair** stated that he is voting against the continuance because this is a good concept even though there is no Traffic Report.

Roll call was taken on motion to continue this Ordinance for one month and motion passed on a vote of 5-1. The following being recorded as voting "aye": Councilmen Aceto, Farina, Stycos, Botts and Council President Lanni -5. The following being recorded as voting "nay": Chairman Archetto -1.

**Resolution for Temporary Seasonal Speed Bumps on Laurel Hill Avenue From Argyle Street to Oxford Street. Sponsored by Councilman Archetto.**

On motion by Councilman Stycos, seconded by Chairman Archetto, it was voted to recommend approval of this Resolution. Motion passed on a vote of 5-1. The following being recorded as voting "aye": Chairman Archetto, Councilmen Aceto, Farina, Stycos and Council President Lanni -5. The following being recorded as voting "nay": Councilman Botts -1.

**Resolution for Temporary Seasonal Speed Bumps on Heather Street at intersection with Brown Street. Sponsored by Councilman Archetto.**

**Chair**, sponsor stated that he will be withdrawing this Resolution because the person who requested this no longer lives at this address.

**Resolution for Traffic Safety Report on Gladstone Street School Vicinity. Sponsored by Councilman Archetto.**

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

Under Discussion:

**Chair** asked that the Traffic Safety Commission discuss this Resolution. Council Vice-President Santamaria, Chair of the Traffic Safety Commission, stated that he has a full agenda for the next Commission meeting and suggested placing this Resolution on the March Agenda and in the meantime, he asked that the Chair have the Police Department look into this Resolution and report to the Traffic Safety Commission at the March 21<sup>st</sup> meeting.

**Councilman Stycos** suggested that Mr. Croft discourage parents from driving their children to school. This may alleviate the problem a little.

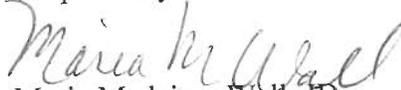
Roll call was taken on motion to recommend approval of this Resolution and motion passed unanimously.

**MISCELLANEOUS BUSINESS:**

**Councilman Aceto** stated that we have a Traffic Safety Commission that is currently active and there is a Traffic Safety Commission in the Charter. He asked Mr. Quinlan to look into and possibly report back at the Council meeting, if one of the two has more teeth or leverage so we can get these things done in a timely manner.

The meeting adjourned at 7:00 P.M.

Respectfully submitted,



Maria Medeiros Wall, JD

(Transcribed by Rosalba Zanni

Assistant City Clerk/Clerk of Committees)