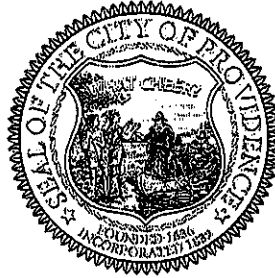


**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 26 City Council Regular Council Meeting, Thursday, September 12, 2013, 7:00 o'clock P.M.

PRESIDING

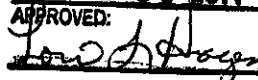
**COUNCIL PRESIDENT
MICHAEL A. SOLOMON**

ROLL CALL

**PRESENT: COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE,
COUNCILMAN CORREIA, COUNCILMAN HASSETT, COUNCILMAN JACKSON,
COUNCILWOMAN MATOS, COUNCILMAN SALVATORE,
COUNCILMAN SANCHEZ, COUNCILMAN YURDIN, COUNCILMAN ZURIER**

**ABSENT: COUNCILWOMAN CASTILLO, COUNCILMAN IGLIOZZI,
COUNCILMAN JENNINGS, COUNCILMAN NARDUCCI,
COUNCILMAN PRINCIPE**

**ALSO PRESENT: ANNA M. STETSON, CITY CLERK, LORI L. HAGEN, SECOND
DEPUTY CITY CLERK, SHERI A. PETRONIO, ASSISTANT CLERK AND
JEFFREY M. PADWA, CITY SOLICITOR**

**IN CITY COUNCIL
FEB 20 2014**
APPROVED:  **CLERK**
ACTING

INVOCATION

The Invocation will be given by Councilman Samuel D. Zurier.

PLEDGE OF ALLEGIANCE

COUNCIL PRESIDENT MICHAEL A. SOLOMON Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated August 5, 2013, 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 appointing Luis Torrado of Torrado Architects, 34 Greenwich Street, Providence, Rhode Island 02907, as his designee on the City Plan Commission.

RESULT: RECEIVED

Communication dated August 5, 2013, 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 appointing Harrison Bilodeau of Providence as a member of the City Plan Commission for a term to end January 31, 2015, and respectfully submits the same for your approval. (Mr. Bilodeau will replace Stephen Durkee who has stepped down.

Communication dated August 29, 2013, 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 Janet Freedman of Providence, as a member of the Providence Harbor Management Commission for a term to expire on December 31, 2015, and respectfully submits the same for your approval.

Communication dated August 29, 2013, 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 Jonathan Stone of Providence, as a member of the Providence Harbor Management Commission for a term to expire on December 31, 2015, and respectfully submits the same for your approval.

Communication dated August 29, 2013, 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 Edythe Warren of Providence, as a member of the Providence Harbor Management Commission for a term to expire on December 31, 2015, and respectfully submits the same for your approval.

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN SALVATORE.

COUNCIL PRESIDENT SOLOMON Refers the Several Communications to the Special Committee on Ways and Means.

RESULT:	REFERRED
TO:	Special Committee on Ways and Means

Communication dated August 23, 2013, 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, and Providence Code of Ordinances, Chapter 2007-51, Ordinance No. 504, he is this day appointing Melissa Sanzaro, Manager of the Special Project Office at the Providence Housing Authority, to the Environmental Sustainability Task Force. (Ms. Sanzaro will replace Mr. Greg DeMaria who has resigned)

RESULT:	RECEIVED
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Communication dated July 29, 2013, Informing the Honorable Members of the City Council that he is this day appointing Richard Lapin of Providence as a member of the Providence Economic Development Task Force.

RESULT: RECEIVED

ELECTION

Election of Two Members to the Recreational Advisory Board.

COUNCIL PRESIDENT SOLOMON Calls for Nominations for Two Members to serve on the Recreational Advisory Board.

COUNCILMAN YURDIN Nominates **COUNCILMAN TERRENCE M. HASSETT**, and this Nomination is seconded by **COUNCILMAN SALVATORE**.

COUNCIL PRESIDENT SOLOMON Calls for further Nominations and there being none, on motion of **COUNCILMAN YURDIN**, seconded by **COUNCILMAN SALVATORE**, it is voted that Nominations be closed and the Clerk is directed to Cast One Ballot for **COUNCILMAN TERRENCE M. HASSETT**.

The Clerk Casts One Ballot as directed.

COUNCILMAN YURDIN Nominates **COUNCILMAN KEVIN JACKSON**, and this Nomination is seconded by **COUNCILMAN SALVATORE**.

COUNCIL PRESIDENT SOLOMON Calls for further Nominations and there being none, on motion of **COUNCILMAN YURDIN**, seconded by **COUNCILMAN SALVATORE**, it is voted that Nominations be closed and the Clerk is directed to Cast One Ballot for **COUNCILMAN KEVIN JACKSON**.

The Clerk Casts One Ballot as directed.

COUNCIL PRESIDENT SOLOMON, Thereupon declares **COUNCILMAN TERRENCE M. HASSETT** and **COUNCILMAN KEVIN JACKSON** duly elected members to the Recreational Advisory Board.

ORDINANCES SECOND READING

An Ordinance Amending Ordinance No. 262 of Chapter 2013-17, Adopted June 13, 2013 Providing for the Assessment and Collection of 2013 taxes in a sum not less than Three Hundred Thirty Five Million Four Hundred Ninety Two Thousand Five Hundred Eighty Four (\$335,492,584) Dollars and not more than Three Hundred Forty Six Million Seventy Eight Thousand Eight Hundred and Forty Three (\$346,078,843) being based on a One Hundred Percent (100%) of the 2013-2014 Fiscal Year Tax Collections, Amending Section 21-182 of the Code of Ordinances to reflect the Tax Classification Plan, Approved by the Rhode Island General Assembly, Amending Section 21-126 of the Code of Ordinances to raise the Personal Exemptions.

Section 1. The City Council of the City of Providence hereby orders the assessment and collection of a tax on the ratable real estate and tangible personal property, as well as orders the assessment and collection of an excise tax on all registered motor vehicles, in a sum not less THAN THREE HUNDRED THIRTY FIVE MILLION FOUR HUNDRED NINETY TWO THOUSAND FIVE HUNDRED EIGHTY FOUR (\$335,492,584) DOLLARS AND NOT MORE THAN THREE HUNDRED FORTY SIX MILLION SEVENTY EIGHT THOUSAND EIGHT HUNDRED AND FORTY THREE (\$346,078,843) Dollars being one hundred percent (100%) of the 2013-2014 fiscal year tax collection, said tax is for ordinary expense charges and for the payment of interest and indebtedness in whole or in part of the City of Providence and for other purposes authorized by law.

Section 2. The Providence City Assessor shall assess and apportion said tax on inhabitants and ratable real estate and tangible personal property of said City as of the 31st day of December AD 2012 midnight, Eastern Standard Time, as well as assess and apportion said excise tax on owners of registered motor vehicles in the City of Providence during calendar year 2012, according to law, and shall on completion of said assessment, date and sign, and shall make out and certify to the City Collector of the City of Providence, on or before the 15th day of June AD 2013, or as permitted or extended by law, a complete listing containing: (1) the names of persons taxed and the total value of all real estate taxed to each; (2) the amount of the personal estate, except manufacturer's machinery and equipment, assessed against each person; and, (3) the amount of said motor vehicle excise assessment against each person, on said real estate, personal estate and motor vehicle opposite the name of the person or persons assessed.

The assessment of real estate, personal estate and motor vehicles shall appear on separate lists.

