

## ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, September 11, 2008 in the Council Chambers, City Hall, Cranston, Rhode Island.

The meeting was called to order at 7:05 P.M. by the Chair.

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

Also Present: Councilman Terence Livingston  
Councilman Anthony Lupino  
Vito Sciolto, City Solicitor  
Pat Quinlan, City Council Legal Counsel  
Anthony Sylvia, Director of Public Works  
Peter LaPolla, City Planner  
Maria Medeiros Wall, City Clerk  
Rosalba Zanni, Assistant City Clerk/Clerk of Committees  
Heather Finger, Stenographer

On motion by Councilman Santamaria, 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:**

**Civil Service Rules proposed amendments for Veterans** (Cont. 8/14/2008)  
**Rule II, Sec. 18 Definitions “Veteran”**  
**Rule V, Sec. 6 Examinations – Veterans preference**  
(Report from Director of Personnel)

**Chair** read a memo from the Director of Administration.

On motion by Council Member Bucci, seconded by Councilman Barone, it was voted to remove this item from the table. Motion passed unanimously.

**Allan Fung** appeared to speak and believed that he was the sponsor of the original Resolution that was passed a few years ago amending the Civil Service Rules and asked why this is being voted on again. The Chair asked the City Clerk to address the question. Maria Wall, City Clerk, stated that Charter has certain advertising requirements for Civil Service Rule amendments, and that they come as a recommendation from the Personnel Director. The original Resolution only appeared on the Council docket and had not been advertised in a paper as required by the Charter. The preference was implemented, this is to meet the technical advertising requirements.

On motion by Council Member Bucci, seconded by Councilman Santamaria, it was voted to approve the above changes to the Civil Service Rules. Motion passed unanimously.

**1-08-2 Ordinance in amendment of Title 2.76 of the Code of the City of Cranston, 2005, entitled "Redevelopment Areas" (Marine Dr. Redevelopment Area). (Cont. 4/14/2008, 5/15/2008, 6/12/2008 and 7/17/2008).**

On motion by Councilman Lanni, seconded by Councilman Barone, it was voted to remove this Ordinance from the agenda. Motion passed unanimously.

**8S-08-6 Ordinance in amendment of Chapter 15.12 of the Code of the City of Cranston, 2005, entitled "Buildings and Construction" (Housing Standards Violations). Amended 8/14/2008.**

No one appeared to speak in favor or to oppose.

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

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

**7-08-1 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Halfway Housing).**

On motion by Councilman Lanni, seconded by Council Member Bucci, it was voted to continue this Ordinance to the full City Council meeting.

#### Under Discussion:

**Chair** stated that the Planning Commission had asked for an amendment and she asked that this amendment be made at this time and then refer the Ordinance to the full City Council with the amendment.

On motion by Councilman Lanni, seconded by Council Member Bucci, it was voted to approve the amendment recommended by the Planning Commission.

#### Under Discussion:

**Mr. Sciolto** stated that this could be done, but he indicated that he spoke to Councilman Livingston and it seems that there are a number of other changes to be made to this Ordinance, which they should all be made together.

Previous motion withdrawn and was referred to full Council for amendments.

**7-08-2 Ordinance in amendment of Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Definitions).**

**Peter LaPolla** appeared to speak and stated that at the Planning Commission hearing, the proponents addressed issue with the restaurant definition.

On motion by Councilman Santamaria, seconded by Councilman Lanni, it was voted to delete Section 2 of the Ordinance, as recommended by the Planning Commission.

Under Discussion:

**Ed Pimentel**, consultant who conducted the analysis for the City, appeared to speak and stated that he is not involved in any specific development; he just did the analysis for the City. He also presented a handout for the Committee.

**Chair** stated that the City Clerk has indicated this matter was previously before the Council and asked the City Clerk to explain. The City Clerk stated that this project had come before a previous council in the form of a zone change and that there was strong opposition from the abutters and that passage of this Ordinance would allow the project to go forward without notification to the abutters. Chair stated that this Ordinance is geared for a development being proposed on Warwick Ave., and is mentioned in the Planning Recommendation but no notice was given to the abutters. She asked if there would be a notification process if there was a development plan for a development under 2,500 sq. ft. Mr. LaPolla stated, no, there would be no notice. If it is a major land development, then there would have to be notification given. Mr. LaPolla stated that one level of notice is if you are proposing to change the Zoning from one zone to another, there is a notification process, by Charter. Another level of notice is if you propose to change the definitions of uses, there would be notice in a newspaper, otherwise, you would have to give notice to all the residents of the City.

