

(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, September 15, 2016, in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:00 P.M. by the Chair.

Present: Council Majority Leader Archetto, Chair
Councilman Mario Aceto, Vice-Chair
Councilman Michael J Farina
Councilman Steven A. Stycos (appeared at 7:10 P.M.)
Councilman Donald Botts, Jr.
Council President John E. Lanni, Jr.

Also Present: Christopher Rawson, City Solicitor
J. Patrick O'Neill, Asst. City Solicitor
Robert Strom, Director of Finance
Anthony Moretti, Council Auditor
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council President Lanni, seconded by Councilman Aceto, 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:

6-16-01 Ordinance in amendment of Ch. 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles & Traffic" (Cranston St., Turner Ave., Vinton St. 3 way stop). Sponsored by Councilman Aceto. Continued 8/11/2016.

No one appeared to speak in favor or to oppose.

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

6-16-10 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (950 Phenix Ave.).
Continued 8/11/2016 at the request of Petitioner's attorney.

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

Under Discussion:

City Clerk indicated that the applicant or their attorney is not present this evening. There was an issue with signage with this location. RIDOT sent communication of concerns regarding signage.

John Mancini, Esq., appeared to represent applicant. This was before the last Planning Commission meeting and was continued as a result of some further studies regarding signage. Since there is no recommendation from the Planning Commission, he requested a continuance.

Councilman Aceto asked Attorney Mancini what he is working with the Planning Commission on as to sign, whether it is for the sign itself or the size of the sign. Attorney Mancini stated that the proposed sign is more of a decorative/abstract sign.

Councilman Aceto stated that this has been going on in that Ward for at least ten years with a lot of hearings. He would love to have this project moved forward so we can get it on the tax roll. He would like to have this approve at this Committee with the approval of the Planning Commission.

Attorney Mancini stated that the Planning Commission is obligated to give this Committee a recommendation. That does not stop you from giving a conditional approval.

City Clerk stated that if signage is the issue, the Ordinance reads to amend it for a specific type of sign. If this Ordinance is approved this evening, you would have to amend that section of the Ordinance.

Attorney Mancini stated that the language in the petition contains two requests for relief, the relief with regards to sign is no longer being sought because it is no longer applicable and he can provide a new Ordinance for the Council meeting.

Councilman Aceto withdrew his motion.

Councilman Farina stated he answered his question in that he would provide a new ordinance. Attorney Mancini stated that that he would absolutely be back.

Council President Lanni stated that either way we continue this or make the amendment.

Councilman Aceto stated that if we make a motion to get rid of the sign and just vote on the ordinance, they will come back to us with another ordinance.

On motion by Councilman Aceto, seconded by Council Majority Leader Archetto, it was voted to delete signage portion of the Ordinance and recommend approval of this Ordinance. Motion passed unanimously.

Discussion took place on the amendment. City Clerk stated that because this is a zoning ordinance, there needs to be a public hearing on the amendment. Chair asked if there was anyone to speak on Councilman Aceto's amendment, the deleting the language for the sign.

No one appeared to speak.

Chair called for a roll call. Roll call was taken on motion to amend this Ordinance by deleting the signage. Motion passed unanimously. The following being recorded as voting "aye": Council Majority Leader Archetto, Councilmen Aceto, Farina, Stycos, Botts and Council President Lanni.

Councilman Stycos questioned if there is a possibility that there could be a Charter School on this property. Attorney Mancini stated, no, there is no plan for a Charter School and there really is not enough room for a Charter School. They would have to take up the whole building, which he does not see that happen.

On motion by Councilman Stycos, seconded by Council Majority Leader Archetto, it was voted to strike line #24 of the Ordinance.

Under Discussion:

Lawrence DiBoni, Economic Development Director, appeared to speak and stated that this would be more of a Day Care. If you strike out "Educational Institution", it would not help the Day Care. Day Care is an early education program.

Councilman Botts stated that by making this amendment, you are tying the hands of the person who wants to develop the property. We should not be restricting this property.

Councilman Aceto asked if there would be State funding for this Day Care. Attorney Mancini stated, no, this language was taken from the Zoning Code. Councilman Aceto stated that he can see striking out "Secondary and Charter School", but we should not be restricting this property use.

Council President Lanni agreed with Councilman Aceto and stated that we should not be limiting this. By striking out "Educational Institution and Preschool", teachers would not be able to teach early learning courses to kids to prepare them for Kindergarten.

Councilman Farina agreed with statements made by Councilman Aceto and Council President Lanni.

Councilman Stycos stated that by leaving "Preschool, Secondary", he would not be agreeable to that. There could also be a Primary Charter School.

Councilman Aceto stated that this is a private Day Care School and not funded by State or City.

Councilman Stycos stated that he does not have a problem with commercial teaching Day Care.