Said taxes shall be due and payable on and between the first day of July AD 2013, next, and the twenty fourth-day of July, AD 2013, next, and all taxes remaining unpaid as of said last named day shall carry until collected a penalty at the rate of twelve percent (12%) per annum upon such unpaid real estate, personal estate and excise taxes.

Said taxes may be paid in four (4) installments, the first installment of twenty-five percent (25%) on or before the twenty-fourth day of July AD 2013, next, and the remaining installments as follows:

Twenty-five percent (25%) on the
Twenty-fourth day of October AD 2013
Twenty-five percent (25%) on the
Twenty-fourth day of January AD 2014
Twenty-five percent (25%) on the
Twenty-fourth day of April AD 2014

Each installment period successively and in order shall be free from any charges for interest; provided, however, the option to pay taxes in quarterly installments shall not apply to any tax account levied in an amount not in excess of one hundred dollars (\$100.00). If the first installment or any succeeding installment of taxes is not paid by the last day of the respective installment period or periods as they occur, then the whole tax or remaining unpaid balance of the tax, as the case may be, shall immediately become due and payable and shall carry until collected a penalty at the rate of twelve percent (12%) per annum on said real estate, personal estate and excise taxes.

The City Collector shall by advertisement in a public newspaper of the City notify all persons assessed to pay their respective taxes at his/her office; said Collector shall attend daily, Saturdays, Sundays, and holidays excepted, at his/her office from eight-thirty o'clock a.m. to four o'clock p.m. to receive taxes.

Section 3. This ordinance is enacted pursuant to Rhode Island General Laws 44-5-2 (a).

Section 4. Section 21-182 of the Code of Ordinances, entitled "Apportionment of taxes," is amended as follows;

(a) The tax classification plan is hereby adopted with the following limitations:

(1) The designated classes of property shall be limited to the four (4) classes as defined in subsection (b) hereof.

(2) The tax rate for Class 2 shall not exceed the tax rate of Class 1 by more than two hundred percent (200%), without regard to the owner-occupied status; the tax rate applicable to Class 3 shall not exceed the non-owner occupied tax rate of Class 1 by more than two hundred percent (200%).

(3) Notwithstanding subdivision (a) (2) hereof, the tax rates applicable to wholesale and retail inventory within Class 3 as defined in subsection (b) hereof, are governed by Rhode Island General Laws 44-3-19.1.

(4) Notwithstanding subdivision (a) (2) hereof, tax rates applicable to motor vehicles within Class 4 as defined in subsection (b) hereof, are governed by Rhode Island General Laws 44-34.1-1.

(5) The provisions of Rhode Island General Laws, chapter 35 of title 44 relating to property tax and fiscal disclosure applies to the reporting of and compliance with these classifications.

(b) Classes of property.

(1) *Class 1.* Residential real estate consisting of no more than five (5) dwelling units, land classified as open space, and dwellings on leased land including mobile homes. This class may also include residential properties containing partial commercial or business uses with no more than five (5) dwelling units. For the properties with both residential and commercial or business uses, the residential tax rate will be applied to the residential portion and the commercial tax rate will be applied to the commercial portion. This class shall be further divided into (a) owner-occupied and (b) non-owner occupied properties.

The granting of an application for an owner-occupied or non-owner-occupied rate as referenced above as type (a) or (b) is subject to the following limitations:

- a. To be eligible for a type (a) or (b) rate, effective as to the assessment date of December 31 at midnight, an applicant must file with the City Assessor no later than July 31 a homestead application, together with a declaration, and present evidence, under oath, as to the owner-occupied or non-owner-occupied status together with any other proof of residency or ownership and the ownership of all motor vehicles registered either with the State of Rhode Island or with any foreign state, and to provide that information in any manner which may be required by the City Assessor; except, that in the case of new construction of, or renovation of no less than thirty percent (30%) of the prior year's assessment of improvements, as certified by the Providence building official, of foreclosed upon existing structures for affordable owner-occupied residential property, eligibility for the owner-occupied rate shall be determined upon application on or after the date of the execution of a purchase and sales agreement for a specific property, but no later than sixty (60) days of its sale, and, if granted, applied on a pro rata basis for the remainder of the current tax year as if the owner-occupied rate had been granted as of the prior December 31st assessment date. "Affordable residential property" shall mean property determined to be affordable under the rules and regulations of the Department of Planning and Development. For good cause, the City Assessor may, with advice of the Board of Tax Assessment Review, accept applications for homestead declarations after the filing deadline for the current or previous year's taxes only.

b. Only natural person(s) are qualified to receive the type (a) owner-occupied residential real estate rate. Real property which is partially or wholly owned by a business, an institution, a non-profit organization, a financial institution that has foreclosed on real estate, including, without limitation, HUD, Rhode Island Housing and Mortgage Finance Corporation, or any other such public or private entity, do not qualify for a type (a) owner-occupied real estate rate; provided, however, that with respect to the application of the owner-occupied real estate rate to taxes assessed as of December 31, 2012, the City Assessor may, with the advice of the Board of Tax Assessment Review, accept an application and grant a type (a) owner-occupied real estate rate to an entity and its shareholder(s)/member(s)/owner(s), as the case may be, upon receiving a sworn declaration from said person(s) that he/she/they primarily resided in the subject real estate as of December 31, 2012, and that the ownership of the subject property is in said entity's name solely for estate purposes.

c. Applicants may qualify only for one (1) type (a) owner-occupied real estate rate in the City at any one (1) point in time. In addition, an owner of real estate in the City of Providence must meet all of the following requirements in order to qualify for a type (a) owner-occupied rate:

(1) Neither the owner-occupied rate applicant nor the applicant's spouse is receiving an owner-occupied rate for another piece of real property, located elsewhere in the State of Rhode Island, or in any other State of the United States, for the same period of time the owner is seeking the owner-occupied rate for property owned in Providence, unless during that time the owner is either legally separated or divorced from the spouse during some or all of the period in which they are claiming more than one owner-occupied rate;

(2) The owner-occupied rate applicant, and the owner-occupied rate applicant's spouse, is paying the Providence excise tax due on each and every motor vehicle owned by either one when that vehicle is garaged more than 30 days in the State of Rhode Island, unless (a) the vehicle is registered in the name of the applicant's spouse, and (b) the owner-occupied rate applicant and the spouse are either legally separated or divorced;

(3) The owner-occupied rate applicant has filed with the Providence Tax Assessor a current listing of all motor vehicles with foreign registrations that the applicant owns as required by R.I.G.L. §31-7-1.