**Chair** asked Solicitor if he will be giving a positive recommendation, since there is no recommendation attached to the Ordinance. Mr. Sciolto stated that on its face, he does not intend to give this Ordinance a positive endorsement. This Ordinance is a definition change. Proper advertising notice was given, since it is a Zoning Ordinance. Chair stated that the residents in the area did not receive any notification process whatsoever. Mr. Sciolto stated that State Law was followed as far as notification for a general Zoning Ordinance. Council President Garabedian stated that due to the remarks made by the City Clerk earlier, he recommended possibly authorizing a block ad in the newspaper regarding this Ordinance.

**Robert Murray, Esq.**, appeared to speak and stated that he is not involved with proposed project, but he believes the intention of this Ordinance was to delete Section 2 and add new language as Section 1.

**Chair** referred to the back of the Ordinance, which attached is another Ordinance showing amendments. Councilman Santamaria asked who submitted this amendment. Mr. LaPolla stated that this was e-mailed to him by Attorney Matt Leonard, who represents the proposed developer and it was also received by the Planning Commission. The Planning Commission is submitting to this Committee just what was submitted to them.

**Council President Garabedian** motioned to continue this Ordinance and have research done addressing the issues mentioned this evening. Councilman Lanni seconded the motion.  
Under Discussion:

**Councilman Lupino** stated that he introduced an Ordinance last year regarding “Informed Growth Provision” and he asked what the status of this Ordinance is. Mr. LaPolla stated that he has been working on this and will be bringing it forward soon.

**Chair** stated that since Mr. LaPolla has indicated that he will be bringing Councilman Lupino’s Ordinance forward, why not wait and then address Ordinance 7-08-2 also, instead of piece mealing.

On motion by Councilman Lanni, seconded by Council President Garabedian, it was voted to continue this Ordinance. Motion passed on a vote of 4-2. The following being recorded as voting “aye”: Council Vice-President McFarland, Councilman Lanni, Council Member Bucci and Council President Garabedian -4. The following being recorded as voting “nay”: Councilmen Santamaria and Barone -2.

**8-08-1 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Historical Cemeteries Commission).**

**Councilman Lanni** stated that if this is a non-political commission, the Council should have an appointment to this Commission, since the Mayor has five appointments. He also suggested that the words “non-political” should be deleted from Section 2.55.0.

**Lynne Furney**, City Planning Aide, appeared to speak and stated that the member of the Historical Society is appointed by the Mayor.

**Council President Garabedian** stated that in addition to the City Planning representative serving on this Commission, he feels the Public Works Director should also be part of this Commission. He also stated that the rules of this Commission should be on file with the City Clerk, Public Library and on the City’s website.

**Chair** read the following amendments to be made to this Ordinance:

- Line 31, delete “Such commission shall be non-political”
- Line 38, add “Director of Cranston Parks and Recreation Department or his/her designee”
- Line 38, amend to read “Cranston Planning Director or his/her designee” and delete “A member of the Cranston Planning Department”
- Line 39, after “Cranston Historical Society”, add “appointed by their group”
- Line 43, amend “(5)” to “(2)”
- Line 45, add “(2) members shall be appointed by the Council President, from a group of citizens actively interested in the preservation of historic cemeteries”
- Line 59, after “such matter”, add “(1) Alternate” and delete “Alternates”
- Line 60, after “the Mayor”, add “and (1) Alternate shall be appointed by the Council President”
- Line 64, delete entire line

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

**Margaret Malcolm**, Chair of Warwick Historical Cemeteries Commission, appeared to speak and thanked the Committee for recommending passage of this Ordinance. She stated that Warwick has approximately 135 cemeteries and are approximately 85% cleaned and this is a wonderful thing that the Council is doing in passing this Ordinance.

**8-08-2 Ordinance in amendment of Title 12.20 of the Code of the City of Cranston, 2005, entitled “Parks and Recreational Facilities” (Still House Cove Park).**

**Councilman Livingston** stated that he introduced this Ordinance on behalf of some residents who live near the park.

**Hope Pilkington**, 12 Selkirk Rd., Treasurer of the Edgewood Waterfront Preservation Association, appeared to speak and stated that she has lived in this area for the past forty years. The issues are noise and vandalism. There is also great deal of graffiti on the memorial benches.

**Jonathan Stevens**, 29 Windsor Rd., Vice-President of the Edgewood Waterfront Preservation Association, appeared to read a statement to the Committee, which he presented for the record. He also asked that someone from the City needs to contact the person who posted “I Buy Junk Cars” signs all over Edgewood.

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.

**8-08-3 Ordinance in amendment of Title 2 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel” (Redevelopment Agency).**

**Allan Fung** appeared to oppose to this Ordinance and stated that he has several issues with this Ordinance. You could be creating a second layer by passing this Ordinance. You have an Economic Development Department and a Planning Department. Another issue is the expenses. Other issues: Section 12 “Corporate Powers”, does not talk about number of appointments to be made; #4 comes down to the expenses; #8 monetary concern; #9, #11 what about the public bidding aspects of any property the City may secure.

**Ken Filarski**, 39 Perrenial Dr., Architect and Planner, appeared to speak both as a taxpayer and as a professional. He stated that he is opposed to this Commission being created at this time and this Ordinance as drafted. If this Ordinance is passed or this Commission is to be created, date of membership should be when the new Mayor and new Council takes office. The agency should not have the authority to set the salaries for the staff. The Council and Mayor should have this authority. There is no fiscal note attached to this Ordinance. Reporting requirements in the Ordinance should be made more stringent, maybe report quarterly. Since there is a new Administration and Council coming in in a few months, he is very very skeptical about creating this agency at this time.

**Chair** stated that at this time, she would like this Ordinance to be denied or tabled and have an Ordinance creating an agency that would be a broad scope for the whole City to utilize.

On motion by Council President Garabedian, seconded by Councilman Barone, it was voted to continue this Ordinance to November. Motion passed unanimously.

**8-08-4 Ordinance in amendment of Title 3 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance” (School Budget and Officials’ Liability).**

**Chair** asked if “subject to removal of office” addressed in the Charter. Mr. Sciolto stated that he would like some time to review this Ordinance.

On motion by Council President Garabedian, seconded by Councilman Santamaria, it was voted to refer this Ordinance to the Solicitor.

Under Discussion:

**Councilman Lupino** stated that this Ordinance does not address cases where if the School Department mid-year incurs an expense under State Law. Council President Garabedian stated that this Ordinance could be amended.

**Allan Fung** appeared to speak and stated that the Ordinance should address safeguards against emergencies, such as if you have a bad winter or if healthcare increases. Council President Garabedian stated that he would be in favor of removing the second section of the Ordinance, which addresses the removal.

On motion by Council President Garabedian, seconded by Councilman Santamaria, it was voted to remove Section .062 from the Ordinance. Motion passed unanimously.

On motion by Council President Garabedian, seconded by Councilman Santamaria, it was voted to recommend approval of this Ordinance as amended. Motion passed unanimously.

**8-08-5 Ordinance in amendment of Title 2.32 of the Code of the City of Cranston, 2005, entitled "Harbor Master".**

**Chair** stated that the sponsor of this Ordinance has asked for a continuance.

On motion by Councilman Santamaria, seconded by Council President Garabedian, it was voted to continue this Ordinance.

Under Discussion:

**Councilman Lanni** indicated that Councilman Livingston, sponsor of this Ordinance, had asked that this Ordinance be forwarded to the full City Council meeting.

**Mr. LaPolla** stated that the Commission has finalized the draft of the Plan and there needs to be a public hearing on this by the Council. Councilman Livingston is asking that the Plan be brought forward for a public hearing at the full City Council meeting.

Motion and second were withdrawn.

On motion by Councilman Lanni, seconded by Council President Garabedian, it was voted to refer this Ordinance to the full City Council meeting. Motion passed unanimously.

Council Vice-President McFarland, Councilmen Santamaria and Lanni asked to be added as co-sponsors of this Ordinance.

**\*8-08-9 Ordinance in amendment of Chapter 10.32 of Title 10 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Salem Ave. and West View Ave.). Referred by Safety Services and Licenses Committee 9/8/2008.**

**Councilman Santamaria** stated that there still is no Traffic Report and asked that this Ordinance be referred back to Safety Services and Licenses Committee in October.

On motion by Councilman Santamaria, seconded by Councilman Lanni, it was voted to refer this Ordinance back to the Safety Services and Licenses Committee meeting in October. Motion passed unanimously.

The meeting adjourned at 9:30 P.M.

Respectfully submitted,

Rosalba Zanni  
Assistant City Clerk/Clerk of Committees