

**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 34 City Council Special Meeting, Thursday, December 17, 2015, 5:30 o'clock P.M.

PRESIDING

COUNCIL PRESIDENT

LUIS A. APONTE

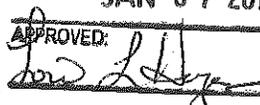
CALL TO ORDER

PRESENT: COUNCIL PRESIDENT APONTE, COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN JENNINGS, COUNCILWOMAN MATOS, COUNCILMAN PRINCIPE, COUNCILMAN SALVATORE, COUNCILMAN ZURIER – 11.

ABSENT: COUNCILWOMAN HARRIS, COUNCILMAN NARDUCCI, COUNCILWOMAN RYAN, COUNCILMAN YURDIN – 4.

(SUBSEQUENTLY, COUNCILWOMAN RYAN JOINS THE MEETING)

ALSO PRESENT: LORI L. HAGEN, CITY CLERK, SHERI A. PETRONIO, ASSISTANT CLERK, TINA L. MASTROIANNI, ASSISTANT CLERK AND JEFFREY DANA, CITY SOLICITOR

**IN CITY COUNCIL
JAN 07 2016**
APPROVED:  CLERK

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

COUNCILMAN JACKSON Moves to Dispense with the Reading of the Invocation and Pledge of Allegiance, Seconded by COUNCILMAN CORREIA.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCIL PRESIDENT LUIS A. APONTE

Request filed with the City Clerk on December 15, 2015, Requesting a Special Meeting of the City Council to be Called on the 17th day of December, 2015 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCIL PRESIDENT APONTE Receives the foregoing Communication.

RESULT:	RECEIVED
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WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to David Tassoni, City Sergeant, with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 17th day of December, 2015 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCIL PRESIDENT APONTE Receives the foregoing Communication.

RESULT: RECEIVED

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication from His Honor the Mayor, dated December 2, 2015, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended and Rhode Island General Law 45-42.1-3, as well as the Zoning Ordinance 501.1(c), he is this day re-appointing Glen S. Fontecchio of 19 Luzon Avenue, Providence, Rhode Island 02906, as a member of the Historic District Commission for a term to expire on September 30, 2018.

COUNCIL PRESIDENT APONTE Receives the foregoing Communication.

RESULT: RECEIVED

Communication from His Honor the Mayor, dated December 2, 2015, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing David W. Piccerelli of 409 Nayatt Road, Barrington, Rhode Island 02806, as a member of the Providence Economic Development Partnership Loan Committee for a term ending on January 31, 2017. (Mr. Piccerelli will replace Carmen Diaz-Jusino who has resigned.)

COUNCILMAN JACKSON Moves to Accept the Withdrawal of the foregoing Communication, Seconded by COUNCILMAN CORREIA.

RESULT:	WITHDRAWN [UNANIMOUS]
MOVER:	Kevin Jackson, Councilman
SECONDER:	Michael J. Correia, Councilman
AYES:	Aponte, Castillo, Correia, Hassett, Igliazzi, Jackson, Jennings, Matos, Principe, Ryan, Salvatore, Zurier – 12.
ABSENT:	Harris, Narducci, Yurdin – 3.

Communication from His Honor the Mayor, dated December 14, 2015, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended; Section 8-13 of the Code of Ordinances of the City of Providence; and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing Lynette Labinger, Esquire of 658 Hope Street, Providence, Rhode Island 02906, as the Chief Justice of the Providence Housing Court, for a term to end January 4, 2019, and respectfully submits the same for your approval.

Communication from His Honor the Mayor, dated December 14, 2015, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1013 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing Heather Tow-Yick of 36 Fosdyke Street, Providence, Rhode Island 02906, as a Human Services Category Member of the City Plan Commission for a term to end January 31, 2021, and respectfully submits the same for your approval.

COUNCILMAN JACKSON Moves to Dispense with the Reading of the foregoing matters, Seconded by COUNCILMAN CORREIA.

COUNCIL PRESIDENT APONTE Refers the Several Communications to the Committee on Finance.

RESULT:	REFERRED
TO:	Committee on Finance

ORDINANCE(S) SECOND READING

The Following Ordinances were in City Council December 3, 2015, Read and Passed the First Time and are Severally Returned for Passage the Second Time:

COUNCIL PRESIDENT APONTE, (By Request):

An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, as amended, to amend Article 11 and Article 2 by deleting Section 1105 Special Flood Hazard areas and associated definitions in Section 200 Definitions of General Terms.

WHEREAS, Chapter 5, Article IX. - SPECIAL FLOOD HAZARD AREAS was recently adopted; and
WHEREAS, Chapter 5 Article IX. supersedes Chapter 27, Section 1105 Flood Hazard Areas; and
WHEREAS, Chapter 27, Section 1105 and associated definitions in Chapter 27, Section 201 are duplicative.

NOW THEREFORE BE IT ORDAINED:

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, Entitled "The City of Providence Zoning Ordinance" approved November 24, 2014, as amended, is hereby further amended by making the following changes:

A. Delete the following definitions in Section 201:

Accessory Structure (For Special Flood Hazard Areas). A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of Shallow Flooding (For Special Flood Hazard Areas). A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard (For Special Flood Hazard Areas). See Special Flood Hazard Area (SFHA).

Base Flood (For Special Flood Hazard Areas). The flood having a 1% chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) (For Special Flood Hazard Areas). The elevation of the crest of the base flood or 100-year flood. The height, as established in relation to the North American

Vertical Datum (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement (For Special Flood Hazard Areas). Any area of a building having its floor sub-grade (below ground level) on all sides.

Building (For Special Flood Hazard Areas). See definition of “Structure (For Special Flood Hazard Areas).”

Coastal A Zone (For Special Flood Hazard Areas). Area within a special flood hazard area, landward of a V Zone or landward of an open coast without mapped V Zones. The principal source of flooding shall be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave heights shall be greater than or equal to one and one-half feet.

Cost (For Special Flood Hazard Areas). As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair, or other improvement of a structure established by a detailed written contractor’s estimate. The estimate shall include but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor’s overhead; contractor’s profit; and grand total. Items to be excluded include: cost of plans and specifications; survey costs; permit fees; outside improvements, such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development (For Special Flood Hazard Areas). Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Dry Flood-Proofing (For Special Flood Hazard Areas). Any combination of structural and non-structural protection measures incorporated in a building that is not elevated above the base flood elevation (BFE) that keeps water from entering the building to prevent or minimize flood damage. Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor, unless it is flood-proofed to one foot above the BFE.

Existing Manufactured Home Park or Manufactured Home Subdivision (For Special Flood Hazard Areas). A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of this Ordinance as amended.

Expansion of an Existing Manufactured Home Park or Existing Manufactured Home Subdivision (For Special Flood Hazard Areas). The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) (For Special Flood Hazard Areas). The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space (For Special Flood Hazard Areas). Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and contains other amenities such as furniture, appliances, bathrooms, fireplaces, and other items that are easily damaged by floodwaters and are expensive to clean, repair or replace. Fully enclosed areas below the base flood elevation (BFE) that are not considered basements cannot have finished living space and need to be designed to be exposed to flood forces. These spaces can only be used for parking, building access or limited storage.