If a homeowner currently receiving the owner-occupied rate has at least one motor vehicle registered to the same address as the property receiving the rate, then the tax collector shall presume that these requirements have been complied with; however, the tax collector shall have the authority to investigate whether other circumstances (such as the ownership of additional motor vehicles registered elsewhere) indicate noncompliance that overcomes this presumption. If a homeowner currently receiving the owner-occupied rate does not have any motor vehicles registered to the same address, the tax collector may take appropriate action to ascertain compliance with these requirements and to revoke the owner-occupied rate, both prospectively and retroactively as necessary to the enactment of this ordinance.

d. The rate, either type (a) or (b), attaches to the owner(s) of the real property not to the real property itself.

e. The City Assessor shall deny an application for the owner-occupied rate if the City Assessor determines that an execution of record based upon a judgment of the housing court for a real estate code violation(s) against the applicant remains unsatisfied.

f. In the event the property granted an owner-occupied rate is sold or transferred during the year for which the owner-occupied rate is claimed, the applicable rate is void for that portion of the year following the sale or transfer should the new buyer not qualify for the owner-occupied rate. The buyer or transferee shall be liable to the City for any tax benefit received after the date of sale or transfer.

g. If the taxpayer knowingly gives misinformation as to ownership and/or occupancy of the real estate and/or ownership of motor vehicles on his/her application for an owner-occupied rate, the City Assessor may, in such event, remove the owner-occupied rate and apply the non-owner occupied rate and recalculate the tax for the period in question and in addition charge the taxpayer the maximum interest permitted by law. If the taxpayer provides incorrect information, knowingly or not, the City Assessor may remove the owner-occupied rate and apply the non-owner occupied rate and may impose back taxes up to the full amount owed for the period in question.

h. The City Assessor is empowered to promulgate any further rules and regulations which he/she deems necessary to carry out the intent and purpose of this ordinance as it relates to the owner-occupied and non-owner occupied rates.

(2) *Class 2.* Commercial and industrial real estate, residential properties containing partial commercial or business uses and residential real estate of more than five (5) dwelling units. Properties containing partial commercial or business uses and residential real estate of more than five (5) dwelling units shall be included in Class 2.

(3) *Class 3.* All ratable tangible personal property.

(4) *Class 4.* Motor vehicles and trailers subject to the excise tax created by General Laws, chapter 34 of title 44. For FY2013, the motor vehicle tax exemption shall be one thousand dollars (\$1,000.00). The rate of taxation shall be \$60.00 per thousand of assessed value less any applicable reductions.

(c) The City, pursuant to Rhode Island General Laws 44-5-11.8(c), as amended, adopts a tax rate for Class 2 which shall exceed the tax rate of Class 1; the tax rate applicable to Class 3 shall not exceed the non-owner occupied tax rate of Class 1 by more than two hundred percent (200%).

Section 5. In keeping with the authorization provided in Rhode Island General Laws 44-3-31 and 44-3-24, Section 21-126 of the Providence Code of Ordinances is hereby amended as follows:

The amount of the following exemptions with respect to the assessed value from local taxation on taxable property is fixed as follows:

(a) Veterans as defined in Section 44-3-4 of the General Laws of Rhode Island and the un-remarried widow or widower of such veterans at Seven Thousand Nine Hundred Sixty Nine Dollars and Eighty Seven Cents (\$7,969.87)

(b) Blind persons as defined in Section 44-3-12 of the General Laws of Rhode Island at Forty-Seven Thousand Eight Hundred Nineteen Dollars and Twenty-Two Cents (\$47,819.22).

(c) Veterans who are totally disabled as defined in Section 44-3-4, of the General Laws of Rhode Island at Fifteen Thousand Nine Hundred Thirty-Nine Dollars and Seventy-Four Cents (\$15,939.74).

(d) Gold Star Parents as defined in Section 44-3-5 of the General Laws of Rhode Island at Twenty-Three Thousand Nine Hundred Nine Dollars and Sixty-One Cents (\$23,909.61).

(e) Specially adapted housing for paraplegic veterans as defined in Section 44-3-4 of the General Laws of Rhode Island at Seventy-Nine Thousand Six Hundred Ninety-Eight Dollars and Seventy Cents (\$79,698.70).

(f) For any person sixty-five (65) years of age or over at Twenty-Six Thousand Five Hundred Sixty-Six Dollars and Twenty-Three Cents (\$26,566.23).

(g) For persons who are one hundred percent (100%) disabled as determined pursuant to Title II and Title XVI of the Social Security Act, 42 U.S.C. § 401 et seq., and 42 U.S.C. § 1381 et seq., as amended, or who, by reason of their being one hundred percent (100%) disabled, are receiving disability payments from sources other than the social security administration (such as employees of the railroad, federal civil service, postal service, and the Providence police and fire departments) at Twenty-Five Thousand Nine Hundred Two Dollars and Eight Cents (\$25,902.08).

(h) For any person sixty-two (62) through sixty-four (64) years of age, who is receiving social security benefits, Twenty-Three Thousand Nine Hundred Nine Dollars and Sixty-One Cents (\$23,909.61).

(i) Prisoners of War who are veterans of military or naval service of the United States of America, as defined in Section 44-3-4(e) of the General Laws of Rhode Island and the unmarried widow or widower of such prisoner of war at Thirty-Nine Thousand Eight Hundred Forty-Nine Dollars and Thirty-Five (\$39,849.35).

Provided, however, that any such increase in exemption provided for herein over the amount heretofore provided by general or special law shall apply only to real property.

Section 6. This ordinance shall take effect upon its passage.

The Motion for Passage the Second Time is Sustained.

RESULT:	READ/PASSED 2X [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	David Salvatore, Councilman
AYES:	Solomon, Aponte, Correia, Hassett, Jackson, Matos, Salvatore, Sanchez, Yurdin, Zurier
ABSENT:	Castillo, Igliozzi, Jennings, Narducci, Principe

An Ordinance Repealing Ordinances 2009-20 and Amending Chapter 27 of the Code of Ordinances of the City of Providence Entitled "The City of Providence Zoning Ordinance" Approved June 27, 1994, as Amended, to Modify Section 423 - Special Flood Hazard Areas and Article X.

Section 1: Ordinance 2009-20, No. 91, adopted on March 5, 2009, is hereby repealed.

Section 2: Chapter 27 of the Code of Ordinances of the City of Providence entitled "The City of Providence Zoning ordinance" Approved June 27, 1994, as Amended, shall be further amended by adding the following Section 423:

Section 423 - Special Flood Hazard Areas

423.1 - Purpose: The purpose of this Section is to ensure public safety; minimize hazards to persons and property from flooding; protect watercourses from encroachment; and to maintain floodplains' capability of retaining and carrying floodwaters. The City elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

423.2 - Applicability

The Special Flood Hazard Areas are herein established as a floodplain overlay district. The District includes all special flood hazard areas within the City of Providence designated as Zone A, AE, AH, AO, A99, V, or VE on the Providence County Flood Insurance Rate Map (FIRM) and Digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Providence County FIRM that are wholly or partially within the City of Providence are panel numbers 44007C0302G, 44007C0303G, 44007C0306G, 44007C0308G, 44007C0311G, 44007C0312G, 44007C0316G, and 44007C0318G, dated March 2, 2009; panel 44007C0304H, dated April 18, 2011; and panels 44007C0307H, 44007C0309J, 44007C0317J, 44007C0319H, 44007C0326H, and 44007C0328H, dated September 18, 2013. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the

Providence County Flood Insurance Study (FIS) report dated September 18, 2013. The Department of Planning and Development is responsible for floodplain management. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and are on file with the Town Clerk, Department of Planning and Development, Building Official, Providence Emergency Management Agency, and Department of Inspection and Standards.

423.3 - Administrative Provisions

A) Building Permit: All proposed construction or other development within a Special Flood Hazard Area shall require a permit.

The National Flood Insurance Program Special Flood Hazard Area requires permits for all projects that meet the definition of development, not just "building" projects. Development projects include any filling, grading, excavation, mining, drilling, storage of materials, temporary stream crossings. If the construction or other development within a Special Flood Hazard Area is not covered by a building permit, all other non-structural activities shall be permitted by either the Rhode Island Coastal Resources Management Council and/or the Rhode Island Department of Environmental Management as applicable. Therefore if another State agency issues a permit, the local building official must have the opportunity for input and keep a copy of the respective permit in their files.