Councilman Farina asked if this language can be changed even though it is in the Zoning Code. Solicitor Rawson stated that this is the language from our Code and cannot be changed.

Roll call was taken on motion to amend this Ordinance by striking line #24 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": Councilmen Aceto, Farina, Botts and Council President Lanni -4.

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

07-16-01 Ordinance In Amendment of Chapter 10.12.190 of the code of the city of Cranston, 2005 entitled "Traffic Control Signal Lights Authorized at certain intersections" (Broad St and Sheldon St). Sponsored by Mayor Fung. Continued 8/11/2016.

No one appeared to speak in favor or to oppose.

On motion by Councilman Botts, seconded by Councilman Farina, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

PUBLIC HEARINGS/NEW BUSINESS:

Ed Garcia, Director of Library, appeared to speak in favor of proposed Ordinance 8-16-02.

Kevin Morin of DiPrete Engineering, appeared to represent applicant for proposed Ordinance 8-16-01.

8-16-01 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 1353 Park Ave.). Petition filed by Asad Ali, LLC.

City Clerk stated that this Ordinance was continued at the Planning Commission meeting to their October meeting so this Committee should continue to the October Ordinance Committee meeting.

On motion by Councilman Stycos, seconded by Council Majority Leader Archetto, it was voted to continue this Ordinance.

Under Discussion:

Kevin Morin of DiPrete Engineering, appeared to speak and stated that applicant introduced amendments to the Ordinance and he has copies if the Committee would like to have them. Chair asked that Mr. Morin provide those amendments at the October Committee meeting.

Councilman Stycos suggested that applicant redraft the Ordinance for the September Council meeting so in October it will be drafted with the amendments.

City Clerk indicated that that would be the Ordinance as proposed with amendments.

Motion to continue passed unanimously.

8-16-02 Ordinance amending Chapter 10.28.150 of the Code of the City of Cranston, 2005, entitled "Places Where Parking Or Stopping Prohibited" (Library Branches During Non-Business Hours). Sponsored by Councilman Paplauskas.

Ed Garcia, Director of Library, appeared to speak. No one appeared to oppose.

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

Under Discussion:

Councilman Stycos stated that he is in favor of what the Director wants to do, but he is not sure this is legally drafted. He suggested that the Solicitor look at the decision of the Court, which was handed down years ago in regards to the Cranston High School East students parking in the City Hall parking lot.

Solicitor Rawson stated that the issue Councilman Stycos is speak of had to do with parking in City Hall parking lot by public employees and school students. This Ordinance has to do with parking off hours. This is library property. This is quasi-public.

Council Majority Leader Archetto stated that there are going to be occasions when people are going to want to park in the library parking lot, such as when Santa comes to Garden City or when the Fire Station has events. Mr. Garcia stated that this Ordinance is not meant to restrict people to park there an hour or two when there are events in the area. It is meant more for overnight parking or during snowstorms.

Councilman Aceto stated that he is willing to work with Mr. Garcia to re-draft another Ordinance to address the items brought up this evening.

On motion by Councilman Farina, seconded by Council Majority Leader Archetto, it was voted to withdraw this Ordinance and re-draft Ordinance. Motion passed unanimously.

8-16-05 Ordinance amending Title 10.32 of the Code of the City of Cranston, 2005, Entitled "No Parking On Certain Streets – Generally" (Narragansett Blvd. at Harborside). Sponsored by Councilman Farina.

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

Under Discussion:

Councilman Farina stated that since there is no Traffic Engineer report available this evening, he asked that this Ordinance be continued.

Motion and second to recommend approval of this Ordinance were withdrawn.

On motion by Councilman Farina, seconded by Councilman Botts, it was voted to continue this Ordinance.

Under Discussion:

Councilman Stycos stated that there is a bike lane and if this Ordinance is passed, it will be an issue. Councilman Farina stated that he is aware of this and that is why he would like to see the Traffic Engineer's report before approving this Ordinance.

Councilman Stycos also stated that parking for nearby businesses would be eliminated by passing this Ordinance. Councilman Farina asked that Councilman Stycos forward these concerns to the Traffic Engineer so he can include that in his report.

Roll call was taken on motion to continue this Ordinance and motion passed unanimously.

MISCELLANEOUS BUSINESS:

Council Majority Leader Archetto stated that there was a letter to the Editor yesterday in the Providence Journal criticizing the condition of our bike path. He asked that the Administration have Mr. Liberatore, Parks and Recreation Director, address this.

Councilman Aceto stated that he spoke to the Administration yesterday and there seems to be question of who controls what of the bike path. The City employees do go and try to address the bike path the best they can, but he feels we need to get the State involved.

The meeting adjourned at 7:52 P.M.

Respectfully submitted,



Rosalba Zanni

Assistant City Clerk/Clerk of Committees