

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 54 City Council Regular Meeting, Thursday, January 4, 2001, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

Present: Council President Lombardi,
Councilmen Allen, Aponte, Butler, Clarkin,
DeLuca, Councilwoman DiRuzzo, Council-
men Hassett, Iglizzi, Jackson, Council-
women Nolan, Romano, Williams and
Young—14.

Absent: Councilman Mancini—1.

IN CITY COUNCIL
MAR 15 2001

APPROVED:

Michael R. Clement CLERK
BP

INVOCATION

The Invocation is given by COUNCILWOMAN PATRICIA K. NOLAN.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCILMAN JOHN J. IGLIOZZI leads the members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF RECORDS

The Journal of Proceedings No. 50 of the Regular Meeting of the City Council held November 2, 2000; and the Journal of Proceedings No. 51 of the Regular Meeting of the City Council held November 16, 2000, and Posted December 28, 2000, on that Bulletin Board located on the Ground Floor Level of City Hall, are approved as printed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

J HAM

ORDINANCE SECOND READING

The following Ordinance was in City Council December 14, 2000, Read and Passed the First Time and is returned for Passage the Second Time:

An Ordinance in amendment of Chapter 21 of Article VII entitled "Tax Stabilization for Industrial Property" of the Code of Ordinances of the City of Providence, as amended.

Be it ordained by the City of Providence:

Section 1. Chapter 21 of Article VII of the Code of Ordinances of the City of Providence, is amended by adding the following:

21-170. *Downcity Tax District.*

The City Council has the authority under the General Laws of the State of Rhode Island to create a Downcity Tax District to provide special tax considerations for designated properties within the district, as defined below. Private investment is needed to rehabilitate and construct buildings as well as to introduce economically viable uses to the area, but investment has been insufficient because of the high cost of renovation and difficulty obtaining commercial tenants. It is therefore in the public interest to provide property tax incentives for owners of under-utilized property in the Downcity district in order that there may be substantial rehabilitation of the properties and attract new residential, commercial and institutional uses. It is also in the public interest to offer these incentives for a limited duration.

Eligible Property. Eligible properties shall be taxable properties located within the area bounded by Dorrance, Pine, Empire and Sabin Streets within the City of Providence; and shall

have been more than fifty percent (50%) vacant as of December 31, 1999 or, although more than fifty percent (50%) occupied, shall be eligible if certified by the Building Inspector as in need of substantial rehabilitation.

Buildings demolished after December 31, 1999 shall be ineligible. Properties already vacant as of this date shall be eligible if the owners construct new structures, including parking garages.

Property taxes levied on eligible properties as of December 31, 2000 shall reflect the adopted tax considerations. Owners of eligible properties are required to begin renovations by December 31, 2003 in order to qualify for continued tax considerations. Properties that fail to meet this deadline will be required retroactively to pay the difference between their actual tax payments and what they would have paid if ineligible for the specified tax considerations.

Substantial rehabilitation shall mean rehabilitation that adheres to the applicable building and fire codes, extends to all occupiable floors of the building, and equals at least fifty percent (50%) of the current replacement value of the structure, as certified by the city Building Inspector.

Tax Considerations. The City of Providence shall provide tax considerations for a period beginning with the assessments of December 31, 2000 up to and including December 31, 2010.

During this period, eligible properties shall pay annual taxes on land and buildings in an amount equal to the tax assessed as of December 31, 1998. This tax shall be fixed regardless of changes in the tax rate, or of changes in valuation resulting from periodic renovation. During this period of eligibility, the tax shall be fixed regardless of increased property value resulting from substantial rehabilitation.

During the period of eligibility, the City of Providence shall also use special considerations in taxing tangible property located in businesses in eligible properties. This tax consideration shall not be available for any business relocating from another area of the city of Providence unless that business has been involuntarily relocated or has been relocated as a result of a catastrophic occurrence. This shall apply, however, to expansion projects by businesses already located within this area. For the ten year period, the rate of thirty-three dollars and forty-four cents (\$33.44) shall be applied annually to tangible property value as it is determined and any change from year to year. This consideration shall apply to all taxable businesses occupying eligible properties during the period of eligibility, regardless of when they first occupied the property.

Transfer of exempt or stabilized property. Tax benefits for eligible properties shall be transferable to new owners or tenants, but the life of the tax consideration shall not be extended.

Other Considerations. This section shall not diminish the authority of any body to review and approve the construction plans for overall appearance or historical preservation standards. This section shall not limit or otherwise preclude the city council from also exempting

or stabilizing taxes on properties which would otherwise be permitted by the General Laws of the State of Rhode Island or by this code of ordinances, including but not limited to section 21-169. In the event another exemption or stabilization program is applied to the eligible property, the annual taxes on land and buildings would be the amount equal to the tax assessed as of December 31, 1998 and that will serve as the assessed valuation of the property from which the abatement shall be computed.