Flood or Flooding (For Special Flood Hazard Areas). A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) (For Special Flood Hazard Areas). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the limits of the regulatory floodway and 100-year floodplain.

Flood Hazard Boundary Map (FHBM) (For Special Flood Hazard Areas). A map based on approximate data that identifies, in general, the Special Flood Hazard Areas (SFHA) within a community. It is used in the NFIP's Emergency Program for floodplain management and insurance purposes.

Flood Insurance Rate Map (FIRM) (For Special Flood Hazard Areas). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community. FIRMs published after January 1990 may also show the limits of the regulatory floodway.

Flood Insurance Study (FIS) (For Special Flood Hazard Areas). The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations (BFE), and may provide the regulatory floodway limits.

Flood Proofing (For Special Flood Hazard Areas). Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (For Special Flood Hazard Areas). The channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. For the purposes of these regulations, the term “Regulatory Floodway” is synonymous in meaning with the term “Floodway.”

Freeboard (For Special Flood Hazard Areas). A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use or Facility (For Special Flood Hazard Areas). A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales, or service facilities.

Highest Adjacent Grade (For Special Flood Hazard Areas). The highest natural elevation, prior to construction, of the ground surface next to the proposed walls of a structure.

Historic Structure (For Special Flood Hazard Areas). Any structure that is: (a) Listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Limit of Moderate Wave Action (LiMWA) (For Special Flood Hazard Areas). An advisory line indicating the limit of the one and one-half foot wave height during the base flood.

Lowest Floor (For Special Flood Hazard Areas). The lowest floor of the lowest enclosed area (including basement).

Manufactured Home (For Special Flood Hazard Areas). A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured Home Park or Manufactured Home Subdivision (For Special Flood Hazard Areas). A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

Market Value (For Special Flood Hazard Areas). Market value is the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment minus land value; the replacement cost minus depreciation of the structure; or the structure's Actual Cash Value.

Mean Sea Level (MSL) (For Special Flood Hazard Areas). The average height of the sea for all stages of the tide, usually determined from hourly height observations over a 19-year period on an open coast or in adjacent waters having free access to the sea. The National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) to which base flood elevations (BFE) shown on a community Flood Insurance Rate Map (FIRM) are referenced.

New Construction (For Special Flood Hazard Areas). Structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Manufactured Home Subdivision (For Special Flood Hazard Areas). A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date.

Recreational Vehicle (For Special Flood Hazard Areas). A vehicle that is: 1) built on a single chassis; 2) 400 square feet or less when measured at the largest horizontal projection; 3) designed to be self-propelled or permanently towed by a light duty truck; and 4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway (For Special Flood Hazard Areas). See floodway.

Sand Dunes (For Special Flood Hazard Areas). Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sheet Flow Area (For Special Flood Hazard Areas). See area of shallow flooding.

Special Flood Hazard Area (SFHA) (For Special Flood Hazard Areas). The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFE provided on Flood Insurance Rate Maps (FIRMs) are only approximated (rounded up or down) and should be verified with the BFE published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction (For Special Flood Hazard Areas). The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure (For Special Flood Hazard Areas). For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For insurance purposes, structure means:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site.
2. A manufactured home (manufactured home, also known as a mobile home, is a structure, built on permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation).
3. A travel trailer, without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. For the latter purpose, structure does not mean recreational vehicle or a park trailer or other similar vehicle, except as described in item 3 of this definition, or a gas or liquid storage tank.

Substantial Damage (For Special Flood Hazard Areas). Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement (For Special Flood Hazard Areas). Any reconstruction, rehabilitation, addition or other improvements to a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include:

1. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of the historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance (For Special Flood Hazard Areas). A grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation (For Special Flood Hazard Areas). Failure of a structure or other development to be fully compliant with the Special Flood Hazard Areas regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (For Special Flood Hazard Areas). The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wet Flood-Proofing (For Special Flood Hazard Areas). Measures designed to minimize damage to a structure or its contents by water that enters the structure.

B. Delete Section 1105 in its entirety.

C. Reorder existing sections 1106 through 1108 as 1105 through 1107.

SECTION 2: This Ordinance shall take effect upon passage and publication as prescribed by law.

COUNCILMAN PRINCIPE, (By Request):

An Ordinance in Amendment of Chapter Fifteen of the Ordinances of the City of Providence, Entitled: "Motor Vehicles and Traffic."

SECTION 1. Chapter 15-132 of the Code of Ordinances of the City of Providence shall be amended as follows:

Sec. 15-132. Low Speed Vehicles

(a) For the purposes of this chapter, a low speed vehicle means a self-propelled, electrically or gas powered motor vehicle which: is designed to carry four (4) or fewer persons; is designed to be, and is, operated at speeds of twenty-five (25) miles per hour or less.

(b) Notwithstanding the provisions of Sec. 15-131, the following organizations are authorized to operate low speed vehicles upon public streets and incidentally upon sidewalks if those vehicles meet the requirements of this section: The Omni Group; Providence Downtown Improvement District; Rhode Island Convention Center Authority; Providence Neighborhood Planting Program; the Dunkin' Donuts Center, or any other organization approved by the chief of police.

(c) Each person operating a low speed vehicle on a public sidewalk or street shall possess a valid driver's license issued pursuant to § 31-10-1.

(d) Every operator of a low speed vehicle shall maintain financial responsibility on such low speed vehicle if the low speed vehicle is to be operated upon public streets.

(e) The operator of a low speed vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A low speed vehicle shall not be operated on a street or a highway with a posted speed limit greater than twenty-five (25) miles per hour. The provisions of this subsection shall not prohibit a low speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

(f) No person shall operate a low speed vehicle: (1) in any careless way as to endanger the person or property of another; or (2) while under the influence of alcohol or any controlled substance.

SECTION 2. This ordinance, as amended, shall take effect upon passage.

COUNCILWOMAN RYAN

An Ordinance in Amendment of Section 3-4 and Section 3-5 of Chapter 3 of the Code of Ordinances, Entitled: "Advertising."

SECTION 1. Sections 3-4 and 3-5 of Chapter 3, "Advertising," of the Code of Ordinances are hereby amended as follows:

Sec. 3-4. - Posting, affixing, bills, posters, signs, notices to structures.

No person shall post or otherwise affix, nor cause to be posted or affixed, any bill, poster, or notice upon any tree, fence, post, pole or Rhode Island Public Transit Authority bus shelters, or other structures within or upon the occupation line of any street or highway; and, no person shall paint, print, mark, or cause to be painted, printed or marked, any sign, notice or advertisement upon any tree, fence, board, post, pole or Rhode Island Public Transit Authority bus shelter or other structure within or upon the occupation line of any street or highway. This section shall be enforced by the Providence Police Department and the Department of Public Works. The director of public works or his or her designee is empowered to remove any materials that constitute a violation of this section.

Sec. 3-5. - Erection, display of bills, posters, signs, notices on highway.

No person shall erect, place or display any sign, notice or advertisement, within or upon the occupation line of any street or highway, except as permitted by the building code and zoning ordinance. This section shall be enforced by the Providence Police Department and the Department of Public Works. The director of public works or his or her designee is empowered to remove any materials that constitute a violation of this section.

SECTION 2: This ordinance shall take effect upon passage.