Prior to the issuance of a building or development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law.

A permit fee (based on the cost of the construction) may be required to be paid to the City of Providence and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the code enforcement officer and/or board of appeals need the assistance of a professional engineer.

B) Disclaimer of Liability: The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

C) Severability: If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

D) Abrogation and Greater Restriction: This ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall control.

E) Enforcement: The building official shall enforce all provisions as applicable in reference to RIGL § 23-27.3-108.1.

F) Penalties: Every person who shall violate any provision of this code shall be subject to penalties put forth in RIGL § 23-27.3-122.3.

423.4 - Notification of a Watercourse Alteration

In a riverine situation, the Building Official shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)
- NFIP State Coordinator
- Rhode Island Emergency Management Agency
645 New London Avenue
Cranston, RI 02920
- Risk Analysis Branch
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

The carrying capacity of the altered or relocated watercourse shall be maintained.

423.5 - Use Regulations

A) Reference to Existing Regulations

The Special Flood Hazard Areas are established as a floodplain overlay district. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:

- Rhode Island State Building Code (As established under Rhode Island General Law § 23-27.3);
- Coastal Resources Management Act, Rhode Island Coastal Resources Management Council (RIGL § 46-23)
- Endangered Species Act, Rhode Island Department of Environmental Management (RIGL § 20-1-2)
- Freshwater Wetlands Act, Rhode Island Department of Environmental Management (RIGL § 2-1-18)
- Minimum Standards Related to Individual Sewage Disposal Systems, Rhode Island Department of Environmental Management (RIGL §, 5-56, 5-56.1, 23-19.15, 23-19.5, 23-24.3, 42-17.1, and 46-13.2)
- Water Quality Regulations, Rhode Island Department of Environmental Management (RIGL§ 42-17.1 and 42-17.6 and 46-12)

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

B) Other Use Regulations

- 1) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- 2) Within Zones AO on the FIRM, new and substantially improved residential structures shall have the top of the lowest floor at least as high as the FIRM's depth number above the highest adjacent grade and non-residential structures shall be elevated or flood-proofed above the highest adjacent grade to at least as high as the depth number on the FIRM. On FIRMs without a depth number for the AO Zone, structures shall be elevated or floodproofed to at least two feet above the highest adjacent grade.
- 3) In Zones A1-30 and AE, along watercourses that have regulatory floodways designated on the Providence County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 4) All subdivision proposals must be designed to assure that:
 - a.) such proposals minimize flood damage;
 - b.) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c.) adequate drainage is provided to reduce exposure to flood hazards.
- 5) Detached accessory structures in Zones A, AE, A1-30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry flood-proofing requirement if the following standards are met:
 - a.) The structure has a value less than \$1000.
 - b.) The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.
 - c.) The structure is not in the floodway.
 - d.) The structure is not used for storage of hazardous materials.
 - e.) The structure is used solely for parking of vehicles and/or limited storage.
 - f.) The accessory must be wet floodproofed and designed to allow for the automatic entry and exit of flood water.
 - g.) The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement.
 - h.) Service facilities such as electrical, mechanical and heating equipment must be elevated or floodproofed to or above the base flood elevation.
 - i.) The structure must not increase the flood levels in the floodway.
- 6) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- 7) No person shall change from business/commercial to residential use of any structure or property located in the floodway of a Special Flood Hazard Area so as to result in a use or expansion that could increase the risk to the occupants.

8) The space below the lowest floor:

- a.) Free of obstructions as described in FEMA Technical Bulletin 5 "Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance Program", or
- b.) Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
- c.) Designed with an enclosed area less than 300 square feet that is constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

C) Base Flood Elevation and Floodway Data

1) **Floodway Data:** In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2) **Base Flood Elevation Data:** Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or 5 acres, whichever is the lesser, within unnumbered A zones.

3) **Base Flood Elevations in A Zones:** In the absence of FEMA BFE data and floodway data, the best available Federal, State, local, or other BFE or floodway data shall be used as the basis for elevating residential and non-residential structures to or above the base flood level and for floodproofing non-residential structures to or above the base flood level.

Section 3: Chapter 27 of the Code of Ordinances of the City of Providence entitled "The City of Providence Zoning ordinance" Approved June 27, 1994, as Amended, shall be further amended by adding the following definitions in Article X:

Accessory Structure, as used in Section 423 - A structure which 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, as used in Section 423 - A designated AO, AH, AR/AO, AP/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM)

Area of Special Flood Hazard, as used in Section 423 - see definition for "Special Flood Hazard Area" (SFHA).

Base Flood, as used in Section 423 - The flood having a one (1) percent chance of being equaled or exceeded in any given year; also referred to as the 100-year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE), as used in Section 423 - The elevation of the crest of the base flood or 100-year flood. The height 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, as used in Section 423, as used in Section 423 - Any area of a building having its floor sub-grade (below ground level) on all sides.

Building, as used in Section 423 - see definition of "Structure."

Cost, as used in Section 423 - 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, as used in Section 423 - Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Dry Flood-proofing, as used in Section 423 - 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, as used in Section 423 - 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 Section 423 as amended.

Expansion of an Existing Manufactured Home Park or Existing Manufactured Home Subdivision, as used in Section 423 - 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), as used in Section 423 - The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space, as used in Section 423 - 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 to be used for parking, building access or limited storage.

Flood or Flooding, as used in Section 423 - 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), as used in Section 423 - 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), as used in Section 423 - 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), as used in Section 423 - 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), as used in Section 423 - 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.

Floodway, as used in Section 423 - The channel of a river or other watercourse and the adjacent land areas that must 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."

Functionally Dependent Use or Facility, as used in Section 423 - 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, as used in Section 423 - The highest natural elevation, prior to construction, of the ground surface next to the proposed walls of a structure.

Historic Structure, as used in Section 423 - 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.

Lowest Floor, as used in Section 423 - The lowest floor of the lowest enclosed area (including basement).

Manufactured Home, as used in Section 423 - A structure, transportable in one (1) or more sections, that 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 also includes park trailers, travel trailers, recreational vehicles, and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Manufactured Home Subdivision, as used in Section 423 - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Market Value, as used in Section 423 - 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), as used in Section 423 - 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, as used in Section 423 - Structures for which the "start of construction" commenced on or after the effective date of this Section 423, as amended, including any subsequent improvements to such structures.

New Manufactured Home Park or Manufactured Home Subdivision, as used in Section 423 - 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 of this Section 423 as amended.

Recreational Vehicle, as used in Section 423 - A vehicle that is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway, as used in Section 423 - see definition of "Floodway."

Sand Dunes, as used in Section 423 - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sheet Flow Area, as used in Section 423 - see definition of "Area of Shallow Flooding."

Special Flood Hazard Area (SFHA), as used in Section 423 - The land in the floodplain within a community subject to a one (1) percent 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, as used in Section 423 - 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 one hundred and eighty (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, as used in Section 423 - A walled and roofed building that is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure.

Substantial Damage, as used in Section 423 - 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 percent of the market value of the structure before the damage occurred.

Substantial Improvement, as used in Section 423 - Any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement to a structure taking place during a ten (10) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten (10) year period. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the Director or designee and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic" structure, provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Violation, as used in Section 423 - Failure of a structure or other development to be fully compliant with this Section 423 as amended. 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, as used in Section 423 - 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, as used in Section 423 - Measures designed to minimize damage to a structure or its contents by water that enters the structure.

Section 4: This Ordinance shall take effect upon passage.

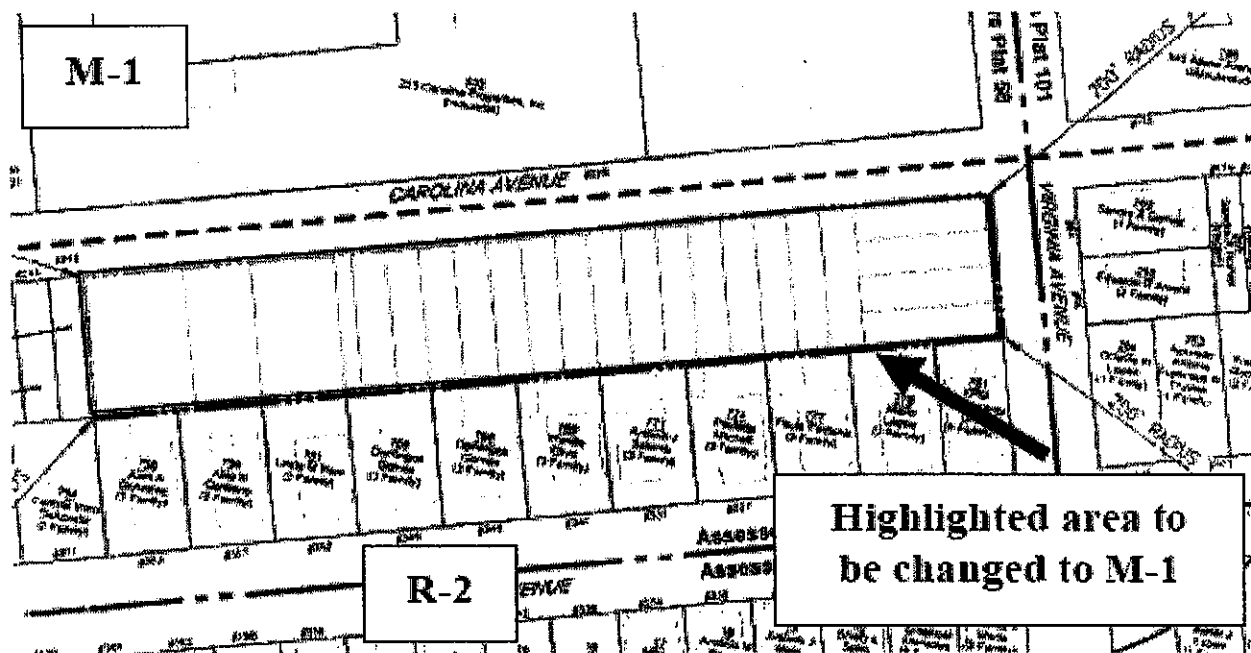
The Motion for Passage the Second Time is Sustained.

RESULT:	READ/PASSED 2X [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	David Salvatore, Councilman
AYES:	Solomon, Aponte, Correia, Hassett, Jackson, Matos, Salvatore, Sanchez, Yurdin, Zurier
ABSENT:	Castillo, Igliozi, Jennings, Narducci, Principe

An Ordinance in Amendment of Chapter 27 the Code of Ordinances of the City of Providence Entitled: "The City of Providence Zoning Ordinance," Approved June 27, 1994, As Amended, changing the zoning designation for Lots 704 through 724, 726 and 730, on Plat 58 located on the South Side of Carolina Avenue and Virginia Avenue from R-2 to M-1 provided however, that the use of said lots shall be limited to a parking lot.

Section 1. Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved June 27, 1994, As Amended, is hereby further amended, as shown on the accompanying map, by changing the zoning designation from R-2 to M-1 for the area encompassing Plat 58, Lots 704 through 724, 726 and 730 on the City of Providence Official Zoning Map provided however that the use of said lots shall be limited to a parking lot.

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



The Motion for Passage the Second Time is Sustained.

RESULT:	READ/PASSED 2X [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	David Salvatore, Councilman
AYES:	Solomon, Aponte, Correia, Hassett, Jackson, Matos, Salvatore, Sanchez, Yurdin, Zurier
ABSENT:	Castillo, Igliozzi, Jennings, Narducci, Principe

An Ordinance in Amendment of 2009-39, No. 305, Adopted June 19, 2009, Chapter 27, Entitled "Zoning", Article IX, "Zoning Board of Review", to Add a new Section Entitled "Continuances."

RESULT:	CONTINUED
TO:	City Council

10/17/2013 7:00 PM

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT SOLOMON, (By Request):

An Ordinance in Amendment of Chapter 16, Article III of the Code of Ordinances, Entitled: "Noise Control," As Amended. (Clarification of Noise Decibels)

COUNCIL PRESIDENT SOLOMON, (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 June 27, 1994, As Amended, to Modify Article III. (Clean up text for Section 303)

COUNCIL PRESIDENT SOLOMON, (By Request):

An Ordinance Amending Chapter 14, "Licenses," Article X – "Shows and other Amusements," Division 4, "Commercial Establishments where Alcoholic Beverages are Offered for Sale."

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN SALVATORE.

COUNCIL PRESIDENT SOLOMON Refers the Several Ordinances to the Committee on Ordinances.

RESULT:	REFERRED
TO:	Committee on Ordinances

COUNCILMAN ZURIER

An Ordinance Authorizing Late Applications for the Homestead Rate.

RESULT:	REFERRED
TO:	Special Committee on Ways and Means

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT SOLOMON, (By Request):

Resolution Requesting the City Council to suspend enforcement of Sections 13-213 through 13-217 of the Code of Ordinances as of 11:59 p.m. on September 12, 2013 for so long as the state law remains in effect and remains substantially similar and intends to achieve the same goals as Sections 13-213 through 13-217 of the Code of Ordinances; provided, however, that the suspension shall not apply to homeowners already 120 days delinquent on their mortgages on that date so as to eliminate a gap in these foreclosure intervention protections. (Foreclosure Mediation)

WHEREAS, In 2009, the City of Providence enacted a residential owner-occupied mortgage foreclosure intervention ordinance, codified in sections 13-213 through 13-217 of the Code of Ordinances, as amended ("the Foreclosure Ordinance"); and

WHEREAS, The City of Providence is one of five communities in the State of Rhode Island to adopt a local foreclosure intervention ordinance for the protection of its residents; and

WHEREAS, The General Assembly recently adopted and the Governor signed legislation, Senate bill S - 416 Sub A and House bill H - 5335 Sub B, expanding the processes and protections in the Foreclosure Ordinance to the statewide level, which law is to go into effect on September 13, 2013; and

WHEREAS, The state law may preempt the Foreclosure Ordinance, in whole or in part, for so long as the state law remains in effect; and

WHEREAS, Leaders in the housing industry have raised concerns about clear title where there exist competing state and local foreclosure requirements.

NOW, THEREFORE, BE IT RESOLVED, That the City Council does hereby suspend enforcement of Sections 13-213 through 13-217 of the Code of Ordinances as of 11:59 p.m. on September 12, 2013 for so long as the state law remains in effect and remains substantially similar and intends to achieve the same goals as Sections 13-213 through 13-217 of the Code of Ordinances; provided, however, that the suspension shall not apply to homeowners already 120 days delinquent on their mortgages on that date so as to eliminate a gap in these foreclosure intervention protections.

BE IT FURTHER RESOLVED, That the City Council requests that the Recorder of Deeds take any steps necessary to ensure enforcement of the state law as well as limited enforcement of the Foreclosure Ordinances for homeowners already 120 days delinquent on their mortgages as of 11:59 p.m. on September 12, 2013.

BE IT FURTHER RESOLVED, That upon passage, copies of this resolution shall be delivered to the Recorder of Deeds, the City Solicitor, and the State of Rhode Island Department of Business Regulation.

The Motion for Passage is Sustained.

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	David Salvatore, Councilman
AYES:	Solomon, Aponte, Correia, Hassett, Jackson, Matos, Salvatore, Sanchez, Yurdin, Zurier
ABSENT:	Castillo, Igliozi, Jennings, Narducci, Principe

COUNCIL PRESIDENT SOLOMON

Resolution Authorizing the extension of the contract with Hutton Associates, Inc., to provide planning consultant services for the review of proposed amendments to the Providence Zoning Ordinance through December 2014 in a total amount not to exceed \$35,000.00 (Thirty-Five Thousand Dollars).

RESOLVED, That the City Council of the City of Providence does hereby authorize the extension of the contract with Hutton Associates, Inc., to provide planning consultant services for the review of proposed amendments to the Providence Zoning Ordinance through December 2014 in a total amount not to exceed \$35,000.00 (Thirty-Five Thousand Dollars).

The Motion for Passage is Sustained.

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	David Salvatore, Councilman
AYES:	Solomon, Aponte, Correia, Hassett, Jackson, Matos, Salvatore, Sanchez, Yurdin, Zurier
ABSENT:	Castillo, Igliozi, Jennings, Narducci, Principe

**COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILMAN
CORREIA, COUNCILMAN JENNINGS, COUNCILMAN YURDIN,
COUNCILWOMAN MATOS, COUNCILMAN SALVATORE**

Resolution Requesting Approval to hire Shawn Selleck, as Consultant to the City Clerk, Office of the City Council, and other City Departments for services to include: Information Technology Project Management, Support, Administration Documentation and Training, as well as provide support for the installation and implementation of a Meeting Management Solution which will provide tools to the Clerk and Board Secretaries throughout the City to generate and record meeting agendas, documentation and minutes, in a total amount not to exceed Thirty Three Thousand (\$33,000) Dollars, for a period of up to six months.

RESOLVED, That the Members of the Providence City Council hereby Request approval to hire Shawn Selleck, as a Consultant to the City Clerk, Office of the City Council, and other City Departments for services to include: Information Technology Project Management, Support, Administration Documentation and Training, as well as provide support for the installation and implementation of a Meeting Management Solution which will provide tools to the Clerk and Board Secretaries throughout the City to generate and record meeting agendas, documentation and minutes, in a total amount not to exceed Thirty Three Thousand (\$33,000) Dollars, for a period of up to six months.

The Motion for Passage is Sustained.

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	David Salvatore, Councilman
AYES:	Solomon, Aponte, Correia, Hassett, Jackson, Matos, Salvatore, Sanchez, Yurdin, Zurier
ABSENT:	Castillo, Igliozzi, Jennings, Narducci, Principe

COUNCIL PRESIDENT SOLOMON

Resolution Requesting to transfer the abandoned property on a portion of Empire Street pursuant to a Land Acquisition, to the Providence Redevelopment Agency. (Street Line Section Plan No. 064812)

(PRI XVI, L.P.)

RESULT:	REFERRED
TO:	Committee on City Property

COUNCILMAN CORREIA

Resolution Requesting the Forestry Division of the Parks Department to trim the tree located at 34 Beaufort Street.

RESOLVED, That the Forestry Division of the Parks Department is requested to trim the tree located at 34 Beaufort Street.

COUNCILMAN CORREIA

Resolution Requesting the Forestry Division of the Parks Department to remove the tree located at 48 Pomona Avenue due to the fact that is it causing damage to property owner's sewer line.

RESOLVED, That the Forestry Division of the Parks Department is requested to remove the tree located at 48 Pomona Avenue due to the fact that is it causing damage to property owner's sewer line.

COUNCILMAN CORREIA

Resolution Requesting the Forestry Division of the Parks Department to remove the tree located at 39 Geneva Street due to the fact that is it causing damage to property owner's sewer line.

RESOLVED, That the Forestry Division of the Parks Department is requested to remove the tree located at 39 Geneva Street due to the fact that is it causing damage to property owner's sewer line.

COUNCILMAN CORREIA

Resolution Requesting the Acting Director of Public Works to cause the repair of the sidewalk in front of 212 Leah Street.

RESOLVED, That the Acting Director of Public Works is requested to cause the repair of the sidewalk in front of 212 Leah Street.

COUNCILMAN CORREIA

Resolution Requesting the Acting Director of Public Works to cause the repair of the sidewalk in front of 100 Pomona Avenue.

RESOLVED, that the Acting Director of Public Works is requested to cause the repair of the sidewalk in front of 100 Pomona Avenue.

COUNCILMAN CORREIA

Resolution Requesting the Acting Director of Public Works to cause the repair of the driveway apron located at 96 Roanoke Street.

RESOLVED, That the Acting Director of Public Works is requested to cause the repair of the driveway apron located at 96 Roanoke Street.

COUNCILMAN CORREIA

Resolution Requesting the Acting Director of Public Works to cause the overgrowth to be cut along the curve located on Chalkstone Avenue.

RESOLVED, That the Acting Director of Public Works is requested to cause the overgrowth to be cut along the curve located on Chalkstone Avenue.

COUNCILMAN CORREIA

Resolution Requesting the Director of Inspections and Standards to cause the property at 163 Pomona Avenue to be razed.

RESOLVED, That the Director of Inspections and Standards is requested to cause the property at 163 Pomona Avenue to be razed.

COUNCILMAN CORREIA

Resolution Requesting the Director of Inspections and Standards to cause the property at 1035 Chalkstone Avenue to be razed.

RESOLVED, That the Director of Inspections and Standards is requested to cause the property at 1035 Chalkstone Avenue to be razed.

COUNCILMAN CORREIA

Resolution Requesting the Committee on Urban Redevelopment, Renewal and Planning to name the access Road from Roanoke Street to the George J. West Park and the District 6 Community Police Substation, as the "John M. Reposa, Jr. Way."

RESOLVED, That the Committee on Urban Redevelopment, Renewal and Planning is requested to name the access Road from Roanoke Street to the George J. West Park and the District 6 Community Police Substation, as the "John M. Reposa, Jr. Way."

COUNCILMAN CORREIA

Resolution Requesting the owners and operators of the Providence Place Mall to secure all areas of access to the high end of the parking garage to avoid dangerous and fatal accidents from occurring.

RESOLVED, That the owners and operators of the Providence Place Mall is requested to secure all areas of access to the high end of the parking garage to avoid dangerous and fatal accidents from occurring.

COUNCILMAN JENNINGS

Resolution Requesting the City of Providence to donate a 1991 MAC CF6 Red Fire Truck, Plate No. 2198, Vin No. 1M2A152C1MM001433, an obsolete piece of equipment to Bonao, Dominican Republic.

WHEREAS, The City of Providence has deemed its 1991 MAC CF6 Red Fire Truck as an obsolete piece of equipment no longer a viable tool for the City of Providence; and

WHEREAS, The City of Providence is working hard to provide resources to the Dominican Republic and has in the past donated firefighting equipment and learning tools; and

WHEREAS, The City Council requests the transfer of the following equipment to the Dominican Republic:

1(one) 1991 MAC CF6 Red Fire Truck
VIN No. 1M2A152C1MM001433

NOW, THEREFORE, BE IT RESOLVED, That the City of Providence take any and all appropriate action to donate said equipment to Bonao, Dominican Republic.

COUNCILMAN JENNINGS

Resolution Requesting the City of Providence to donate a 1991 MAC CF6 Red Fire Truck, Plate No. 2198, Vin No. 1M2A152C1MM001433, an obsolete piece of equipment to Bonao, Dominican Republic.

WHEREAS, The City of Providence has deemed its 1995 Ford R-14 White Rescue as an obsolete piece of equipment no longer a viable tool for the City of Providence; and

WHEREAS, The City of Providence is working hard to provide resources to the Dominican Republic and has in the past donated firefighting equipment and learning tools; and

WHEREAS, The City Council requests the transfer of the following equipment to the Dominican Republic:

1(one) 1995 Ford R-14 White Rescue
Vin No. 1FDKF37F4SNA85641

NOW, THEREFORE, BE IT RESOLVED, That the City of Providence take any and all appropriate action to donate said equipment to the Dominican Republic.

COUNCILMAN YURDIN Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILMAN SALVATORE.

The Motion for Passage of the Several Resolutions is Sustained.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	David Salvatore, Councilman
AYES:	Solomon, Aponte, Correia, Hassett, Jackson, Matos, Salvatore, Sanchez, Yurdin, Zurier
ABSENT:	Castillo, Igliozi, Jennings, Narducci, Principe

COUNCILMAN ZURIER

Resolution Recognizing the Month September as Peace in Providence Month.

WHEREAS, The issue of peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

WHEREAS, In 1981 the United Nations proclaimed the International Day of Peace be "*devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples*"; and

WHEREAS, The United Nations expanded the observance of the International Day of Peace in 2001 to include the call for a day of global ceasefire and non-violence, and invited all nations and people to honor a cessation of hostilities for the duration of the Day; and

WHEREAS, There is growing support within our City for the observance of the International Day of Peace, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and

WHEREAS, The City of Providence is expanding the awareness of this special day to create multiple events for peace throughout the month of September,

WHEREAS, Global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace into a practical reality for future generations.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council hereby declares September 2013 as the Month of Peace in Providence throughout the City of Providence, and urge all government departments and agencies, organizations, schools, places of worship and individuals in our City to commemorate, in an appropriate manner, the Month of Peace in Providence, and especially the International Day of Peace, September 21, 2013. This may include community service projects, cultural exhibits and performances, a moment of silence, ringing of bells, sharing the universal wish 'May Peace Prevail On Earth' at noon, vigils, religious services in our places of worship, and other education and public awareness activities in order to help establish a global day of peace in our homes, our communities and between nations.

The Motion for Passage is Sustained.

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

REPORT FROM COMMITTEE

SPECIAL COMMITTEE ON EDUCATION COUNCILMAN SAMUEL D. ZURIER, Chairman

Transmits the Following with Recommendation the Same be Severally Approved:

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.

Rhode Island College-Upward Bound Program \$45,750.00

(School Department)

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.

Rhode Island College \$45,750.00
(School Department)

The Motion for Passage is Sustained.

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Seth Yurdin, Councilman
SECONDER:	David Salvatore, Councilman
AYES:	Solomon, Aponte, Correia, Hassett, Jackson, Matos, Salvatore, Sanchez, Yurdin, Zurier
ABSENT:	Castillo, Iglioizzi, Jennings, Narducci, Principe

COMMUNICATIONS AND REPORTS

Communication from Alan Sepe, Director of Operations, dated July 13, 2013, requesting the property located at 155 Niagra Street, formerly the Elmwood Community Center be transferred to the Providence Redevelopment Agency.

Communication from Alan Sepe, Director of Operations, dated August 28, 2013, requesting approval of bid submissions for sale of property located at 25 Bough's Street, Assessor's Plat 35, Lot 356.

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN SALVATORE.

COUNCIL PRESIDENT SOLOMON Refers the Several Communications to the Committee on City Property.

RESULT:	REFERRED
TO:	Committee on City Property

Communication from Natalie Lopes, Director, First Source Providence, dated July 30, 2013, submitting the First Source Quarterly Director's Report for the quarters ending March 31, 2013 and June 30, 2013.

RESULT:	RECEIVED
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Communication from Kerion O'Mara, Class B Representative, dated August 8, 2013, submitting his resignation as a member the Retirement Board.

RESULT:	RECEIVED
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FROM THE CLERK'S DESK

Memorandum of Agreement between the City of Providence and Johnson & Wales University.

RESULT:	REFERRED
TO:	Special Committee on Ways and Means

Petitions for Compensation for Injuries and Damages.

Petitions for Compensation for Injuries and Damages, viz:

Maria Hernandez
(Anthony S. Buglio, Esquire)

Dolores L. Bucci

Neva Jackson

(Michael Fontaine, Esquire)

Neva Jackson

(Michael Fontaine, Esquire)

Frederick Jackson

(Michael Fontaine, Esquire)

Tanawan Soy

Joan S. Badway

Nuno Faustino

Seth R. O'Connor

Carl Turgeon

(Paul V. Jabour, Esquire)

Henry Turgeon

(Paul V. Jabour, Esquire)

Elizabeth Fenner

Lawanda Abney

Ramel Shaw

(Kenneth J. Amoriggi, Esquire)

Lisa Medeiros

State Farm Indemnity Company

a/s/o Samantha Walter

(Chelsea Tucker, Esquire)

Progressive

a/s/o Victoria N. Borkai

Catherine Cruz

Demetri Ramos

(Frank L. Orabona, Jr., Esquire)

Mathew Moniz

Melinda Stutts

(Joseph J. Voccola, Esquire)

Walter Beaune

GEICO a/s/o Lauren Donfrancesco

Carol Ingram

Nelda Murillo

(James T. Marasco, Esquire)

Theresa V. Pignotti

Leonardo Rios, Jr.

(Richard A. Ciccone, Esquire)

Bonnie Sirois

Randall Romanoff

Valentine Ferraris

Doris Valentini

(Mark A. Fay, Esquire)

Roger A. Choiniere Sr.

Liberty Mutual Insurance Company

a/s/o Naseem Ahmed

Juan Carlos Mas Ixquiaptap

Sherry Kaufman and Gary Sharp

Thomas Warren, Alan Horton, Timothy

McDaniel, Peter Grenier, Anthony

DiGiulio and Steven Melaragno

(Joseph F. Penza, Jr., Esquire)

Gladys Roberts

Raymond Lawrence

Luisa Dominici

George F. Perry
(Robert J. Cosentino, Esquire)
Janeen Rivers
Carlos Feliz
(Jennifer Sylvia, Esquire)
George S. Farrell
(Rachelle R. Green, Esquire)
Alissa Lynch
Stephanie Tavares
Alyssa Panciocco
(John C. Manni, Esquire)

Tinamarie Gomes
Carol DiPaolo
Carol Beaumier
Jonathan Henry Brown
Jeyawathy Satgunam
Jeannette Negron
(Christopher E. Fay, Esquire)
Catherine Benevides
Brad Rodrigues
Ina Soh

COUNCIL PRESIDENT SOLOMON Refers the Several Petitions to the Committee on Claims and Pending Suits.

RESULT:	REFERRED
TO:	Committee on Claims and Pending Suits

**PRESENTATION OF RESOLUTIONS
"IN CONGRATULATIONS"**

COUNCIL PRESIDENT SOLOMON AND MEMBERS OF THE CITY COUNCIL

Resolution Extending Congratulations.

RESOLVED, That the Members of the City Council hereby extend their Sincere Congratulations to the following:

Albert Conca, Jr., in recognition of the celebration of his 70th Birthday.

Firefighter Joseph Gianfrancesco, in recognition of the celebration of his graduation from the Providence Fire Department's 49th training academy.

Firefighter Gillian A. Cardarelli, in recognition of the celebration of her graduation from the Providence Fire Department's 49th training academy, attaining the "Highest Rank" award ever achieved by a female in the Department's history.

Richard Corso and Donald Laliberte, in recognition of the celebration of their marriage on August 2, 2013.

The Honorable Pedro Pierluisi, Resident Commissioner of Puerto Rico, in recognition of being the keynote speaker at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Visael "Bobby" Rodriguez, Vice President, Blue Cross Blue Shield of Rhode Island, in recognition of being the recipient of the Enriqueta Diaz Award at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Councilman Luis A. Aponte, in recognition of being the recipient of the LPR Excellence Award at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Nellie Gorbea, in recognition of being the recipient of the LPR Excellence Award at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Joseph R. Betancourt, MD, MPH, Director of Multicultural Education, Massachusetts General Hospital, in recognition of being the recipient of the LPR Excellence Award at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Vanessa Calderon-Rosado, Ph.D., Chief Executive Officer, Inquilinos Boricuas en Accion, in recognition of being the recipient of the LPR Excellence Award at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Javier Montanez, Principal, Leviton Dual Language School, in recognition of being the recipient of the Outstanding Achievement Award in Education at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Angie Cardona, in recognition of being the recipient of the Outstanding Achievement Award in Education at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Major Francisco Colon, Administrative Division, Providence Police Department, in recognition of being the recipient of the Outstanding Achievement Award in Law Enforcement at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Sergeant David Jorge, New Bedford Police Department, in recognition of being the recipient of the Outstanding Achievement Award in Law Enforcement at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Jose Masso, Director of Community Relations, Massport, in recognition of being the recipient of the Outstanding Achievement Award in Art/Music at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Jose Buscaglia, in recognition of being the recipient of the Outstanding Achievement Award in Art/Music at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Roberto "Zach" Castro, in recognition of being the recipient of the Outstanding Achievement Award in Art/Music at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Raquel Ortiz, DHS/FEMA Emergency Management Specialist, in recognition of being the recipient of the Outstanding Achievement Award in Art/Music at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Maria A. Rosario, Executive Director, North Star Learning Centers, in recognition of being the recipient of the Outstanding Achievement Award in Community Outreach at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Carmen Pola, in recognition of being the recipient of the Outstanding Achievement Award in Community Outreach at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Edwin Cancel, Senior Whole Health Sales Manager, in recognition of being the recipient of the Outstanding Achievement Award in Community Outreach at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Armando Nieves, Armando and Son's Meat Market, in recognition of being the recipient of the Outstanding Achievement Award in Business at Latino Public Radio's First Annual "Puerto Rican Cultural Heritage Celebration".

Dr. William W. Ferris, in recognition of the celebration of his 105th Birthday, born on August 9, 1908.

HecMy Jose, in recognition of his support and civic participation in Providence, Rhode Island as a delegate in the democratic party.

Councilman Luis Aponte, in recognition of his selflessness, commitment and outstanding contribution to the Dominican Community.

Enemencio Papo Toribio, Grand Marshall, in recognition of his outstanding contribution and leadership in the community in civic participation and sports leadership.

Felix Tejada, in recognition of his outstanding contribution and commitment to the world of art and culture in Dominican Republic.

Jericka Hernandez, in recognition of her passion and leadership in empowering our youth, and her commitment to excellence in education.

Julio Ortiz, in recognition of his commitment and dedication to preserve art and culture in our community.

Gonzalo Cuervo, in recognition of his outstanding contribution and leadership in the Latino community as a whole.

Darlin Leonardo Flete, in recognition of displaying courage, bravery and going above and beyond to help his fellow citizen in the name of public safety.

Daniel Rivera Flete, in recognition of displaying courage, bravery and going above and beyond to help his fellow citizen in the name of public safety.

Cristiino Flete, in recognition of displaying courage, bravery and going above and beyond to help his fellow citizen in the name of public safety.

Edythe Finnerty, in recognition of the celebration of her 85th Birthday.

David Rappa and Starvos Dilvois, in recognition of the celebration of their marriage on August 23, 2013.

The Dominique Porier Family, in recognition of the rededication of the Dominique H. Porier Memorial Square at Atwells & Mount Pleasant Avenues, in tribute to a heroic WWII Army Medic, who gave his life for his country and our freedom.

Billy Taylor Home, in recognition of their effort, along with the generous support of Bank of America, Speaker Gordon Fox and Councilman Kevin Jackson, to establish this home in memory of Billy Taylor, who devoted his life to the neighborhood, which will now provide the youth of Mt. Hope a permanent home to reach their dreams.

Giovanni Feroce, CEO, Alex & Ani, in recognition of being the recipient of the DaVinci Center 2013 Community Humanitarian Award.

Michael Friedman, Owner, in recognition of the Grand Opening of Restaurant City, Southern New England's best restaurant supply & equipment center.

Chief Michael Dillon, Providence Fire Department, in recognition of the celebration of his retirement after thirty-nine years of dedicated service to the City of Providence.

Mr. & Mrs. Kenneth B. Chiavarini, in recognition of the celebration of the birth of their son, Kenneth Brian Chiavarini, born September 4, 2013, weighing 6 lbs. 15 oz.

Emily Leahy, in recognition of the celebration of the Grand Opening of The Space at 1155 Westminster Street.

Severally Read and Collectively Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN SALVATORE.

The Motion for Passage is Sustained.

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

**PRESENTATION OF RESOLUTIONS
"IN MEMORIAM"
COUNCIL PRESIDENT SOLOMON AND MEMBERS OF THE CITY COUNCIL**

Resolution Extending Sympathy.

RESOLVED, That the Members of the City Council hereby extend their Sincere Sympathy to the families of the following:

Bernard T. "Slick" Pina
Teresa Scarcella
Filomena "Mena" Lupo
Mary "Auntie Babe" Evangelista
Iola E. French
Albert L. Cesario
Michael J. "Mike" Coro
Patrolman John M. "Johnny" Reposa, Jr., PPD
Elizabeth Dwyer
Senior Airman Michael Gnoato
David V. Russo
Rose E. Morris
Ronald B. Inglesi
Evelyn Pitassi

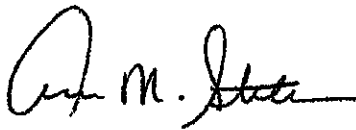
Severally Read and Collectively Passed, by a Unanimous Rising Vote, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN SALVATORE.

The Motion for Passage is Sustained.

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

ADJOURNMENT

There being no further business, on Motion of **COUNCILMAN YURDIN**, seconded by **COUNCILMAN SALVATORE**, it is voted to adjourn at 7:30 o'clock P.M., to meet again **THURSDAY, SEPTEMBER 19, 2014 at 7:00 P.M.**

A handwritten signature in black ink, appearing to read "Anna M. Stetson", written in a cursive style.

**ANNA M. STETSON
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.**