Forms and Procedure. The City Assessor shall develop forms and procedures as he or she deems necessary and proper. The procedure for eligible properties under this section shall be the same as in section 21-169(b)(1).

Revocation. The City Council shall terminate an exemption granted hereunder prior to the expiration thereof in the event of fraud or misrepresentation by an applicant regarding any statements or representations contained in the application.

Section 2. This Ordinance shall take effect upon passage.

Read and Passed the Second Time, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozzi, Jackson, Councilwomen Nolan, Romano, Williams and Young—14.

Nays: None.

Absent: Councilman Mancini—1.

The motion for Passage the Second Time is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILWOMAN ROMANO, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution Extending Sincere Congratulations to Detectives James Marsland, Carl Weston, Philip R. Hartnett, Edmund J. Esten, Sergeant John A. MacAndrew and Sergeant Hugh T. Clements, Jr., on Christmas Eve of the arrest of an alleged kidnapper, rapist and robber in Providence.

Resolved, That the Members of the Providence City Council hereby extend their Sincere Congratulations to Detectives James Marsland, Carl Weston, Philip R. Hartnett, Edmund J. Esten, Sergeant John A. MacAndrew and Sergeant Hugh T. Clements, Jr., on Christmas Eve of the arrest of an alleged kidnapper, rapist and robber in Providence.

COUNCILMAN ALLEN moves to amend the Resolution to add the words "alleged kidnapper, rapist and robber", seconded by COUNCILWOMAN WILLIAMS.

The motion to Amend is Sustained.

Read and Passed, as amended, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage, as amended, is Sustained.

Resolution Requesting the Traffic Engineer to cause the installation of "two hour parking" signs on both sides of Spruce Street between Bond Street and Bradford Street. (If only one side possible, place on south side).

COUNCIL PRESIDENT LOMBARDI moves to amend the Resolution by changing "right" side to "south" side, and refers the Resolution to the Committee on Public Works.

The motion to Refer is Sustained.

COUNCILMAN ALLEN and COUNCILMAN APONTE (By Request):

Resolution Requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 52, Lot 348 (143 Adelaide Avenue), in accordance with Rhode Island General Law Section 44-7-23, in the amount of six thousand, two hundred eighty three dollars

and thirteen cents (\$6,283.13), or any taxes accrued including 2000 taxes, at the request of the Providence Redevelopment Agency.

Resolution Requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 23, Lot 41 (37 Somerset Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of nine hundred fifty four dollars and seventy five cents (\$954.75), or any taxes accrued including 2000 taxes, at the request of the Providence Redevelopment Agency.

Resolution Requesting to cancel or abate, in whole, the taxes assessed upon Assessor's Plat 23, Lot 45 (21 Somerset Street), in accordance with Rhode Island General Law Section 44-7-23, in the amount of nine hundred fifty four dollars and seventy five cents (\$954.75), or any taxes accrued including 2000 taxes, at the request of the Providence Redevelopment Agency.

COUNCILMAN ALLEN moves to dis-
pense with the reading of the foregoing
matters.

COUNCIL PRESIDENT LOMBARDI
Severally Refers the Resolutions to the
Committee on Finance.

The motion to Refer is Sustained.

COUNCILMAN APONTE (By Request):

Resolution Requesting the Department of Inspection and Standards to allow the granting of a permit to attach and affix an awning and related signs to the property located at 1032 Broad Street for the benefit of Hernandez Liquors, since the sign would conform to the proposed Building Overlay Zoning Ordinance.

Resolved, That the Department of Inspection and Standards is requested to allow the granting of a permit to attach and affix an awning and related signs to the property located at 1032 Broad Street for the benefit of Hernandez Liquors, since the sign would conform to the proposed Building Overlay Zoning Ordinance.

Read and Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

COUNCILMAN APONTE:

Resolution Requesting a Moratorium on the demolition of commercial, industrial and mill buildings.

COUNCIL PRESIDENT LOMBARDI
Refers the Resolution to the Committee on
Finance.

COUNCILWOMAN DiRUZZO moves for
immediate consideration, seconded by
COUNCILMAN HASSETT.

COUNCILWOMAN DiRUZZO withdraws her motion for immediate consideration, **COUNCILMAN HASSETT** withdraws his second.

COUNCILWOMAN DiRUZZO moves for a motion not to pass, seconded by **COUNCILMAN HASSETT**.

COUNCILMAN ALLEN moves to Lay on the Table, seconded by **COUNCILMAN APONTE**, and is put to vote by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Jackson and Councilwoman Young—5.

Nays: Councilmen Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliazzi, Councilwoman Nolan, Romano and Williams—9.

Absent: Councilman Mancini—1.

The motion to Lay on the Table fails.

COUNCILWOMAN DiRUZZO's motion Not to Pass, is put to vote by the following Roll Call Vote:

Ayes: Councilmen Butler, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliazzi, Councilwomen Nolan, Romano and Williams—9.

Nays: Council President Lombardi, Councilman Allen, Aponte, Jackson and Councilwoman Young—5.

Absent: Councilman Mancini—1.

The motion Not to Pass is Sustained.

Resolution Requesting the Department of Inspection and Standards to allow the granting of building permits to Tides Family Services for the repairs needed at 790 Broad Street, since the construction of these bathrooms would not violate the spirit of the Moratorium of Building Permits.

Whereas, Building Permits would allow for the completion of two bathrooms within the structure located at 790 Broad Street and allow services to continue while bringing the building into conformity with its current use, and

Whereas, The construction of those bathrooms would not violate the spirit of the Moratorium of Building Permits.

Now, therefore, be it Resolved, That the Department of Inspection and Standards is requested to allow the granting of building permits to Tides Family Services for the repairs needed at 790 Broad Street.

Read and Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

COUNCILMAN DeLUCA, COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN CLARKIN, COUNCILWOMAN DiRUZZO, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILWOMAN ROMANO, COUN-

**CILWOMAN WILLIAMS and COUNCIL-
WOMAN YOUNG:**

Resolution Requesting the City Council President to appoint a Committee of the City Council on Public Welfare to investigate acts of bravery or valor, pursuant to Section 2.8 of the Providence Code of Ordinances.

Resolved, That the City Council President is requested to appoint a Committee of the City Council on Public Welfare to investigate acts of bravery or valor, pursuant to Section 2.8 of the Providence Code of Ordinances.

Read and Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

Resolution Requesting the Providence City Council to bestow the Municipal Medal upon Michael Green of 29 Leah Street for performing an extraordinary act of bravery on December 14, 2000.

COUNCIL PRESIDENT LOMBARDI moves to amend the Resolution to "29" Leah Street, and Refers the same to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILMAN HASSETT:

Resolution Requesting the Traffic Engineer to cause the installation of a "four-way stop" sign at the intersection of Robin Street and Regent Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of "slow children" signs along Robin Street and also at that section of Regent Avenue in the vicinity of Robin Street.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Severally Refers the Resolutions to the Committee on Public Works.

The motion to Refer is Sustained.

Resolution Requesting the Providence Redevelopment Agency to acquire that property located at 40 Alston Street as part of the City Vacant Lot Program.

Resolution Requesting that the Camden Avenue Elementary School be renamed the "Harry Kizirian Elementary School", in honor and recognition of Harry Kizirian, the highly decorated World War Veteran and former Rhode Island Postmaster.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Severally Refers the Resolutions to the Committee on Urban Redevelopment, Renewal and Planning.

The motion to Refer is Sustained.

COUNCILMAN HASSETT and COUNCILMAN IGLIOZZI:

Resolution Requesting the Commissioner of Public Safety to appoint and assemble a Screening Committee to evaluate applications for the Office of the Deputy Commissioner of Public Safety.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee on Finance.

The motion to Refer is Sustained.

REPORTS FROM COMMITTEES

COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman
COMMITTEE ON CITY PROPERTY

and

COUNCILMAN ROBERT M. CLARKIN, Chairman
COMMITTEE ON PUBLIC WORKS

Jointly transmit the following with recommendation the same be Approved:

Resolution Approving the installation and maintenance of private utilities within the public right-of-way under sidewalks and paved roadways at proposed locations.

It is hereby Resolved, That His Honor, the Mayor, is authorized to grant a non-exclusive

sub-surface easement below Thayer Street and Charlesfield Street in the City of Providence to Brown University (hereinafter "Brown" or "the University").

1. Said easement shall be utilized only for the installation and maintenance of electrical,

**COUNCILMAN KEVIN JACKSON, Chairman
COMMITTEE ON FINANCE**

**Transmits the following with recommenda-
tion the same be Adopted, as amended:**

An Ordinance in amendment of Chapter 21, Section 19 of the Code of Ordinances of the City of Providence entitled: "Capital Equipment Budget", as amended.

Read and Passed the First Time, as amended, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clar-

kin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Igliozzi, Jackson, Councilwomen Nolan, Romano, Williams and Young—14.

Nays: None.

Absent: Councilman Mancini—1.

The motion for Passage the First Time, as amended, is Sustained.

**Transmits the following with recommenda-
tion the same be severally Approved:**

Communication from His Honor, the Mayor, dated November 14, 2000, informing the Honorable Members of the Providence City Council that pursuant to Sections 302(b) and 1013 of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Stephen Durkee of 22 Harrison Street, Providence, Rhode Island, as a member of the City Plan Commission for a term to expire in January, 2005, and respectfully submits the same for approval.