COUNCILMAN CORREIA, (By Request):

An Ordinance Establishing a Tax Exemption and Stabilization Plan for PRI XXI, LP.

WHEREAS, PRI XII, LP ("PRI") is the owner of the Fogarty Building, certain real estate located in the City of Providence at 111 Fountain Street, AP 25, Lot 422; and

WHEREAS, PRI intends to demolish the existing improvements on the property, and to construct a new, nine-story upscale extended-stay hotel with a total of 168 guestrooms, 5,400 square feet of pedestrian-level third-party retail space, and additional supporting areas; and

WHEREAS, The City of Providence envisions the PRI project will generate jobs within the City of Providence; and

WHEREAS, Rhode Island General Laws § 44-9-3 ("Act") authorizes, subject to certain enumerated conditions, the city council of a city for a period not to exceed twenty (20) years, to exempt and determine an amount of taxes to be paid on account of real property used for commercial purposes, notwithstanding the valuation of the real estate or the rate of tax; and

WHEREAS, The tax payments contemplated to be made pursuant to this Ordinance have been determined by the City Council of the City of Providence to be fair, equitable and acceptable to the City; and

WHEREAS, It is in the interest of the residents of the City of Providence to grant a tax exemption and stabilization plan in order to induce the redevelopment of the PRI project;

Be It Ordained by the City of Providence:

Section 1. That the findings set forth in the preceding recitals are hereby made and confirmed.

Section 2. Definitions. The following terms shall have the meanings set forth herein:

(a) "Assessment" shall mean the value placed upon the improvements made by PRI by the City of Providence Tax Assessor.

(b) "Commencement Date" shall be the effective date of this Ordinance.

(c) "Increased Assessed Valuation" - means a property's current total assessed valuation determined by the city assessor less the assessed valuation of the property as of the effective date of the agreement. The Increased Assessed Valuation is used to calculate the phased-in portion (not including base tax) of taxes during the period of the tax stabilization agreement.

(d) "Personal Property" means any and all tangible personal property including, but not limited to all fixtures, furniture, equipment, furnishings, vehicles, computer hardware and software, informational systems and other personal property

(e) "Project Site" means all of the real estate and buildings and improvements thereto located at City of Providence Assessor's Plat 25, Lot 422.

(f) "Project Site Owner" means an entity with the right and interest in and to the Project Site (or portions thereof), including successors to units and/or sub-units of the Project Site.

(g) "Project Taxable Property" means collectively, the Project Site and all Real Property Improvements thereon.

(h) "Real Property Improvements" means any structures or improvements including but not limited to buildings, parking lots/structures and related improvements to be constructed and developed on the Project Site.

(i) "Stabilized Tax Payments" shall mean the Assessment multiplied by the tax rate and further multiplied by the appropriate percentage contained in Section 5.

(j) "Termination Date" means the 12th anniversary of the December 31 in which the Project Site is first assessed pursuant to the schedule set forth in Section 5 below.

Section 3. Grant of Tax Stabilization Plan. The City of Providence, in accordance with the Laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, is hereby authorized to grant and does grant the schedule of Stabilized Tax Payments pursuant to Section 5.

Section 4. Term. The term of this Ordinance shall be a period commencing upon the Commencement Date and terminating on the Termination Date.

Section 5. Tax Exemption and Stabilization Plan. Tax Payments shall remain at the 2015 assessed value and tax rate (base tax) for the first three (3) tax years of the Term, during which PRI must complete construction on the Project Site, subject to a Force Majeure Event (as defined below). In the fourth tax year after the Commencement Date, full taxes shall begin phasing in; with the exception of the final tax year, each year, the assessor shall issue a bill for a percentage of the base tax and the then current full value assessment as follows: base tax plus 11.1% of the increased assessed valuation in Year 4; base tax plus 22.2% of the increased assessed valuation in Year 5; base tax plus 33.3% of the increased assessed valuation in Year 6, and so forth, so that following the conclusion of twelve full years after completion, the new construction will be paying the full current assessment. However, in Year 12, PRI shall pay the base tax plus 95% of the increased assessed valuation.

Year	Schedule
1	Base Tax
2	Base Tax
3	Base Tax
4	Base Tax + 11.1% of increase to assessed valuation
5	Base Tax + 22.2% of increase to assessed valuation
6	Base Tax + 33.3% of increase to assessed valuation
7	Base Tax + 44.4% of increase to assessed valuation
8	Base Tax + 55.5% of increase to assessed valuation
9	Base Tax + 66.6% of increase to assessed valuation
10	Base Tax + 77.7% of increase to assessed valuation
11	Base Tax + 88.8% of increase to assessed valuation
12	Base Tax + 95% of increase to assessed valuation
13	Full Taxation

Section 6. Payment of Taxes.

(a) Stabilized Tax Payments due to the City, pursuant to the schedule listed in Section 5, may be made in either a lump sum during the first quarter of the applicable tax year or in equal quarterly installments. If the quarterly payments are to be made, they shall be due on the same dates that quarterly taxes are due for all other taxpayers in the City.

(b) The liability for the Stabilized Tax Payments due and owing under this Ordinance shall constitute an obligation of the Project Site Owner, and the City shall be granted by the Owner of the Project Site, a first lien on the Project Taxable Properties, which lien shall be of the same priority and entitle the City to the same foreclosure remedies as the lien and foreclosure remedies provided under the applicable laws and ordinances with respect to real property and personal property taxes. The City agrees to provide Notice to the Owner of the Project Site prior to exercising any foreclosure or other remedies available and the Owner of the Project Site shall have ninety (90) days to cure any alleged default under this Ordinance from the date upon which Notice of any alleged default is received from the City. Said Notice shall include, with specificity, the nature of any alleged default, and the actions which the City believes to be reasonably necessary to cure any alleged default under this Ordinance.

(c) It is understood that the Stabilized Tax Payments made hereunder are deemed by the City to be tax payments, and the Owner of the Project Site making the Stabilized Tax Payments shall be entitled to all of the rights and privileges of a taxpayer in the City, including, without limitation, the right to challenge and appeal any assessment and/or reassessment. It is further understood and agreed that the City's sole and exclusive recourse to the Owner of the Project Site is limited to the City's first lien on the Project Taxable Properties, however, nothing herein shall be construed to limit the right of the City to foreclose or take any other judicial proceeding available at law for the collection of taxes.

(d) Stabilized Tax Payments not made by the Owner of the Project Site as they become due shall be subject to any and all penalties allowed under Rhode Island General Laws. Failure to receive a stabilized tax bill shall not relieve the Owner of the Project Site of its obligation to make Stabilized Tax Payments herein. If for any reason the Owner of the Project Site does not receive an appropriate stabilized tax bill, the Owner of the Project Site shall have the responsibility and obligation to make reasonable inquiries to the City in order to have such a stabilized tax bill issued and thereafter to make payment of the same no later than the due dates provided herein. Stabilized Tax Payments shall be made by the Owner of the Project Site directly to the City of Providence Tax Collector's Office.

