

**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 29 City Council Special Meeting, Tuesday, August 12, 2014, 4:30 o'clock P.M.

PRESIDING

**COUNCIL PRESIDENT
MICHAEL A. SOLOMON**

CALL TO ORDER

**PRESENT: COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE,
COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA,
COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON,
COUNCILMAN JENNINGS, COUNCILWOMAN MATOS,
COUNCILMAN SALVATORE, COUNCILMAN SANCHEZ,
COUNCILMAN ZURIER – 11.**

**ABSENT: COUNCILMAN HASSETT, COUNCILMAN NARDUCCI,
COUNCILMAN PRINCIPE, COUNCILMAN YURDIN – 4.**

**ALSO PRESENT: TINA MASTROIANNI, ASSISTANT CLERK, SHERI A.
PETRONIO, ASSISTANT CLERK AND ADRIENNE SOUTHGATE, DEPUTY CITY
SOLICITOR**

**IN CITY COUNCIL
SEP 18 2014**

APPROVED:

Paul D. Ryan CLERK
ACTING

INVOCATION

The Invocation is given by **COUNCILMAN LUIS APONTE**.

"Heavenly Father, we call upon you this day to be among us and allow us to deliberate on the matters before us that are important to the citizens of the city and to the City of Providence. Always keep Providence in your hands. We ask this in your name. Amen."

PLEDGE OF ALLEGIANCE

COUNCILMAN KEVIN JACKSON Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCIL PRESIDENT MICHAEL SOLOMON

Request filed with the Second Deputy City Clerk August 8, 2014, Requesting a Special Meeting of the City Council to be Called on the 12th day of August, 2014 at 4:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCIL PRESIDENT SOLOMON Receives the foregoing Communication.

RESULT:	RECEIVED
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WARRANT FOR SPECIAL MEETING

Warrant of the Second Deputy 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 12th day of August, 2014 at 4:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCIL PRESIDENT SOLOMON Receives the foregoing Warrant.

RESULT: RECEIVED

ORDINANCE SECOND READING

COUNCIL PRESIDENT SOLOMON, (By Request):

An Ordinance in Amendment of Chapter 14, "Licenses," of the Code of Ordinances of the City of Providence, Article I, "In General," Section 14-17, "Prohibited Conduct.

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 14, "Licenses," Article I, "In General," is hereby amended by adding thereto the following section:

Sec. 14-17 Prohibited conduct.

(a) The following definitions shall apply to this section:

- (1) "Worker" shall mean, describe, and pertain to any person who performs any service on the premises of a licensed business, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Worker does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
- (2) "Floor Space" means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.
- (3) "Licensee" means a person in whose name a license has been issued by the City of Providence Board of Licenses, as well as the individual or individuals listed as an applicant on the application for the license, and all individuals with ownership of a financial interest of ten percent (10%) or more of a licensed business or of any class of voting securities of a licensed business, and all individuals holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity in which name a license has been issued by the City of Providence.
- (3) "Nude" means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

(4) "Operator" means any person on the premises of a licensed business who manages, supervises, or controls the business or a portion thereof including, but not limited to, persons deemed to be a manager, supervisor, owner, part owner, or licensee of the business.

(5) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(6) "Premises" means the real property upon which the licensed business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the licensed business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the license application.

(7) "Prostitution" means the act of engaging, agreeing or offering to engage in sexual conduct (as defined in R.I.G.L. § 11-34.1-2) with another person in return for a fee.

(8) "Loitering for prostitution" means the act of standing or wandering in or near any public highway or street, or any public or private place, and attempt to engage passersby in conversation, or stop or attempt to stop motor vehicles, for the purpose of prostitution or other commercial sexual activity (as defined in R.I. Gen. 11-34.1-4).

(9) "Pandering" means the act of causing, inducing, persuading, or encouraging a person, by any promise or threat, by abuse of person, or by any other device or scheme, to become a prostitute or to come into this state or leave this state for the purpose of prostitution or the act of receiving or giving, or agreeing to receive or give, any money or thing of value for procuring or attempting to procure any person to become a prostitute or to come into this state or leave this state for the purpose of prostitution.

(10) "Semi-nude" means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

(b) Notwithstanding any provision in this chapter to the contrary, it shall be unlawful for a licensee, or any licensed business, or any Worker of a licensee or licensed business to:

(1) engage in or permit prostitution, loitering for prostitution, or pandering on the premises;

(2) allow a person under the age of eighteen (18) years to be or remain on the premises of a licensed business where one or more Workers are permitted by the licensee or an operator thereof to appear semi-nude or nude on the premises.

(c) If, after a hearing before the Board of Licenses in accordance with its rules and regulations, a licensee or operator of a licensed business is found to have violated the regulations in this section or allowed a Worker or any other person to violate the regulations in this section, if it is determined after hearing that such violations resulted from the gross negligence of the licensee or operator of a licensed business, in addition to any punishment or penalties that may be prescribed by statute for that offense, the Board of Licenses shall immediately revoke all licenses held by the licensee.

SECTION 2. This ordinance shall take effect upon passage.

Read and Passed the Second Time, on Motion of COUNCILMAN SALVATORE, Seconded by COUNCILMAN JENNINGS, by the following Roll Call Vote:

RESULT:	READ/PASSED SECOND TIME [UNANIMOUS]
MOVER:	David Salvatore, Councilman
SECONDER:	Wilbur W. Jennings, Councilman
AYES:	Solomon, Aponte, Castillo, Correia, Igliazzi, Jackson, Jennings, Matos, Salvatore, Sanchez, Zurier – 11.
ABSENT:	Hassett, Narducci, Principe, Yurdin – 4.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF RESOLUTION

COUNCILMAN ZURIER, COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN JENNINGS, COUNCILWOMAN MATOS, COUNCILMAN NARDUCCI, COUNCILMAN PRINCIPE, COUNCILMAN SALVATORE, COUNCILMAN SANCHEZ, COUNCILMAN YURDIN

Resolution Requesting the Department of Public Works to report to the Committee on Public Works on the status of unrepaired sidewalks, and that the Internal Auditor report to the Special Committee on Ways and Means concerning the City's bonding in general, and more specifically on the anticipated availability of bonding capacity in the range of \$10-\$20 million consistent with the City's practices concerning the maintenance of a sound credit rating.

WHEREAS, The Department of Public Works is responsible for maintaining and repairing the City's sidewalks; and

WHEREAS, The Department's budget is not sufficient to fund the repair of sidewalks immediately upon request; and

WHEREAS, The Department's practice is to repair sidewalks as funds permit, based on the condition of the sidewalk and the date of the request; and

WHEREAS, The Department maintains a list of unrepaired sidewalks which, in many cases, includes a summary of an inspection and the date of the request; and

WHEREAS, The Department's list of unrepaired sidewalks includes unrepaired sidewalks in poor condition for which repairs were requested more than ten (10) years ago; and

WHEREAS, Several hundred entries on the sidewalk repair list are undated; and
WHEREAS, A recent informal inquiry suggests that there are a total of more than 2,500 entries of unrepaired sidewalks (in varying condition) on the current sidewalk repair list;

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council requests that the Department of Public Works, on or before October 1, 2014, report to the Public Works Committee on the status of unrepaired sidewalks, providing current information on:

1. The number of sidewalks in need of repair;
2. The estimated cost of repair;
3. Historical information concerning the average number of sidewalks repaired in previous years;
4. Other information the Department considers material to the subject matter of this Resolution; and

BE IT FURTHER RESOLVED, That the City Council requests that the Internal Auditor report to the Ways and Means Committee concerning the City's bonding capacity in general, and more specifically on the anticipated availability of bonding capacity in the range of \$10-\$20 million consistent with the City's current practices concerning the maintenance of a sound credit rating.

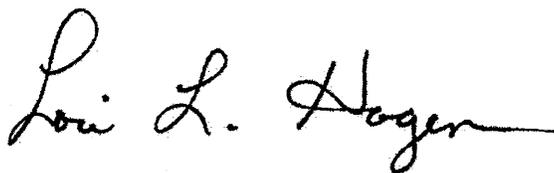
Read and Passed, on Motion of COUNCILMAN SALVATORE, Seconded by COUNCILMAN JENNINGS.

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	David Salvatore, Councilman
SECONDER:	Wilbur W. Jennings, Councilman
AYES:	Solomon, Aponte, Castillo, Correia, Igliazzi, Jackson, Jennings, Matos, Salvatore, Sanchez, Zurier – 11.
ABSENT:	Hassett, Narducci, Principe, Yurdin – 4.

The Motion for Passage is Sustained.

CONVENTION

There being no further business, on Motion of **COUNCILMAN IGLIOZZI**, Seconded by **COUNCILMAN JENNINGS**, it is voted to adjourn at 4:40 o'clock P.M., to meet again **THURSDAY, SEPTEMBER 4, 2014 at 7:00 o'clock P.M.**



LORI L. HAGEN
SECOND DEPUTY CITY CLERK

This meeting was recorded and the video may be viewed on demand via the internet. Please visit the City Clerk web site or contact us directly for details.