COUNCILWOMEN DIRUZZO, ROMANO, COUNCILMEN HASSETT and IGLI-

OZZI request to be recorded as voting "No" on this matter.

Communication from His Honor, the Mayor, dated November 29, 2000, informing the Honorable Members of the Providence City Council that pursuant to Sections 302(b) and 1011 of the Providence Home Rule Charter of 1980, he is this day appointing Mr. Paul Aldinger of 115 Laurel Avenue, Providence, Rhode Island, as a member of the Building

Board of Review for a term to expire in January, 2001, and respectfully submits the same for approval. Mr. Aldinger will fill the unexpired term of Mr. Henry Markoff, now deceased.

Communication from His Honor, the Mayor, dated December 4, 2000, informing the Honorable Members of the Providence City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and Section 8-17 of the Code of Ordinances of the City of Providence, he is this day reappointing Associate Judge Roberto Gonzalez of 21 Obadiah Brown Road, Providence, Rhode Island, as a member of the Providence Housing Court for a term to expire on the first Monday in January, 2004, and respectfully submits the same for approval.

Communication from His Honor, the Mayor, dated December 6, 2000, informing the Honorable Members of the Providence City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980 and Section 8-17 of the Code of Ordinances of the City of Providence, he is this day reappointing Associate Judge Daniel Calenda of 140 Prospect Street, Providence, Rhode Island, as a member of the Providence Housing Court for a term to expire on the first Monday in January, 2004, and respectfully submits the same for approval.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters, and moves for Approval of the several Communications, seconded by COUNCILWOMAN WILLIAMS.

The motion for Approval is Sustained.

FROM THE CLERK'S DESK

Petition from Richard Kinsman dated December 28, 2000, requesting an easement to allow construction of a balcony above a city sidewalk.

COUNCIL PRESIDENT LOMBARDI Refers the Petition to the Committee on Public Works.

The motion to Refer is Sustained.

Petitions for Compensation for Injuries and Damages, viz:

Diann Robinson

James O'Neill (Mark C. DeSisto, Esquire)

Francisco Aracena (Paul V. Jabour, Esquire)

Carrie Nolan

Martin Franco (Paula Y. Francese, Esquire)
 Dawn Arnold (Gary E. Blais, Esquire)
 MetLife Auto & Home a/s/o Chanthan Meas
 Marcia R. Lieberman (Paul A. Lietar, Esquire)
 Salciccio, Inc.
 Naomi Brooks p.p.a. Kiara Brooks (Robert P. Verri, Esquire)
 Demetri Foussekis (Thomas E. Badway, Esquire)

Aaron E. Carney (Eva Marie Mancuso, Esquire)

Gabriella DiGiacinto Caprio

Marilyn Colon

Clinton Seastrunk

Benjamin Smith (Charles J. Vucci, Esquire)

COUNCIL PRESIDENT LOMBARDI Severally Refers the Petitions to the Committee on Claims and Pending Suits.

The motion to Refer is Sustained.

PRESENTATION OF CITATIONS

“In Congratulations”

COUNCIL PRESIDENT LOMBARDI and the MEMBERS of the CITY COUNCIL:

Citations Extending Congratulations.

Resolved, That the Members of the City Council extend their sincere congratulations to the following:

Mr. and Mrs. George Farrell, in recognition of the celebration of their 50th Wedding Anniversary on October 14, 2000.

Mr. and Mrs. Sam Russo, in recognition of the celebration of their 50th Wedding Anniversary on May 6, 2000.

Colonel Urbano Prignano, Chief of Police, in recognition of his retirement after thirty four years of dedicated service to the Providence Police Department.

Severally Read and Collectively Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memorium"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS of the CITY COUNCIL:**

Resolutions Extending Sympathy.

Resolved, That the Members of the City Council extend their sincere sympathy to the families of the following:

Joseph F. Rinaldi

John H. Andreozzi, Sr.

Delia L. McDonnell

Hazel M. Christy

Reverend Thomas E. Moye

John V. "Big John" Sylvia

Joseph A. Nicolaus

Isabel E. Sousa

Edward T. Moran

Mary J. Salvatore

**Severally Read and Collectively Passed,
by a Unanimous Rising Vote, on motion of
COUNCILMAN ALLEN, seconded by
COUNCILWOMAN WILLIAMS.**

The motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:35 o'clock P.M. (E.S.T.) to meet again on THURSDAY, JANUARY 18, 2001 at 7:30 o'clock P.M. (E.S.T.).

Michael R. Clement

City Clerk

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FILED
MAR 2 10 33 AM '01
DEPT. OF CLERK
PROVIDENCE, R.I.