Section 7. Effect of Failure to Make Payments. The real property taxes payable to the City for the Project Site during the term of this Ordinance shall be based upon the stabilized real property taxes set forth in Section 5. This Ordinance is further conditioned upon the Owner of the Project Site, whether now or in the future, remaining current on tax payments pursuant to Section 5. Failure to make said timely Stabilized Tax Payments may, at the discretion of the City of Providence following the Notice and the 90-day cure period set forth in Section 6(b), render this Ordinance null and void.

Section 8. Retroactive Revocation For Failure to Satisfy Performance Milestones. In the event that the Project Owner fails to satisfy the following performance milestones, then this Ordinance shall be automatically repealed following the Notice and the 90-day cure period set forth in Section 6(b), and the Owner of the Project Site shall be reassessed any unpaid real estate taxes, penalties and interest which remain unpaid as if this Ordinance had never been passed:

(a) Obtaining all necessary permits and approvals being secured from the municipal agencies of the City of Providence or the State of Rhode Island for the redevelopment of the Project Site in accordance with the second recital hereof within twenty-four (24) months of the Commencement Date.

(b) Achieving substantial completion of and the redevelopment of the Project Site within thirty-six (36) months of the Commencement Date.

(c) Notwithstanding anything to the contrary in this Section 8, the Project Site Owner may be entitled to an extension of the time for performance of the preceding milestones, if for a cause beyond the Project Site Owner's reasonable control, including strikes and/or labor disputes, accidents, invasion, riot, rebellion, civil commotion, insurrection, acts of terrorism against the United States interests, any act or judgment of any court granted in any legal proceeding, acts of god such as fire, wind or lightning, explosion, ("Force Majeure Event"), the performance milestones are delayed. In such event, the Project Site Owner shall be entitled to an extension of such dates upon making a request for extension from the City Council, provided that in no event shall the Project Site Owner delay substantial completion of construction of the Project Site beyond forty-eight (48) months after the Commencement Date.

Section 9. Transfers. As long as the Project Site Owner or any successor or assignee owns or operates the Project Site, it will continue to pay Stabilized Tax Payments for the Project Site pursuant to this Ordinance.

(a) The Project Site Owner or any successor or assignee, acknowledge and agree that the Project Site will be subject to taxation pursuant to the terms of this Ordinance and thereafter subject to taxation pursuant to Rhode Island General Laws and the ordinances of the City of Providence. The Project Site Owner, or any successor or assignee, agrees that the exemption and conditions under this Tax Stabilization Plan shall run with the land.

(b) If the Project Site is sold to a real property tax-exempt entity, the Tax Stabilization Plan may terminate at the discretion of the City of Providence following the Notice and the 90-day cure period set forth in Section 6(b), and unless otherwise agreed to by the City, the Project Site Owner/Seller shall pay to the City an amount equal to the difference between the Stabilized Tax Payments made under the Tax Stabilization Plan and the amount of real estate taxes that would have been paid during the effective term of said plan, but for the Tax Stabilization Plan.

Section 10. Employment and Contracts.

(a) Construction.

- i. MBE/WBE. The Project Site Owner shall make a good faith effort to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 31- 14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to MBE Act). The Project Site Owner shall make a good faith effort to award to Women Business Enterprises (WBE's) no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). The Project Site Owner will request the City MBE/WBE office and its Supplier Diversity Director to establish a list of qualified MBE/WBE companies in order to satisfy its MBE/WBE construction goals. In this manner, the City will assist the Project Site Owner in meeting said goals. The process of participating with the MBE/WBE office and its Supplier Diversity Director shall begin upon passage in order to develop a designated MBE/WBE subcontractor list which will encourage MBE/WBE participation and joint ventures with other members with the construction industry.

- ii. Apprenticeship. The Developer or Project Owner shall ensure that one hundred percent (100%) of the hours worked on the Project shall be performed by trade construction subcontractors who have or are affiliated with an apprenticeship program as defined in 29 C.F.R. § 29 et seq.

The Developer or Project Owner shall make a requirement in the contracts between its Construction Manager and General Contractor and their subcontractors who have apprenticeship programs as defined in 29 C.F.R. § 29 that not less than ten percent (10%) of the total hours worked by the subcontractors' employees on the project are completed by apprentices registered in the aforementioned apprenticeship programs.

The Developer or Project Owner shall as part of its contracts between its Construction Manager and General Contractor and their subcontractors require that the subcontractors submit to the Department of Planning and Development quarterly verification reports to ensure compliance with this section.

The Developer or Project Owner, its Construction Manager or General Contractor or other authorized person/entity may petition the City of Providence Department of Planning and Development to adjust the apprenticeship work hour requirements to a lower percentage upon a showing that:

- a. compliance is not feasible because a trade or field does not have an apprenticeship program or cannot produce members from its program capable of performing the scope of work within the contract; or
- b. compliance is not feasible because it would involve a risk or danger to human health and safety or the public at large; or
- c. compliance is not feasible because it would create a significant economic hardship; or
- d. compliance is not feasible for any other reason which is justifiable and demonstrates good cause.

- iii. Internal Revenue Service reporting. Except as provided under Rhode Island General Laws § 28-42-8, any person performing services at the Project Site shall annually receive either a W-2 statement or an IRS Form 1099.

- iv. First Source List. Pursuant to the City of Providence First Source Ordinance, the Project Site Owner shall enter into a First Source Agreement covering the hiring of employees necessary to complete the proposed Project and throughout the term of this tax stabilization agreement. The Project Site Owner shall work in conjunction with the Director of First Source Providence to develop the First Source Agreement.

- v. "Buy Providence" Initiative. The Project Site Owner will use good faith efforts to ensure that construction materials are purchased from economically competitive and qualified vendors located in the City of Providence. In furtherance of this effort, the Project Site Owner will work with the City to develop a list of Providence vendors and subcontractors in order to create a preferred vendor list of qualified and economically competitive vendors for the construction of the Project. Furthermore, once the Project Site Owner constructs the development, the Project Site Owner will use good faith efforts to conduct ongoing business with and provide preference to economically competitive and qualified Providence businesses. In order to further that effort, the Project Site Owner will hold seminars upon passage of this Ordinance, with the Providence MBE/WBE office, the Supplier Diversity Director, the Director of First Source Providence and the Providence Chamber of Commerce to inform the local economy of the Project Site Owner's development plans in order to maximize the opportunities for Providence businesses to work with the Project Site Owner in providing on-going services, equipment and materials.

- vi. In the event that there shall be a failure to comply with this Section 10(a), the Department of Planning and Development shall have standing to seek enforcement of this provision of the ordinance in the Rhode Island Superior Court. The Department shall also have the ability to impose a fine of \$500.00 per day for each day of non-compliance with this section.

- (b) Permanent Employment. In conjunction with its efforts pursuant to this Section and its ongoing efforts to provide equal employment opportunity without regard to race, color, religion, natural origin, sex, age or handicap, the Project Site Owner shall liaise with the City and with the Director of First Source Providence to assist in the recruitment of qualified minority, women, and handicap applicants as well as those on the First Source List for all of its employment positions.
- (c) Reporting. The Project Site Owner shall annually report to the City Council on its progress in complying with the provisions of this Ordinance, including but not limited to, Section 10.

Section 11. Agreement to establish a fund to be held in Trust by the Treasurer of the City of Providence. Upon passage of this Ordinance, the Developer and/or Project Site Owner shall contribute to a Trust Fund established by the City of Providence, of which the Treasurer shall be the trustee. The Fund shall be identified as the "City Council Parks and Recreation Fund." The City Council shall establish regulations pertaining to the disbursement of funds.

