

(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 14, 2011 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 8:45 P.M. by the Chair.

Present: Councilman Paul H. Archetto, Chair
Councilman Steven A. Stycos, Vice-Chair
Councilman Emilio L. Navarro
Councilman James E. Donahue
Council Vice-President Robert J. Pelletier
Council President Anthony J. Lupino

Also Present: Robin Muksian-Schutt, Director of Administration
Gerald Cordy, Deputy Director of Administration
Evan Kirshenbaum, Assistant City Solicitor
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 Vice-President Pelletier, seconded by Council President Lupino, 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:

1-11-06 Ordinance in amendment of Chapter 6.08 of the Code of the City of Cranston, 2005, entitled "Dogs and Other Animals" (Animals Debarking). Cont. 2/17/2011 & 3/17/2011. [\[click here to view\]](#)

On motion by Councilman Navarro, seconded by Council President Lupino, it was voted to continue this Ordinance. Motion passed unanimously.

PUBLIC HEARINGS/NEW BUSINESS:

2-11-2 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Scituate Ave., Sundale Rd. and Charcalee Dr. – Zone Change). [\[click here to view\]](#)

Discussion took place on whether to hear presentation from applicant’s attorney or hear from the public. Attorney DiBona, attorney for applicant, stated that he would like to make a presentation first. Chair stated that he would be allowed four minutes, if not, he would have to wait until after the public speakers and then he would be allowed ten minutes. Attorney DiBona stated that he cannot do a presentation in four minutes. He would wait until after the public speakers.

Public speakers:

Kevin Wilbur, 51 Country Lane, appeared to speak and stated that he would to hear the presentation before he speaks for or against this Ordinance.

Residents of 45 Charcalee Dr., appeared to oppose to any additional changes in the Zone to this property.

Ellen Falvey, 53 Charcalee Dr., appeared to oppose to this Ordinance because of noise blasting and quality of life is being affected.

John DiBona, Esq., appeared to represent the applicant and stated that this proposal complies with the new Comprehensive Plan. This City Council, when approving the Comprehensive Plan, designated this property as Industrial.

Kevin Morin of DiPrete Engineering, appeared to speak.

Kevin Wilbur, 51 Country Lane, appeared to speak in favor of this Ordinance because he would like to see more Revenues coming into the City.

Chair read Planning Commission’s recommendation.

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

Under Discussion:

Council President Lupino stated that a few years ago, the developer came forward with proposal for Change of Zone for M-2 and residents opposed. A few years later, applicant came forward again and applied for a Change of Zone for Residential and again, residents opposed. Now, the owner is coming before this Committee again with the recommendation and supported by the Comprehensive Plan. If he were the property owner, what can he do with this property. The developer has good cause to proceed with this any way he would like. New industry does not make a lot of noise. We hear taxpayers saying they do not want their taxes raised. Industrial businesses would bring in taxes and jobs to the City.

Councilman Stycos asked what the proposed use is for this property. Attorney DiBona stated that there is no specific use at this time. Once a use is determined, it would have to go to Site Plan Review. Any use would be low-impact.

Councilman Santamaria stated that he toured this property. This is a natural buffer zone. The residents would like to know what type of business will be going at this site before the Zone Change is approved.

Councilman Navarro stated that he would like to know what is going at this site, even though it is part of the Comprehensive Plan. He is not in favor of this Zone Change, due to not knowing what is going on this site.

Councilman Stycos stated that he also is going to vote against this Zone Change because we do not know what is going to go at this site.

On motion by Council Vice-President Pelletier, seconded by Council President Lupino, it was voted to move the question. Motion failed on a vote of 1-4. The following being recorded as voting “aye”: Council Vice-President Pelletier -1. The following being recorded as voting “nay”: Councilmen Archetto, Stycos, Navarro and Donahue -4.

Councilman Navarro stated that a concern he has is once this goes before Site Plan Review, that is Administrative and there is no Council representation and they meet during the day. If there is a Variance, it would have to go before the Zoning Board of Review and there is no Council representation on this Board either.

Councilman Donahue asked under what circumstances has the Council denied a Zone Change, with approval from the Planning Commission and that was consistent with the Comprehensive Plan.

Council Vice-President Pelletier left the meeting at 9:45 p.m.

Chair handed gavel to the Vice-Chair.

Chair stated that he has serious reservations approving this when the Council does not know what is going to go at this site.

On motion by Councilman Stycos, seconded by Councilman Navarro, it was voted to deny this Ordinance. Motion passed on a vote of 4-0. The following being recorded as voting “aye”: Councilmen Archetto, Stycos, Donahue and Navarro -4.

2-11-3 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Zoning Reform). [\[click here to view\]](#)

Ann Marie Brunn, Vice-President of West Bay Land Trust, 8 King Ave., appeared to speak in favor.

Kenneth Filarski, 39 Perrenial Dr., appeared to speak in favor of this Ordinance.

Josh Ward of Forest Ave., appeared to speak in favor of this Ordinance.

Kevin Wilbur of Country Lane, appeared to oppose to this Ordinance.

Tom Wells of Columbia Ave., appeared to speak in favor of this Ordinance.

Deloris Issler, 108 Eldridge St., appeared to speak and asked that businesses be brought into the City because she is sick of paying high taxes.

Ms. Schutt stated that she has serious concerns with this Ordinance. This Ordinance changes the whole process of Site Plan Review to make it more of a Council meeting. That is not what Site Plan Review is. The public is welcomed to attend the Site Plan Review meetings. This Board is a group of City experts who do not vote on anything. By changing this, it jeopardizes the community.

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

Under Discussion:

Councilman Stycos stated that he has not had a chance to read Mr. LaPolla, Planning Director's memo. The Committee just received this memo this evening. He would like to continue this Ordinance to next month's meeting.

Ms. Schutt stated that this Ordinance was introduced the fourth Monday of February, went to the Planning Commission the first Tuesday of April. Mr. LaPolla planned this for the April Planning Commission. This memo was not filed with the Clerk's Office today, but rather on March 11th.

On motion by Councilman Stycos, seconded by Councilman Navarro, it was voted to continue this Ordinance. Motion passed on a vote of 4-0. The following being recorded as voting "aye": Councilmen Archetto, Stycos, Donahue and Navarro -4.

Resolution supporting legislative amendments to protect Rhode Island's Cities and Towns and their public officials/employees. [\[click here to view\]](#)

No one appeared to speak in favor of to oppose.

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

Motion and second were withdrawn.

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

Resolution requesting that the Cranston School Committee carefully study and examine the long term cost implications of the proposed privatization of the City's School bus operation. [\[click here to view\]](#)

On motion by Council President Lupino, seconded by Council Vice-President Pelletier, it was voted to recommend approval of this Resolution.

Under Discussion:

Arthur Jordan, 25 Lincoln Park Ave., appeared to speak in favor of this Resolution and stated that privatizing School bus transportation is not in the best interest of the taxpayers.

Councilman Navarro stated that the School Committee needs to conduct a study for long-term and he is in favor of this Resolution. He is not in favor of giving up our capital equipment.

Council Vice-President Pelletier stated that he has looked at the RFP and it looks bogus. He asked that the School Committee review this again, not just short-term, but in the future. Other cities and towns that have privatized are looking at getting their transportation back.

Council President Lupino stated that the School Committee needs to look at the cost implications for long-term.

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

Resolution encouraging the Rhode Island General Assembly to lift the existing moratorium on historic tax credits for projects with significant civic impact. [\[click here to view\]](#)

No one appeared to speak in favor or to oppose.

On motion by Councilman Navarro, seconded by Councilman Archetto, it was voted to recommend approval of this Resolution. Motion passed unanimously.

The meeting adjourned at 10:30 P.M.

Respectfully submitted,

Rosalba Zanni
Assistant City Clerk/Clerk of Committees