

## ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, June 14, 2007 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:47 P.M. by the Chair.

Present: Council Vice-President Paula McFarland, Chair  
Councilman John E. Lanni, Jr., Vice-Chair  
Councilman Richard D. Santamaria, Jr.  
Councilman Jeffrey P. Barone  
Council President Aram G. Garabedian

Absent: Council Member Maria A. Bucci

Also Present: Councilman Emilio L. Navarro  
Frank Migliorelli, Deputy Director of Administration  
Aubrey L. Lombardo, Assistant City Solicitor  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

On motion by Council President Garabedian, seconded by Councilman Barone, 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:**

### **OLD BUSINESS:**

### **PUBLIC HEARINGS:**

Ordinances 5-07-7 and 5-07-9 were taken together out of order, due to members of the public present to speak.

**5-07-7 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Rangeley Rd. and Deerfield Rd.).**

**5-07-9 Ordinance in amendment of Title 10 of the Code of the City of Cranston, 2005, entitled "Vehicles and Traffic" (Residential Permit Parking).**

Chair stated that the Committee has not received any Staff Report from the Traffic Engineer regarding these two Ordinance. He has 60 days to provide information to the Council and we cannot act on them until then. The public can speak on these two Ordinances, if they wish.

Councilman Navarro stated that he spoke to the Traffic Engineer today and was told that he was out sick for quite some time last week and he is in the process of working on the Staff Report. Chair stated that, per the Charter, the Committee can take action, but the full Council cannot take action without the Report.

**Timothy Dodd, Esq.**, appeared to represent Domestic Bank, and addressed Ordinance 5-07-9 and stated that work is being done on the premises and should be completed in a reasonable time. He also addressed this Ordinance and stated that this Ordinance involves the bank. This is an unconstitutional and ill-advised Ordinance, as drafted. Mr. Baker, of Domestic Bank, is committed even after the parking lot is completed. This Ordinance does not share the streets. The way this Ordinance is drafted, it would be causing constitutional problems, it would red-line out any employees or business people from parking on the streets. Taking action on this Ordinance this evening, would be premature, since there is not Traffic Engineer Report. He asked that this Ordinance be tabled or continued and see if the Bank lives up to its commitments that it made.

Councilman Barone asked Attorney Dodd if he can convince him why the Council should accept the good faith of Mr. Baker, at this point in time, when the last year and a half, the Council did and Mr. Baker did not come through. Attorney Dodd stated that since he has been involved in this case, they have kept their word and commitments. This project is going to be completed, attractive and will get 50-55 cars off the street. Councilman Barone stated that he does not think Mr. Baker has lived up to the commitments made to the Council. He indicated that last winter when there was a parking ban, cars were parked in the unpaved parking area when there was a Cease and Desist Order.

Councilman Santamaria asked how many employees are going to be in the building at one time. Attorney Dodd stated that if every employee took their own car, at certain times of the day, there will be some cars on the street. The number fluctuates day to day. He does not have a firm number.

Council President Garabedian stated that he favors a plan set up, not only in this neighborhood, but other neighborhoods where there is permitted parking. Currently, the Bank is moving forward. This Ordinance raises more questions than it solves. We are near a solution.

Councilman Lanni stated that Councilman Lupino, who is not present, advised him last week that he drove up and down these streets in this neighborhood two times and he counted approximately 60 cars on the street. A problem is enforcement. He questioned how residential parking will be enforced if the two-hour parking can't be enforced. He also questioned the constitutionality issue. He suggested giving one more month to the Bank and the Council can also review this Ordinance as to the constitutionality. At that point, he would be in favor of this Ordinance, if no progress has been made by the Bank.

Public Speakers:

**Sherrie Petrarca**, 93 Rangeley Rd., appeared to speak regarding Ordinance 5-07-7 and stated that she moved from Vale Ave. because of the Bank.

**Seanna SanAntonio**, 36 Vale Ave., appeared to speak and read a statement. She stated that if the Bank agrees to have one car park in front of every house, she questioned why has this not been implemented up to this point. She also read a statement from her husband, Bill SanAntonio.

**Edward Angilly**, 28 Richland Rd., appeared to speak and questioned why there isn't one car parked in every house now. He presented pictures of cars parked with different violations, including the Bank owner's son's car.

**Andrea Rolando**, 36 Stevens Rd., appeared to speak and stated that residential parking is in effect in Providence, Pawtucket and Newport. There is no constitutional problem with those towns. He also stated that as to the Bank, existing shrubbery is a mess.