- (a) Payments to the Fund. The Developer and/or Project Site Owner shall make annual payments to the Fund in the amount of 5 (five) percent of the total estimated abated tax for the term of the tax stabilization agreement, for as long as this Ordinance is in full force and effect, including any extensions should they be granted. Said Annual Payments will be payable on the anniversary of the Commencement Date in each subsequent tax year. If, for any reason, this Ordinance is retroactively revoked, the payments to the fund shall remain and will not be forfeited due to a default.

- (b) Investment and Distribution of the Fund. The trust fund will be invested by the Board of Investment, and an annual distribution of the investment shall be used to provide funds to the Department of Parks and to the Department of Recreation for capital improvements in neighborhood parks and recreation centers. Said annual distribution shall not supplant any funds that are provided to the Department of Parks and the Department of Recreation through the operating budget. The amount of the distribution shall not exceed 4 (four) percent. Distributions may never exceed the earnings in the year of distribution or reduce the corpus of the fund. The first payment from the fund shall begin in the fifth year after the establishment of the tax stabilization agreement.

Section 12. Resolution of Calculation Disputes. The Project Site Owner and the City of Providence agree that the Project Site Owner retains the right to appeal the valuation or calculation of the taxes assessed from time to time.

Section 13. Severability. If any one section of this Ordinance is found to be unenforceable, then the other provisions herein shall continue to have the same force and effect as if the unenforceable provision were not passed as part of this Ordinance.

Section 14. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

Section 15 Effective Date. This Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor.

COUNCIL PRESIDENT APONTE, (By Request):

An Ordinance Amending Chapter 2014-22, Ordinance No. 296 and Ordinance No. 402 of Chapter 2015-30 of the Providence Code of Ordinances, Establishing a Tax Exemption and Stabilization Plan for the River House Apartments.

WHEREAS, CV River House LLC (“Developer”) has acquired ownership of certain real estate located at 11 Point Street, 15 Point Street, and 2 South Street, currently designated as City of Providence Assessor’s Plat 21, Lots 438, 439 and 440 (the “Property”), and intends to cause a residential structure to be constructed thereon (as more particularly defined in the above Ordinance No. 296, the “Project”); and

WHEREAS, The City of Providence, pursuant to its authority under Rhode Island General Laws § 44-3-9 and in accordance with the laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, previously granted and passed Ordinance No. 296 of Chapter 2014-22 of the Providence Code of Ordinances (“Ordinance No. 296”), establishing a Tax Exemption and Stabilization Plan with respect to taxes due to the City for the Property (the “Tax Stabilization Agreement”); and

WHEREAS, The City of Providence, pursuant to its authority under Rhode Island General Laws § 44-3-9 and in accordance with the laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, previously granted and passed Ordinance No. 402 of Chapter 2015-30 of the Providence Code of Ordinances (“Ordinance No. 402”), which Ordinance No. 402 amended the Tax Stabilization Agreement; and

WHEREAS, For technical reasons and in order to further induce the development of the Project, it is in the interest of the residents of the City of Providence to rescind Ordinance No. 402 and to amend the Tax Stabilization Agreement as provided herein.

NOW, THEREFORE, Be It Ordained by the City of Providence:

Section 1. That the findings set forth in the preceding recitals are hereby made and confirmed.

Section 2. Definitions. All capitalized terms not otherwise defined herein shall have the meanings set forth in the Tax Stabilization Agreement.

Section 3. Amendment of Tax Stabilization Agreement. The City of Providence, in accordance with the laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, is hereby authorized to amend the Tax Stabilization Agreement as provided herein, and does hereby amend and consent to the amendment of the Tax Stabilization Agreement as follows:

- (i) All references in the Tax Stabilization Agreement to “Commencement Date” shall be deemed to refer to the date of the acquisition of the Property by Developer;
- (ii) All references in the Tax Stabilization Agreement to the “Project” shall be deemed amended to refer to the construction of 174 residential apartment units consisting of approximately 153,850 rentable square feet;
- (iii) Section 5 of the Tax Stabilization Agreement is amended to add the following sentence to the end thereof:

Stabilized Tax Payments shall be paid commencing on the Commencement Date at the amount that corresponds to the Commencement Date in Exhibit A (e.g. if the Commencement Date is August 1, 2015, then for the period August 1, 2015 through December 31, 2015 Stabilized Tax Payments shall be paid at the “2015 calendar year” rate set forth in line 1 of Exhibit A) and thereafter Stabilized Tax Payments shall be paid in accordance with the remainder of Exhibit A; and

- (iv) Exhibit A attached to the Tax Stabilization Plan is hereby deleted in its entirety and Exhibit A attached hereto is hereby substituted therefor.

Section 4. Miscellaneous. Except as specifically provided herein, the provisions of Ordinance No. 296 shall remain unchanged and in full force.
296 shall remain unchanged and in full force.

Section 5. Severability. If any one section of this Ordinance is found to be unenforceable, then the other provisions herein shall continue to have the same force and effect as if the unenforceable provision were not passed as part of this Ordinance.

Section 6. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

Section 7. Amendment Rescinded. This Ordinance shall rescind Chapter 2015-30, Ordinance No. 402 in its entirety and amend the Tax Stabilization Agreement as provided herein.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor.

The Tax Stabilization Agreement, as amended hereby, is hereby ratified and confirmed.

EXHIBIT A

<u>Tax Year</u>	<u>Assessed Value of Project Site *</u>	<u>Percentage of Assessed Value</u>	<u>Stabilized Tax Payment*</u>
December 31, 2014 (2015 Calendar Year)	3,850,500	100.00%	141,506
December 31, 2015 (2016 Calendar Year)	3,850,500	100.00%	141,506
December 31, 2016 (2017 Calendar Year)	3,850,500	100.00%	141,506
December 31, 2017 (2018 Calendar Year)	11,786,756	8.33%	141,506**
December 31, 2018 (2019 Calendar Year)	12,081,425	16.67%	141,506**
December 31, 2019 (2020 Calendar Year)	12,383,460	25.00%	141,506**
December 31, 2020 (2021 Calendar Year)	12,693,047	33.33%	155,474
December 31, 2021 (2022 Calendar Year)	13,010,373	41.67%	199,237
December 31, 2022 (2023 Calendar Year)	13,335,632	50.00%	245,042
December 31, 2023 (2024 Calendar Year)	13,669,023	58.33%	293,013
December 31, 2024 (2025 Calendar Year)	14,010,749	66.67%	343,281
December 31, 2025 (2026 Calendar Year)	14,361,018	75.00%	395,826
December 31, 2026 (2027 Calendar Year)	14,720,043	83.33%	450,783
December 31, 2027 (2028 Calendar Year)	15,088,044	91.67%	508,297
December 31, 2028 (2029 Calendar Year)	15,465,245	100.00%	568,348

* Assessed Values & Stabilized Tax Payments are stipulated to, as is a fixed Tax Rate of \$36.75

per \$1,000 which shall remain in effect for the entire Tax Stabilization Period.

**In accordance with the provisions of Ordinance No. 296, Stabilized Tax Payments for Tax Years 2018, 2019 & 2020 shall be \$141,506.

COUNCIL PRESIDENT APONTE, (By Request):

An Ordinance Amending Chapter 2014-23, No. 297 and Chapter 2015-25, No. 371 of the Providence Code of Ordinances Establishing a Tax Exemption and Stabilization Plan for the South Street Parking Garage.

WHEREAS, The Narragansett Electric Company (“Narragansett”) is the owner of certain real estate located in the City of Providence at 342 Eddy Street, Assessor’s Plat 21, Lot 429 (the “Narragansett Lot”); and

WHEREAS, CV SSL GARAGE LLC (“Developer”) has entered into a ground lease with Narragansett dated July 24, 2015 for approximately one acre of land, being approximately one-fifth of the acreage of the Narragansett Lot (such one-acre leased space being hereinafter referred to as the “Developer’s Property”, and the remainder being hereinafter referred to as the “Narragansett Property”); and

WHEREAS, Pursuant to a Subdivision Plan recorded on August 19, 2015 in Plan Book 88 at Page 11, the Narragansett Lot was subdivided and the Developer’s Property became its own taxable lot designated as AP 21, Lot 452 – 330 Eddy Street; and

WHEREAS, Developer intends to make a substantial investment in the Developer’s Property by causing a parking garage (the “Parking Garage”) to be constructed thereon containing approximately 744 parking spaces (the “Project”); and

WHEREAS, The City of Providence, pursuant to its authority under Rhode Island General Laws § 44-3-9 and in accordance with the laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, previously granted and passed Ordinance No. 297 of Chapter 2014-23 of the Providence Code of Ordinances (“Ordinance No. 297”), establishing a Tax Exemption and Stabilization Plan with respect to taxes due to the City for the Project Site (the “Tax Stabilization Agreement”); which Ordinance No. 297 mistakenly identified Developer as “CV SSL PARKING GARAGE LLC” instead of the correct name “CV SSL GARAGE LLC”; and

WHEREAS, The City of Providence, pursuant to its authority under Rhode Island General Laws § 44-3-9 and in accordance with the laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, previously granted and passed Ordinance No. 371 of Chapter 2015-25 of the Providence Code of Ordinances (“Ordinance No. 371”), which Ordinance No. 371 amended the Tax Stabilization Agreement; and

WHEREAS, for technical reasons and in order to further induce the development of the Project, it is in the interest of the residents of the City of Providence to rescind Ordinance No. 371 and amend the Tax Stabilization Agreement as provided herein.

NOW, THEREFORE, Be It Ordained by the City of Providence:

Section 1. That the findings set forth in the preceding recitals are hereby made and confirmed.

Section 2. Definitions. All capitalized terms not otherwise defined herein shall have the meanings set forth in the Tax Stabilization Agreement.

Section 3. Amendment of Tax Stabilization Agreement. The City of Providence, in accordance with the laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, is hereby authorized to amend the Tax Stabilization Agreement as provided herein, and does hereby amend and consent to the amendment of the Tax Stabilization Agreement as follows:

- (i) All references in the Tax Stabilization Agreement to “Developer” shall be deemed to refer to CV SSL GARAGE LLC, a Rhode Island limited liability company;
- (ii) All references in the Tax Stabilization Agreement to “Commencement Date” shall be deemed to refer to August 19, 2015, which is the date of recordation of the subdivision plan creating the Developer’s Property as a separate taxable lot;
- (iii) All references in the Tax Stabilization Agreement to the “Parking Garage” or the “Project” shall be deemed amended to refer to a parking garage containing approximately 744 parking spaces;
- (iv) Section 5 of the Tax Stabilization Agreement is amended to add the following sentence to the end thereof:

Stabilized Tax Payments shall be paid commencing on the Commencement Date at the amount that corresponds to the Commencement Date in Exhibit A (e.g. for the period August 19, 2015 through December 31, 2015, Stabilized Tax Payments shall be paid at the “2015 calendar year” rate set forth in line 1 of Exhibit A) and thereafter Stabilized Tax Payments shall be paid in accordance with the remainder of Exhibit A.

- (v) Subsection 7(a) of the Tax Stabilization Agreement is amended to change the December 31, 2014 outside date for Project Site Owner (which term, for purposes of this section, shall be deemed to refer to Developer) to enter a lease with Narragansett to November 30, 2015; and
- (vi) Exhibit A attached to the Tax Stabilization Agreement is hereby deleted in its entirety and Exhibit A attached hereto is hereby substituted therefore.

Section 4. Miscellaneous. Except as specifically provided herein, the provisions of Ordinance No. 297 shall remain unchanged and in full force.

Section 5. Severability. If any one section of this Ordinance is found to be unenforceable, then the other provisions herein shall continue to have the same force and effect as if the unenforceable provision were not passed as part of this Ordinance.

Section 6. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

Section 7. Amendment Rescinded. This Ordinance shall rescind Chapter 2015-25, Ordinance No. 371 in its entirety and amend the Tax Stabilization Agreement as provided herein.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor.

The Tax Stabilization Agreement, as amended hereby, is hereby ratified and confirmed.

EXHIBIT A

<u>Tax Year</u>	<u>Assessed Value of Project Site *</u>	<u>Percentage of Assessed Value</u>	<u>Stabilized Tax Payment*</u>
December 31, 2014 (2015 Calendar Year)	769,231	100.00%	28,269
December 31, 2015 (2016 Calendar Year)	769,231	100.00%	28,269
December 31, 2016 (2017 Calendar Year)	769,231	100.00%	28,269
December 31, 2017 (2018 Calendar Year)	4,006,150	8.33%	28,269**
December 31, 2018 (2019 Calendar Year)	4,106,304	16.67%	28,269**
December 31, 2019 (2020 Calendar Year)	4,208,961	25.00%	38,670
December 31, 2020 (2021 Calendar Year)	4,314,185	33.33%	52,849
December 31, 2021 (2022 Calendar Year)	4,422,040	41.67%	67,712
December 31, 2022 (2023 Calendar Year)	4,532,591	50.00%	83,286
December 31, 2023 (2024 Calendar Year)	4,645,906	58.33%	99,597
December 31, 2024 (2025 Calendar Year)	4,762,053	66.67%	116,670
December 31, 2025 (2026 Calendar Year)	4,881,105	75.00%	134,535
December 31, 2026 (2027 Calendar Year)	5,003,132	83.33%	153,221
December 31, 2027 (2028 Calendar Year)	5,128,211	91.67%	172,757
December 31, 2028 (2029 Calendar Year)	5,256,416	100.00%	193,173

* Assessed Values & Stabilized Tax Payments are stipulated to, as is a fixed Tax Rate of \$36.75 per \$1,000 which shall remain in effect for the entire Tax Stabilization Period.

**In accordance with the provisions of Ordinance No. 297, Stabilized Tax Payments for Tax Years 2018 & 2019 shall be \$28,269.

COUNCILMAN JACKSON Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, Seconded by COUNCILMAN CORREIA, by the following Roll Call Vote:

RESULT:	READ/PASSED SECOND TIME [UNANIMOUS]
TO:	City Council
MOVER:	Kevin Jackson, Councilman
SECONDER:	Michael J. Correia, Councilman
AYES:	Aponte, Castillo, Correia, Hassett, Igliazzi, Jackson, Jennings, Matos, Principe, Ryan, Salvatore, Zurier – 12.
ABSENT:	Harris, Narducci, Yurdin – 3.
	COUNCILMAN CASTILLO wishes to be recorded as voting No on “An Ordinance Establishing a Tax Exemption and Stabilization Plan for PRI XXI, LP.”

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCE

COUNCIL PRESIDENT APONTE, (By Request):

An Ordinance in Amendment of Chapter 2014-16, No. 285, Approved June 12, 2014, Entitled: "An Ordinance in Accordance with Chapter 21, Section 19 of the Code of Ordinances of the City of Providence, Capital Equipment Budget," As Amended.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT APONTE, (By Request):

Resolution Requesting Approval of the following Change Order Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

MLC (Municipal Leasing Consultants) \$13 million dollars
(Finance Department)

COUNCILMAN JACKSON Moves to Dispense with the Reading of the foregoing matters, Seconded by COUNCILMAN CORREIA.

COUNCIL PRESIDENT APONTE Refers the Ordinance and Resolution to the Committee on Finance.

RESULT:	REFERRED
TO:	Committee on Finance

COUNCIL PRESIDENT APONTE, (By Request):

Resolution in Support of the Formation of the YouthBuild Preparatory Academy.

COUNCIL PRESIDENT APONTE Refers the Resolution to the Special Committee on Education.

RESULT:	REFERRED
TO:	Special Committee on Education

COUNCIL PRESIDENT APONTE, COUNCILMAN JACKSON, COUNCILMAN NARDUCCI, COUNCILMAN PRINCIPE, COUNCILMAN SALVATORE, COUNCILMAN ZURIER

Resolution Urging the Governor's Working Group to Review the Permanent Education Foundation Aid Formula to include in its final recommendation a plan to include weights in the funding formula for students with disabilities, as well as ELL Students.

WHEREAS, Governor Gina Raimondo, on October 22, 2015, signed Executive Order 15-16 establishing the Working Group to Review the Permanent Education Foundation Aid Formula; and

WHEREAS, The purpose of the Working Group is to review the State's current education funding formula--created in 2010 under the Education Equity and Property Tax Relief Act-- to review its efficacy, and to determine if it is achieving its original goals, including to provide all children in our state "access to adequate and meaningful education, regardless of their residence or economic means"; and

WHEREAS, One component of the Working Group's duties is to examine funding for students with special needs, and English language learners; and

WHEREAS, Documentation prepared by the Rhode Island Department of Education explained that in the 2014-2015 school year, seven percent of students in Rhode Island were English language learners (ELLs), and that 75 percent of ELLs lived in four core cities of the state--Providence, Pawtucket, Woonsocket and Central Falls--with ELLs making up 23 percent of the student population in Providence; and

WHEREAS, The documentation also states that Rhode Island is one of only four states that does not have a mechanism for ELL-specific funding at the state level; and

WHEREAS, Rhode Island Department of Education data shows that the special education rate is 15.9 percent statewide, and 16.7 percent in Providence, and that the average per pupil expenditure varies widely based on the level of supports required for each student, ranging on average from \$11,327 to \$30,928; and

WHEREAS, Across the United States, funding mechanisms for students with disabilities range from formula funding and categorical funding to reimbursements, and Rhode Island's core instructional amount includes a flat dollar amount for special education, and the state makes reimbursements from a categorical fund for some of the highest cost special education students; and

WHEREAS, Rhode Island's special education funding mechanism is an outlier among states, and prior reports on Rhode Island's funding formula have recommended including a weight for students with disabilities to ensure the diverse needs of Rhode Island students are being met.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby urge the Governor's Working Group to Review the Permanent Education Foundation Aid Formula to include in its final recommendation a plan to include weights in the funding formula for students with disabilities, as well as ELL students.

BE IT FURTHER RESOLVED, That upon passage, a copy of this resolution be delivered to Governor Gina Raimondo, the members of the Working Group, Speaker of the House Nicholas A. Mattiello, Senate President M. Teresa Paiva Weed, and the Providence members of the Rhode Island General Assembly.

**Read and Passed, On Motion of COUNCILMAN JACKSON, Seconded by
COUNCILMAN CORREIA.**

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Kevin Jackson, Councilman
SECONDER:	Michael J. Correia, Councilman
AYES:	Aponte, Castillo, Correia, Hassett, Iglizzi, Jackson, Jennings, Matos, Principe, Ryan, Salvatore, Zurier – 12.
ABSENT:	Harris, Narducci, Yurdin – 3.

The Motion for Passage is Sustained.

COUNCILMAN PRINCIPE, (By Request):

Resolution Requesting the City Council to approve the transfer of all rights, title, and interest to the property located on Assessor's Plat 32, Lot 104 (14 Meader Street), currently held by the City to the Providence Redevelopment Agency.

COUNCIL PRESIDENT APONTE Refers the Resolution to the Committee on City Property.

RESULT:	REFERRED
TO:	Committee on City Property

COUNCILMAN PRINCIPE

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking" Signs located on Whittaker Street between Westminster Street and West Fountain Street.

COUNCIL PRESIDENT APONTE Refers the Resolution to the Committee on Public Works.

RESULT:	REFERRED
TO:	Committee on Public Works

REPORTS FROM COMMITTEE

**COMMITTEE ON FINANCE
COUNCILMAN JOHN J. IGLIOZZI, Chairman**

**Transmits the Following with Recommendation the Same Be Adopted,
As Amended:**

COUNCIL PRESIDENT APONTE, COUNCILWOMAN RYAN

An Ordinance in Amendment of the 2015 Providence Neighborhood Revitalization Act.

**Read and Passed the First Time, on Motion of COUNCILMAN JACKSON, Seconded by
COUNCILMAN CORREIA, by the following Roll Call Vote:**

RESULT:	READ/PASSED FOR THE FIRST TIME [UNANIMOUS]
MOVER:	Kevin Jackson, Councilman
SECONDER:	Michael J. Correia, Councilman
AYES:	Aponte, Castillo, Correia, Hassett, Igliazzi, Jackson, Jennings, Matos, Principe, Ryan, Salvatore, Zurier – 12
ABSENT:	Harris, Narducci, Yurdin – 3.

The Motion for Passage the First Time is Sustained.

**Transmits the Following with Recommendation the Same Be Severally
Approved:**

COUNCIL PRESIDENT APONTE, (By Request):

Resolution Authorizing the approval of the Financing of Repairs, Alterations,
Renovations, Improvements and Equipping of Schools and School Facilities in the city
and Approving the Issuance of Bonds, Notes, Evidences of Indebtedness or
Appropriation Obligations therefore in an amount not to exceed \$10,000,000.

**Read and Passed, on Motion of COUNCILMAN JACKSON, Seconded by COUNCILMAN
CORREIA, by the following Roll Call Vote:**

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Kevin Jackson, Councilman
SECONDER:	Michael J. Correia, Councilman
AYES:	Aponte, Castillo, Correia, Hassett, Iglizzi, Jackson, Jennings, Matos, Principe, Ryan, Salvatore, Zurier – 12.
ABSENT:	Harris, Narducci, Yurdin – 3.

The Motion for Passage is Sustained.

PERSONAL EXPRESSION

COUNCILMAN ZURIER Requests the privilege of the floor to speak on a Point of Personal Expression and states:

“I want to talk a little bit about the bond issues we just approved. This is a \$10 million dollar bond that the state is going to fund to 80%. Nonetheless, because of the current rules the entire \$10 million dollars counts against our bonding capacity, yet in a limited bonded capacity and it’s not fair to us for that capacity to be used up 100% on something we’re only paying 20%. It affects us because we want to do all the work we can with our school buildings and the work of our roads and our sewers that are going to run out of capacity. That’s why we’re working with the Treasurer’s Office to try to address this and obviously we have to continue going forward as best we can, but I’m hopeful that at some point there will be a solution at the state level so it will help the bonding capacity. Thank you.”

COUNCIL PRESIDENT APONTE, (By Request):

Resolution Authorizing Approval of the following Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

Chubb Insurance	\$429,545.00
Ironshore Indemnity	\$ 1,500.00
Catlin Specialty	\$ 48,696.96
Endurance	<u>\$ 21,075.60</u>
	\$500,817.56

(School Department)

RESOLVED, That the Members of the Providence City Council hereby

Authorize Approval of the following Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

Chubb Insurance	\$429,545.00
Ironshore Indemnity	\$ 1,500.00
Catlin Specialty	\$ 48,696.96
Endurance	<u>\$ 21,075.60</u>
	\$500,817.56

(School Department)

COUNCIL PRESIDENT APONTE, (By Request):

Resolution Authorizing Approval of the following Change Order Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

Xerox	\$300,000.00
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(Public Works)

RESOLVED, That the Members of the Providence City Council hereby Authorize Approval of the following Change Order Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

Xerox	\$300,000.00
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(Public Works)

COUNCIL PRESIDENT APONTE, (By Request):

Resolution Authorizing Approval of the following Sole Source Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

OpportunitySpace, Inc.	\$9,000.00
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(Planning and Development)

RESOLVED, That the Members of the Providence City Council hereby Authorize Approval of the following Sole Source Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

OpportunitySpace, Inc.	\$9,000.00
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(Planning and Development)

Communication from His Honor the Mayor, dated November 20, 2015, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1102 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing Juan Pichardo of 229 Atlantic Avenue, Providence, Rhode Island 02907, as a member of the Board of Licenses for a term ending on January 31, 2019, and respectfully submits the same for your approval.

Communication from His Honor the Mayor, dated November 25, 2015, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 814 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing Robert Kumins of 4 Cole Farm Court, Providence, Rhode Island 02906, as a member of the Board of Tax Assessment and Review for a term ending on January 31, 2019, and respectfully submits the same for your approval.

Communication from His Honor the Mayor, dated November 25, 2015, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing Ivette C. Luna of 27 Fisk Street, Providence, Rhode Island 02905, as a member of the Providence School Board for a term to expire on January 31, 2019, and respectfully submits the same for your approval. (Ms. Luna will replace Phanida Phivilay)

Communication from His Honor the Mayor, dated November 25, 2015, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing Nicholas Hemond of 618 Pleasant Valley Parkway, Providence, Rhode Island 02908, as a member of the Providence School Board for a term to expire on January 31, 2019, and respectfully submits the same for your approval.

Communication from His Honor the Mayor, dated November 25, 2015, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing Lorraine N. Lalli, Esquire of 11 Fifth Street, Providence, Rhode Island 02906, as a member of the Providence School Board for a term to expire on January 31, 2019, and respectfully submits the same for your approval. (Ms. Lalli will replace Eva Avila)

COUNCILMAN JACKSON Moves to Dispense with the Reading of the foregoing matters and Moves to Receive and Approve the foregoing Communications, Seconded by COUNCILMAN CORREIA.

RESULT:	RECEIVED AND APPROVED [UNANIMOUS]
MOVER:	Kevin Jackson, Councilman
SECONDER:	Michael J. Correia, Councilman
AYES:	Aponte, Castillo, Correia, Hassett, Igliazzi, Jackson, Jennings, Matos, Principe, Ryan, Salvatore, Zurier – 12.
ABSENT:	Harris, Narducci, Yurdin – 3.
	“COUNCILMAN IGLIOZZI wishes to be recorded as recusing himself from voting on Communication from His Honor the Mayor, dated November 24, 2015, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 as amended; Section 8-13 of the Code of Ordinances of the City of Providence; and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing David Igliazzi, Esquire of 20 Legion Memorial Drive, Providence, Rhode Island 02909, as an Associate Justice of the Providence Housing Court, for a term to end January 4, 2019, and respectfully submits the same for your approval.”

Transmits the Following with Recommendation the Same Be Severally Denied Without Prejudice:

Communication from His Honor the Mayor, dated November 24, 2015, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1013 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing Heather Tow-Yick of 36 Fosdyke Street, Providence, Rhode Island 02906, as a human services category member of the City Plan Commission for a term to end January 31, 2021, and respectfully submits the same for your approval.

Communication from His Honor the Mayor, dated November 24, 2015, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended; Section 8-13 of the Code of Ordinances of the City of Providence; and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing Lynette Labinger, Esquire of 658 Hope Street, Providence, Rhode Island 02906, as the Chief Justice of the Providence Housing Court, for a term to end January 4, 2019, and respectfully submits the same for your approval.

COUNCILMAN JACKSON Moves to Dispense with the Reading of the foregoing matters and Moves to Deny without Prejudice the foregoing Communications, seconded by COUNCILMAN CORREIA.

RESULT:	DENIED WITHOUT PREJUDICE [UNANIMOUS]
MOVER:	Kevin Jackson, Councilman
SECONDER:	Michael J. Correia, Councilman
AYES:	Aponte, Castillo, Correia, Hassett, Igliazzi, Jackson, Jennings, Matos, Principe, Ryan, Salvatore, Zurier – 12.
ABSENT:	Harris, Narducci, Yurdin – 3.

**MATTER NOT APPEARING
ON THE PRINTED DOCKET**

On Motion of COUNCILMAN JACKSON, Seconded by COUNCILMAN CORREIA, it is voted to Suspend Rule 16(b) of the Rules of the City Council in order to allow the introduction of the following Matter not Appearing on the Printed Docket.

COUNCIL PRESIDENT APONTE

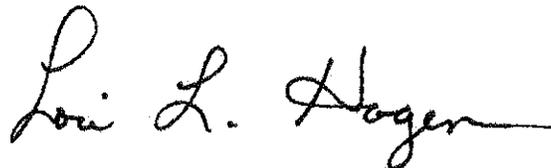
An Ordinance in Amendment of Article III ½, "First Source Agreement," of Chapter 21 of the Code of Ordinances of the City of Providence.

COUNCIL PRESIDENT APONTE Refers the Ordinance to the Committee on Ordinances.

RESULT:	REFERRED
TO:	Committee on Ordinances

CONVENTION

There being no further business, on Motion of **COUNCILMAN JACKSON**, Seconded by **COUNCILMAN CORREIA**, it is voted to adjourn at 6:07 o'clock P.M., to meet again **THURSDAY, JANUARY 7, 2016 at 7:00 o'clock P.M.**



**LORI L. HAGEN
CITY CLERK**