**Cynthia Fogarty**, 60 Ausdale Rd., former Council Member, appeared to speak and read a letter from Tom Cloonan, one of the residents, who could not attend this meeting because he is out of town. She also presented two documents from Mr. Cloonan. Ms. Fogarty stated that the residents have been given the number of 75 employees from agents of the Bank. She also stated that the one car in front of each home is unenforceable. She does not think that this Ordinance is unconstitutional. The 55 spaces in the parking lot is not going to resolve every issue in this neighborhood. She asked that this Committee seriously consider this Ordinance.

**Judy Greenhalgh**, 68 Stevens Rd., appeared to speak as a Professional Registered Nurse, of the safety issue of the cars parked in this neighborhood bumper to bumper. She has lived and seen the damage this Bank has caused to the neighborhood.

**Resident of 37 Nelson Rd.**, appeared to speak and stated that he has driven by this neighborhood and understands the neighbors' concerns, but he sees businesses being chased out of Rhode Island.

Councilman Navarro stated that as to Councilman Lupino counting the cars on these streets, he asked him if he counted the cars on Reservoir Ave. and was told, no. Councilman Navarro stated that there are cars always parked on Reservoir Ave. bumper to bumper. The concept of this Ordinance is not new, it is common in other cities and towns. As far as enforcement, it is not like two-hour parking. The Police Department will be given a list of designated streets and it would become part of other enforcements. This Ordinance is not just for this area, it could be used for other areas in the City that could have this problem.

Councilman Barone stated that he is in favor of this Ordinance, but maybe it should be continued to make sure everything is in order. He also stated that he is in favor of this Ordinance because it would be a lot easier to enforce than the two-hour parking. As far as adding streets, they could be added later on as they come up. He would like to Code Enforcement to the Bank to see what type of violations they currently have.

On motion by Councilman Barone, seconded by Councilman Navarro, it was voted to refer this Ordinance to the full City Council with no recommendation and ask that the Solicitor review the Ordinance to make sure there are no constitutionality issues.

Under Discussion:

Assistant Solicitor Lombardo stated that she could review this Ordinance by the Council meeting, but she would need to review it with Solicitor Sciolto and she does not want to commit him to a timeframe.

Councilman Lanni stated that if at that time, the findings are that there is a constitutionality issue and there is no Traffic Engineer's Report, then what happens to the Ordinance. You may want to wait three months to get a decision. He also stated that he would rather wait one month by not acting on this Ordinance at this time.

Council President Garabedian stated that he is in favor of almost the entire Ordinance, but he finds it could be arbitrary and capricious to identify certain streets without the true knowledge of the need of permitted parking.

Council Vice-President McFarland stated that if you do not list streets, you would not have Stop Sign Ordinances or 4-Way Stop Sign Ordinances. Those all list streets. She indicated that we have not received an endorsement either negative or positive from the Solicitor. Assistant Solicitor Lombardo quoted Section 2.08.192 and asked for an extension of time for Solicitor to review this Ordinance to give positive endorsement for this Ordinance to be acted on and suggested continuing this Ordinance to the next Committee meeting.

Motion and second to refer to the full Council without recommendation was withdrawn.

On motion by Councilman Navarro, seconded by Council President Garabedian, it was voted to continue this Ordinance to the next Ordinance Committee meeting. Motion passed on a vote of 3-2. The following being recorded as voting "aye": Council Vice-President McFarland, Councilman Lanni and Council President Garabedian -3. The following being recorded as voting "nay": Councilmen Santamaria and Barone -2.

**4-07-7 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone-Scituate Ave.)**

**John DiBona, Esq.**, appeared to represent the applicant and stated that the application is changing the Zone from A-20 to B-2. At the April Planning Commission meeting, the Commission gave preliminary approval, subject to certain conditions. This property is surrounded by B-2 or B-2 use. The proposal is for the existing one-family building to be removed and construct two duplexes. These will be residential homes. No one appeared to oppose.

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

**5-07-6 Ordinance in amendment of Chapter 10.12 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Harcourt St., Morgan St. and Marlow St.).**

Councilman Santamaria, sponsor of this Ordinance, asked for passage. He stated that he spoke to the School Committee and Joel Zisseron, School Transportation Director, and they are all in favor of this Ordinance. Councilman Lanni stated that he is aware of the problems in this area and he is in favor of this Ordinance also. No one appeared to oppose.

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

**5-07-8 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic” (Briggs St. and Greene Ave.).**

No one appeared to speak in favor or to oppose.

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

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees