

**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 28 City Council Regular Council Meeting, Thursday, October 4, 2018, 7:00 o'clock P.M.

**PRESIDING
COUNCIL PRESIDENT
DAVID A. SALVATORE**

CALL TO ORDER

**PRESENT: COUNCIL PRESIDENT SALVATORE, COUNCILMAN APONTE,
COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI,
JENNINGS, COUNCILWOMEN LAFORTUNE, MATOS,
COUNCILMEN NARDUCCI, PRINCIPE, COUNCILWOMAN RYAN,
COUNCILMEN YURDIN AND ZURIER – 14.**

ABSENT: COUNCILWOMAN HARRIS – 1

**ALSO PRESENT: LORI L. HAGEN, CITY CLERK, TINA L. MASTROIANNI,
FIRST DEPUTY CITY CLERK, SHERI A. PETRONIO, SECOND DEPUTY CITY
CLERK AND JEFFREY DANA, CITY SOLICITOR**

IN CITY COUNCIL

OCT 18 2018

APPROVED:

[Signature] **CLERK**

ROLL CALL

INVOCATION

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

"Almighty God, we thank You for the blessings of our lives. We give You praise for the abundancy of mercy and grace that we receive every day. We thank You for Your faithfulness even when we are not faithful to You. Lord, we ask that You give us peace of mind, body, soul and spirit, that You heal and remove everything that is causing stress, grief and sorrow in our lives, so that peace may rein is our city. We ask these things in Your name. Amen."

PLEDGE OF ALLEGIANCE

COUNCILWOMAN SABINA MATOS 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 MINUTES

Journal of Proceedings No. 27 of the Regular Meeting of the City Council held September 20, 2018, are approved, as printed, on Motion of **COUNCILMAN IGLIOZZI**, Seconded by **COUNCILWOMAN RYAN**.

RESULT:	APPROVED (WITH VOTE) [UNANIMOUS]
MOVER:	Councilman Igliazzi
SECONDER:	Councilwoman Ryan
AYES:	Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Igliazzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.
ABSENT:	Councilwoman Harris – 1.

ORDINANCE(S) SECOND READING

The Following Ordinance was in City Council July 23, 2018, Read and Passed the First Time and Referred Back to the Committee on Finance and is Returned for Passage the Second Time, As Amended:

**COUNCILWOMAN MATOS, COUNCILMEN APONTE, IGLIOZZI AND
COUNCILWOMAN RYAN**

An Ordinance Amending Chapter 21, "Revenue and Finance," Article XV, "Real Estate Non-Utilization Tax."

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 21, "Revenue and Finance," Article XV, "Real Estate Non-Utilization Tax," is hereby amended as follows:

ARTICLE XV. - REAL ESTATE NON-UTILIZATION TAX

Sec. 21-251. - Authority.

In accordance with the express enabling authority granted by the General Assembly in R.I.G.L. § 44-5.1 there is hereby established in the city a real estate non-utilization tax.

Sec. 21-252. - Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section:

Abutter means a neighbor whose property touches the property in question.

Actively marketed means the good faith efforts by the owner of the property to obtain one (1) or more occupants of the property. These good faith efforts may include, without limitation, one (1) or more of the following:

- (1) Making substantial financial expenditures in comparison with the value of the property;
- (2) Listing the property for sale or lease, or both, with one (1) or more real estate brokers, for a price and on terms, or for a rental that is realistic considering the fair market value or fair market rental value of the property; or
- (3) Advertising, using one (1) or more signs on the property and at least one (1) other medium, the availability of the property for sale or rental for a price and on terms, or at a rental that is realistic considering the fair market value or fair rental value of the property. Sporadic attempts to sell or lease the property during the privilege year may be viewed as not constituting a good-faith marketing effort.

Continuously unoccupied means any property which is listed during the entire privilege year as vacant in the records of the department of inspection and standards.

Development plan means a plan to rehabilitate a vacant and abandoned property within a set time frame for a use in conformance with the city's comprehensive plan and zoning ordinance.

New owner means any person who has purchased the vacant and abandoned property during the period subsequent to the notice of designation as vacant and abandoned.

Nonprofit housing organization means any organization exempt from taxation pursuant to § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)) whose exempt purposes include the provision of affordable housing to low and moderate income households.

Privilege year means the twelve-month period corresponding to the calendar year.

Reviewing entity means the administrative officer, designated in accordance with R.I.G.L. § 45-23-55; if no administrative officer has been so designated, then the city planning commission.

RI Housing means Rhode Island Housing and Mortgage Finance Corporation, a public corporation created under Chapter 55 of Title 42 of the Rhode Island General Laws.

Vacant and abandoned property means any property which is:

- (1) A structure that has been determined to be continuously unoccupied by the department of inspection and standards during the privilege year; and
 - a. Has been under continuous citation by the department of inspection and standards; or
 - b. Has not been maintained as evidenced by the exterior condition of the structure.
- (2) A lot with no existing structure that is littered with trash and obviously abandoned.

Sec. 21-253. - Notice of designation as vacant and abandoned.

- (a) The department of inspections and standards shall, upon designation of a property as vacant and abandoned, notify the owner in writing of the date of designation of the property as vacant and abandoned and the date upon which the non-utilization tax shall be imposed and said notice shall be immediately sent to the City Assessor. The department of inspections and standards shall file the notice of designation as vacant and abandoned with the recorder of deeds.
- (b) Any person or entity who, through foreclosure or otherwise, vacates or maintain vacant property shall notify the department of inspections and standards.

Sec. 21-254. - Imposition.

- (a) The city imposes a tax upon the privilege of utilizing property as vacant and abandoned property within the city during any privilege year commencing with the privilege year beginning January 1, 1984, and every year thereafter. The tax shall be in addition to any other taxes authorized by the general or public laws.
- (b) The city shall, through the Office of the City Assessor, annually impose upon any property which is vacant and abandoned, as determined by the department of inspections and standards, a non-utilization tax measured by the assessed value of the real estate at the rate of ten dollars (\$10.00) for each one hundred dollars (\$100.00) of assessed value of the real estate as most recently returned by the tax assessor of the city.
- (c) The tax imposed under authority of this chapter shall be due and payable in the same manner as other municipal taxes are due in the city.

Sec. 21-255. - Exceptions.

- (a) The non-utilization tax authorized by this article shall not be imposed on property
 - (1) Owned by an abutter, a new owner, or a nonprofit housing organization if:
 - (i) The abutter, new owner, or nonprofit housing organization submits a proposed development plan to the administrative officer, designated in accordance with R.I.G.L. § 45-23-55; if no administrative officer has been so designated, then to the city planning commission;
 - (ii) The administrative officer, in accordance with R.I.G.L. § 45-23-55, or if no administrative officer, then the city planning commission, determines that the proposed development plan contains a reasonable timetable for the development or reuse of the property;
 - (iii) The administrative officer, in accordance with R.I.G.L. § 45-23-55, or if no administrative officer, then the city planning commission, determines that the abutter, new owner, or nonprofit housing organization has obtained adequate funding for the development plan; and
 - (iv) The administrative officer, in accordance with R.I.G.L. § 45-23-55, or if no administrative officer, then the city planning commission determines that the proposed development plan is in accordance with the approved comprehensive plan and zoning ordinances of the city and approves it.
 - (2) The administrative officer, in accordance with R.I.G.L. § 45-23-55, or if no administrative officer, then the city planning commission, shall deliver a copy of the approved development plan to the tax assessor who shall certify the property as exempt from the non-utilization tax.

(3) Failure of the nonprofit housing organization, new owner or abutter, without good cause, to carry out the development or refuse of the property in accordance with the timetable set forth in the approved development plan shall result in the property being subject to the non-utilization tax as of the first date of assessment following the expiration of the timetable in the approved development plan.

(4) The decision of the administrative officer, or the city planning commission, denying approval of a development plan may be appealed as provided in section 21-257 of this article.

(b) The non-utilization tax authorized by this article shall not be imposed on property for which RI Housing:

(1) Holds an interest on the property pursuant to R.I.G.L. § 44-9-8.3;

(2) Holds a first mortgage on the property, which mortgage is insured under any federally sponsored mortgage insurance program, including, without limitation, programs sponsored by the Federal Housing Administration (FHA), the Federal Home Loan Mortgage Administration (Freddie Mac) or the Government National Mortgage Association (Ginnie Mae); or

(3) Owns the property under the RI Housing land bank program, which property is intended for development into housing for low- or moderate-income households.

Sec. 21-256. - Abatement of tax.

The tax assessor is empowered to abate the non-utilization tax if it is imposed in error.

Sec. 21-257. - Appeals.

(a) In any appeal from the imposition of the tax set forth in this article, the board of tax assessment review shall find in favor of an appellant who shows that the property assessed:

(1) Was actively marketed during the privilege year; or

(2) Was occupied for substantial portions of the privilege year, notwithstanding its designation by the department of inspection and standards.

(3) Was exempt pursuant to section 21-255 of this article from the imposition of the tax as set forth in that section.

(b) Nothing contained in this article shall be deemed to enlarge or diminish any other right of appeal that an appellant may possess pursuant to the general or public laws or city ordinances.

Sec. 21-258. - Use of collected taxes.

One-half (50%) of all taxes collected under the provisions of this article shall be allocated to the affordable housing trust in accordance with Section 13-18 of the Code of Ordinances.

Sec. 21-259. - [Reserved.]

SECTION 2. This ordinance shall take effect upon passage.

The Following Ordinance was in City Council September 6, 2018, Read and Passed the First Time and was Continued at the September 20, 2018 City Council Meeting and is Returned for Passage the Second Time:

COUNCILMAN IGLIOZZI, (By Request):

An Ordinance Establishing a Tax Stabilization Agreement for Steeple Street, LLC.

WHEREAS, Steeple Street RI, LLC (hereinafter "Project Owner") has entered into a ground lease with the owners of real property located at 131 Canal Street and 3-9 Steeple Street, Assessor's Plat 010, Lots 710 and 711 (together hereinafter the "Property"); and

WHEREAS, Project Owner has proposed and committed to construct a new building on the vacant surface and rehabilitate and preserve the historic buildings also located on the Project Site; and

WHEREAS, Under article 13, section 5 of the Rhode Island Constitution, the General Assembly retains exclusive power over matters relating to municipal taxation. Notwithstanding, and pursuant to Rhode Island General Laws § 44-3-9, the General Assembly has authorized the City of Providence, acting through its City Council and subject to certain enumerated conditions, to exempt or determine a stabilized amount of taxes to be paid on account of real and personal property for a period not to exceed twenty (20) years; and

WHEREAS, Pursuant to the Providence Code of Ordinances, as amended, specifically Chapter 21, Article VIII, Section 21-169, the granting of the tax stabilization will inure to the benefit of the City of Providence and its residents by reason of:

- (A) The willingness of Project Owners to construct a new building on the existing vacant lot and rehabilitate and preserve existing historic buildings and return them to useful service featuring commercial and residential uses thereby improving the physical plant of the City, which will result in a long-term economic benefit to the City and State; and

(B) The willingness of Project Owners to commit by agreement to make a significant investment in the above-referenced property, by constructing a new building on a vacant surface lot and rehabilitating these historic in the heart of downtown Providence. This will enhance the tax base of the surrounding area, and generate significant tax revenues for the City of Providence.

NOW, THEREFORE, In consideration of the mutual agreements and promises set forth herein and other good and lawful consideration the receipt of which is hereby acknowledged, the parties agree as follows:

SECTION 1. DEFINITIONS.

“Property” shall collectively mean certain real property together with any and all buildings, structures, and/or improvements now or in the future located in the City at 3-9 Steeple Street, Plat 10, Lot 710 and 131 Canal Street, Plat 10, Lot 711.

“Property Owner” shall mean the respective entity with the legal or equitable right and/or interest in and/or to the Property or the individual lots that compromise the Property, including any and all successors and assigns.

SECTION 2. TAX STABILIZATION.

Section 2.1. Grant. The City, in accordance with R.I.G.L. § 44-3-9 and the City of Providence Code of Ordinances, does hereby grant a twenty (20) year tax stabilization in favor of the Property Owners with respect to the Property.

Section 2.2. Term. The tax stabilization term shall be the period commencing on December 31, 2017 and terminating on December 31, 2036. (Tax Years 2018- 2037).

Section 2.3. Plan. During the tax stabilization term as defined in Section 2.2 above, the City has determined the stabilized amount of taxes to be paid by the Property Owner with respect to the Property, notwithstanding the valuation of the Property or the then-current rate of tax as follows: For tax years 2018 through and including tax year 2020, the Property Owner shall make a tax payment equal to the taxes due and owing for the December 31, 2017 assessment value multiplied by the 2018 Tax Year tax rate (hereinafter the “Base Assessment Tax”). For each tax year thereafter, the Property Owner will pay the Base Assessment Tax plus a percentage of the difference between the Base Assessment Tax on the Property and the taxes due and owing on the then-current assessed value of the Property multiplied by the then-current rate. See “Tax Stabilization Plan” incorporated herein as if fully reproduced and attached hereto and as Exhibit A.

Section 2.4. Payment Deadlines. During the tax stabilization term as defined in Section 2.2 above and in accordance with the tax stabilization plan outlined in Section 2.3 above, stabilized tax payments shall be made in either a lump sum during the first quarter of the applicable tax year or in equal quarterly installments at the discretion of the Property Owner. If the Property Owner elects to make quarterly installments, each quarterly installment shall be due on the same date that quarterly taxes are due for all other taxpayers in the City of Providence.

Section 2.5. Obligation of Property Owners to Make Payment. During the tax stabilization term as defined in Section 2.2 above and in accordance with the tax stabilization plan outlined in Section 2.3 above, stabilized tax payments shall be an obligation of the Property Owner. It is understood that the stabilized tax payments made hereunder are deemed by the City to be tax payments, and the Property Owner shall be entitled to all of the rights and privileges of a taxpayer in the City, including, without limitation, the right to challenge and appeal any assessment and/or reassessment.

Section 2.6. Non-Receipt of Stabilized Tax Bill. Failure by the City to send or failure by the Property Owner to receive a stabilized tax bill does not excuse the nonpayment of the stabilized tax nor affect its validity or any action or proceeding for the collection of the tax in accordance with this Agreement or otherwise.

Section 2.7. Recording of Agreement, Running with Land. Upon the execution of this Agreement, the Property Owners shall cause a Notice of this Agreement to be recorded at its expense in the City's official public land evidence records.

SECTION 3. PERFORMANCE OBLIGATIONS.

Section 3.1. Commencement of Performance.

Rehabilitation and/or construction shall commence within twelve (12) months of the effective date of this Agreement.

Section 3.2. Permits and Certificates of Occupancy.

Property Owner shall obtain all permits and certificates of occupancy as required by state and local law in connection with any and all intended construction or rehabilitation at the Property.

SECTION 4. TRANSFER OF THE PROPERTY.

Section 4.1. Transfer Generally. Stabilized tax payments shall be an obligation of the Property Owner during the tax stabilization term as defined in Section 2.2 above and in accordance with the tax stabilization plan outlined in Section 2.3 above. Additionally, in accordance with Section 2.7, the burdens and benefits of this Agreement will run with the land, and as for payment of taxes shall run in favor of the City regardless of any transfer of ownership. The Property Owner further agree to provide written notice to the City within thirty (30) days of any transfer of title to the real estate.

Section 4.2. Transfer to Tax Exempt Entities. In the event that the Property Owner transfers one of the lots comprising the Property to a tax exempt entity, this Agreement shall be void ab initio as it pertains to the respective lot being transferred and the owner thereof and any entity holding the legal right or legal interest in the that respective lot at the time of said transfer shall be liable for the full taxes due and owing from the Effective Date of this Agreement and forward. Transfer of an individual lot by an individual owning entity to a tax exempt entity shall not impact the validity or duration of this Agreement as it pertains to the other lots comprising the Property.

Section 4.3. Post-Expiration Transfers. In the event that the Property Owner transfers one of the lots comprising the Property to a tax exempt entity within five years from the end of the tax stabilization term, as defined in Section 2.2 above, the then respective entity owning the applicable lot at the time of said sale will pay the following: five percent (5%) of the sale price in said transfer if sold to a tax-exempt entity in the first year following the end of the Term; four percent (4%) of the sale price in said transfer if sold to a tax-exempt entity in the second year following the end of the Term; three percent (3%) of the sale price in said transfer if sold to a tax-exempt entity in the third year following the end of the Term; two percent (2%) of the sale price in said transfer if sold to a tax-exempt entity in the fourth year following the end of the Term; and one percent (1%) of the sale price in said transfer if sold to a tax-exempt entity in the fifth year following the end of the Term. Transfer of an individual lot by shall not impact the validity or duration of this Agreement as it pertains to the other lots comprising the Property.

SECTION 5. FURTHER ASSURANCES.

Section 5.1. MBE/WBE. Property Owner shall award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 31- 14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to MBE Act). Property Owner shall award to Women Business Enterprises (WBE's) no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). Property Owner will request the City MBE/WBE office and its Supplier Diversity Director to establish a list of qualified MBE/WBE companies in order to satisfy its MBE/WBE construction goals. In this manner, the City will assist Property Owner in meeting said goals. The process of participating with the MBE/WBE office and its Supplier Diversity Director shall begin upon passage in order to develop a designated MBE/WBE subcontractor list which will encourage MBE/WBE participation and joint ventures with other members with the construction industry.

Section 5.2. Internal Revenue Service reporting. Except as provided under R.I.G.L. § 28-42-8, any person performing services at the Property shall annually receive either a W-2 statement or an IRS Form 1099.

Section 5.3. First Source. Pursuant to the City of Providence First Source Ordinance, the Project Owner shall enter into a First Source Agreement covering the hiring of employees necessary to complete the proposed Project and throughout the term of this Agreement. Project Owner shall work in conjunction with the Director of First Source Providence to develop the First Source Agreement.

Section 5.4. "Buy Providence" Initiative. Property Owner will use good faith efforts to ensure that construction materials are purchased from economically competitive and qualified vendors located in the City of Providence. In furtherance of this effort, Property Owner will work with the City to develop a list of Providence vendors and subcontractors in order to create a preferred vendor list of qualified and economically competitive vendors for the construction of the Property. In order to further that effort, Property Owner will hold seminars/meetings upon passage of this Ordinance, with the Providence MBE/WBE office, the Supplier Diversity Director, the Director of First Source Providence and the Providence Chamber of Commerce to inform the local economy of the Property Owner's development plans in order to maximize the opportunities for Providence businesses to work with Property Owner in providing on-going services, equipment and materials. To be clear, nothing in the foregoing shall be construed so as to obligate Property Owner to purchase construction materials from any vendor that has not provided the lowest qualified bid in connection with the provision of such materials, as reasonably determined by Property Owner.

Section 5.5. Apprenticeship. The Property Owner shall ensure that one hundred (100) percent of the hours worked on the project shall be performed by trade construction subcontractors who have or are affiliated with an apprenticeship program as defined in 29 C.F.R. § 29 et seq. The Property Owner shall make a requirement in the contracts between its construction manager and general contractor and their subcontractors who have apprenticeship programs as defined in 29 C.F.R. § 29 that not less than ten (10) percent of the total hours worked by the subcontractors' employees on the project are completed by apprentices registered in the aforementioned apprenticeship programs.

The Property Owner shall as part of its contracts between its construction manager and general contractor and their subcontractors require that the subcontractors submit to the First Source Director quarterly verification reports to ensure compliance with this section.

The Property Owner, its construction manager or general contractor or other authorized person/entity may petition the Director of Planning and Development, or his/her designee, to adjust the apprenticeship work hour requirements to a lower percentage upon a showing that:

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

SECTION 6. DEFAULT.

The following events shall constitute an event of default hereunder:

- (A) Failure of the Property Owner to pay any amount due under or with respect to the tax stabilization in accordance with Section 2 above; or
- (B) Failure of the Property Owner to record a Notice of this Agreement as required by and in accordance with Section 2 above; or
- (C) Failure of the Property Owner to meet any of the performance obligations set forth in Section 3 above; or
- (D) Failure of the Property Owner to annually report as required by Section 9 below; or
- (E) Failure of the Property Owner to notify the City in writing within thirty (30) days of the transfer of the Property; or
- (F) Transfer of the Property by the Property Owner outside of the terms of this Agreement; or
- (G) Failure of the Property Owner to comply with Section 5 above; or
- (H) Failure of the Property Owner to comply with any other obligation or promise contained within any section or subsection of this Agreement; or
- (I) Failure of the Property Owner to comply with all state and local law regarding building and property maintenance codes, zoning ordinances, and building and/or trade permits; or
- (J) Failure of the Property Owner to remain current on any and all other financial obligations to the City of Providence.

SECTION 7. NOTICE AND CURE.

Section 7.1. Notice and Cure Period. The City Council shall provide written notice to the Property Owner before exercising any of its rights and remedies under Section 8 below. The Property Owner shall have ninety (90) days to cure any alleged default under this Agreement, provided, however, that if the curing of such default cannot be accomplished with due diligence within ninety (90) days, then the Property Owner shall request an additional reasonable period of time from the Tax Assessor (and if an agreement on the period of time cannot be reached between the Property Owner and the Tax Assessor, then the Property Owner shall request such additional time from the City Council) to cure such default. Such reasonable request shall be granted provided that the Property Owner shall have commenced to cure such default within said period, such cure shall have been diligently pursued by the Property Owner and the City Council does not reasonably deem the taxes jeopardized by such further delay, all as determined by the City Council in its sole reasonable discretion.

Section 7.2. Agreed Upon Address for Purposes of Written Notice. All notices, requests, consents, approvals, and any other communication which may be or are required to be served or given (including changes of address for purposes of notice) shall be in writing and shall be sent registered or certified mail, or by nationally recognized overnight courier (such as Federal Express or UPS) and addressed to the following parties set forth below:

If to: City of Providence
Office of the City Clerk
25 Dorrance St.
Providence, RI 02903

If to: Steeple Street RI, LLC

Copy to:
Zachary Darrow, Esq.
Darrow Everett, LLP
One Turks Head Place, Suite 1200
Providence, RI 02903

SECTION 8. RIGHTS AND REMEDIES.

Section 8.1. Collection of Taxes. At any time during the tax stabilization term as defined in Section 2.2 of this Agreement, the City of Providence may pursue any and all rights and remedies arising under any state or local law, including but not limited to Chapters 7-9 of Title 44, and/or arising under this Agreement to collect stabilized taxes due and owing in accordance with the tax stabilization plan outlined in Section 2.3 above and/or to collect retroactive taxes pursuant to Section 8.1 above.

Section 8.2. City's Lien Remedies and Rights. Nothing herein contained shall restrict or limit the City's rights and/or remedies with respect to its first priority lien for taxes as provided under Title 44 of the Rhode Island General Laws. Rather, this Agreement shall be construed to provide a complete additional alternative method under contract law for the collection of taxes, and shall be regarded as supplemental and in addition to the powers conferred by other state and local laws.

Section 8.3. Waiver. Failure or delay on the part of the City to exercise any rights or remedies, powers or privileges at any time under this Agreement or under any state or local law shall not constitute a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, remedy, power or privilege thereunder.

Section 8.4. Property Owner's Rights. During the tax stabilization term as defined in Section 2.2, the Property Owner agrees to waive and forever forgo any and all of its rights and privileges under Title 44 of the Rhode Island General Laws, as they pertain to the Tax Payments due and owing pursuant to this Agreement, unless the assessment value of the Property increases by more than ten percent (10%) between any two City-wide revaluations (as referenced in R.I. Gen. Laws § 44-5-11.6) which occur during the term of this stabilization or if there is a substantial change in circumstances regarding the value of the Property. A substantial change in circumstances shall include a vacancy or partial vacancy at the Property, loss of use of the Property as a result of fire, flood or other force majeure, loss of revenue generated by the Property or decline in the real estate market such that it negatively impacts the value of the Property. Nothing herein shall be construed to limit the right of the Property Owner to pursue its rights and remedies under the terms of this Agreement.

SECTION 9. MISCELLANEOUS TERMS.

Section 9.1. Annual Progress Report. The Property Owner shall provide annual reports to the City on its progress in complying with the provisions of this Agreement, and one final report following the issuance of a certificate of occupancy for the work contemplated hereby (which reporting may be done on a Property by Property basis). Specifically, its report shall include a performance report on rehabilitation and/or improvements with evidence of final construction costs, status of stabilized tax payments, and evidence of employment compliance pursuant to Section 6 above. Upon receipt and review, the City may require and request reasonable additional non-confidential or proprietary information.

Section 9.2. Monitoring Fee. Within thirty (30) days of receiving a statement from the Tax Assessor, the Property Owner shall remit a monitoring/compliance fee to the City in the amount of 0.1 percent of the tax savings for each respective tax year during the term of this Agreement. By way of example only, if the tax savings for Year 3 is \$500,000, the monitoring fee for Year 3 shall be \$500.

Section 9.3. Agreement to Contribute to Parks and Recreation Trust Fund. Upon ratification of this Agreement by the City Council, the Property Owner shall, within thirty days of receiving a statement from the Treasurer, contribute to a Trust Fund established by the City of Providence, of which the Treasurer shall be the trustee. The Fund shall be identified as the "City Council Parks and Recreation Fund." The City Council shall establish regulations pertaining to the disbursement of funds.

- (a) Payments to the Fund. The Property Owner shall make annual payments to the Fund in the amount of Five (5) percent of the abated tax for each respective tax year, for as long as this Agreement is in full force and effect. Said annual payments will be payable on the last day of each subsequent tax year after the Commencement Date. Additionally, in the first three years of this Agreement, the Property Owner shall contribute a total of \$2,5000.00 in each year. If, for any reason, this Agreement is retroactively revoked, the payments to the fund shall remain and will not be forfeited back to the Property Owners due to a default. By way of example only, if the tax savings for Year 3 is \$500,000, the contribution for Year 3 shall be \$25,000.
- (b) Investment and Distribution of the Fund. The trust fund will be invested by the Board of Investment Commissioners, and an annual distribution of the investment shall be used to provide funds to the Department of Parks and to the Department of Recreation for capital improvements in neighborhood parks and recreation centers. Said annual distribution shall not supplant any funds that are provided to the Department of Parks and the Department of Recreation through the operating budget. Distributions may never exceed the earnings in the year of distribution or reduce the corpus of the fund. The first payment from the fund shall begin in the fifth year after the establishment of the fund.

Section 9.4. Severability. The sections of this Agreement are severable, and if any of its sections or subsections shall be held unenforceable by any court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining sections or subsections.

Section 9.5. Applicable Law. This Agreement shall be construed under the laws of the State of Rhode Island, the City of Providence Home Rule Charter, and the City of Providence Code of Ordinances, as amended.

Section 9.6. Modifications Amendments and/or Extensions. This Agreement shall not be modified, amended, extended or altered in any way by oral representations made before or after the execution of this Agreement. Any and all modifications, amendments, extensions or alterations must be in writing duly executed by all parties.

Section 9.7. Entire Agreement. This Agreement and all attachments, addenda, and/or exhibits attached hereto shall represent the entire agreement between City and the Property Owner and may not be amended or modified except as expressed in this document.

Section 9.8. Effective Date. This Agreement shall take effect upon passage of this Ordinance by the Providence City Council, and approval by the Mayor.

Exhibit A

Year 4	6%
Year 5	12%
Year 6	18%
Year 7	24%
Year 8	30%
Year 9	36%
Year 10	42%
Year 11	48%
Year 12	54%
Year 13	60%
Year 14	66%
Year 15	72%
Year 16	78%
Year 17	84%
Year 18	90%
Year 19	96%
Year 20	99%

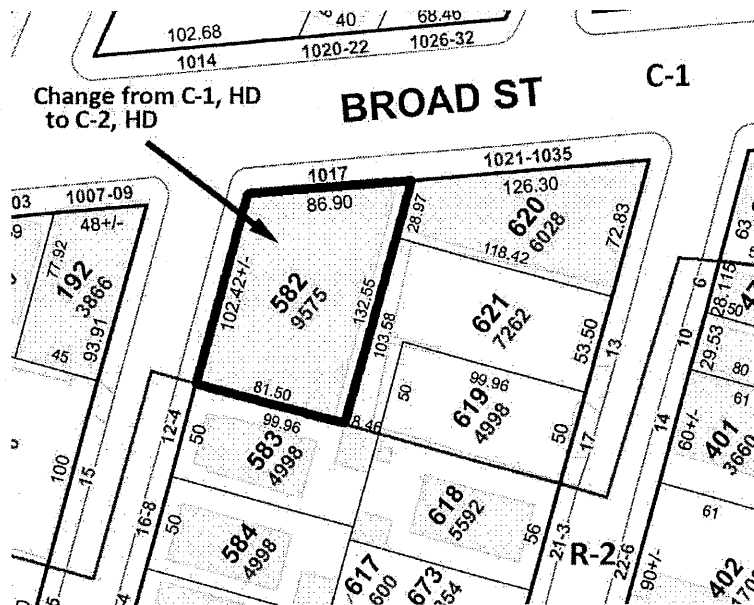
The Following Ordinance was in City Council September 20, 2018, Read and Passed the First Time and is Returned for Passage the Second Time:

COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCIL PRESIDENT SALVATORE, COUNCILMAN CORREIA, COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JENNINGS, COUNCILWOMEN LAFORTUNE, MATOS, COUNCILMEN NARDUCCI, PRINCIPE, COUNCILWOMAN RYAN, COUNCILMEN YURDIN AND ZURIER

An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence Entitled: "The City of Providence Zoning Ordinance," Approved November 24, 2014, As Amended, to Change the Official Zoning Map for Assessor's Plat 53, Lot 582 (1017 Broad Street), from C-1 to C-2.

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance," Approved November 24, 2014, As Amended, is hereby further amended by changing the zoning for Assessor's Plat 53, Lot 582 (1017 Broad Street) from C-1 to C-2, as shown on the accompanying map. The rezoning shall permit all uses allowed in the C-2 zone in addition to entertainment-ancillary use and live performance venue by right.

SECTION 2: This Ordinance shall take effect upon passage.



COUNCILMAN IGLIOZZI Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, Seconded by COUNCILWOMAN RYAN, by the following Roll Call Vote.

An Ordinance Amending Chapter 21, "Revenue and Finance," Article XV, "Real Estate Non-Utilization Tax"

RESULT: READ/PASSED SECOND TIME [UNANIMOUS]

MOVER: Councilman Iglioizzi

SECONDER: Councilwoman Ryan

AYES: Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Iglioizzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.

ABSENT: Councilwoman Harris – 1.

An Ordinance Establishing a Tax Stabilization Agreement for Steeple Street, LLC

RESULT: READ/PASSED SECOND TIME [11 to 2]
MOVER: Councilman Iglioizzi
SECONDER: Councilwoman Ryan
AYES: Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Iglioizzi, Jennings, Narducci, Councilwoman Ryan, Councilmen Yurdin and Zurier – 11.
NAYES: Councilwoman LaFortune and Councilman Principe – 2.
ABSTAIN: Councilwoman Matos – 1.
ABSENT: Councilwoman Harris – 1.

An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence Entitled: "The City of Providence Zoning Ordinance," Approved November 24, 2014, As Amended, to Change the Official Zoning Map for Assessor's Plat 53, Lot 582 (1017 Broad Street), from C-1 to C-2

RESULT: READ/PASSED SECOND TIME [UNANIMOUS]
MOVER: Councilman Iglioizzi
SECONDER: Councilwoman Ryan
AYES: Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Iglioizzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.
ABSENT: Councilwoman Harris – 1.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCILWOMAN CASTILLO, COUNCILMAN APONTE

An Ordinance in Amendment of and in addition to Chapter 2000-14 of the Ordinances of the City of Providence, Approved June 23, 2000, Entitled: "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Ninth (9th) Ward Redevelopment Project", for the acquisition of property.

COUNCILMAN IGLIOZZI Moves to Dispense with the Reading of the foregoing matter, Seconded by COUNCILWOMAN RYAN.

COUNCIL PRESIDENT SALVATORE Refers the Ordinance to the Committee on Urban Redevelopment, Renewal and Planning.

RESULT:	REFERRED
TO:	Committee on Urban Redevelopment, Renewal and Planning

COUNCILWOMAN MATOS

An Ordinance of the City of Providence Approving Improvements to the Providence Water Supply Board's Distribution System and Appurtenances thereto, including, but not limited to the Cleaning, Relining, Repair and Replacement of Water Mains, Transmission Lines, Service Lines and Valves, and all attendant expenses and approving the financing thereof by the issuance of Water Revenue Bonds and Notes therefor in an amount not to exceed \$14,700,000.00.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT SALVATORE, (By Request):

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

E.W. Audet & Sons, Inc. (Water Supply Board)	\$2,000,000.00
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Resolution Authorizing Approval of the following Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances of the City of Providence.

CDM Smith
(Water Supply Board)

\$11,829,799.58

COUNCILMAN IGLIOZZI Moves to Dispense with the Reading of the foregoing matters, Seconded by COUNCILWOMAN RYAN.

COUNCIL PRESIDENT SALVATORE Refers the Ordinance and Several Resolutions to the Committee on Finance.

RESULT:	REFERRED
TO:	Committee on Finance

COUNCIL PRESIDENT SALVATORE, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JENNINGS, COUNCILWOMEN LAFORTUNE, MATOS, COUNCILMEN NARDUCCI, PRINCIPE, COUNCILWOMAN RYAN, COUNCILMEN YURDIN AND ZURIER

Resolution recognizing and remembering the life and legacy of John Michael D'Antuono.

WHEREAS, John Michael D'Antuono was a longtime resident of Rhode Island; and
WHEREAS, After graduating LaSalle Academy, he attended Bryant University, where he received his Bachelor of Science degree; and

WHEREAS, Additionally, he was also a Certified Public Accountant and a member of the CPA society; and

WHEREAS, He led a life committed to public service, starting as a Page for the Rhode Island State House and followed by an almost 30 year-long career within city government; and

WHEREAS, Most recently, he held dual titles of Business Manager for the Providence School Department, and City Controller for the City of Providence; and

WHEREAS, Through his time as a City employee, Michael received numerous accolades; in August 2018, he was presented with the Key to the City by the Mayor's office; and

WHEREAS, He was admired and respected by all who knew him, particularly for his integrity and consistent professionalism; and

WHEREAS, He was an avid and loyal Patriots fan and took great joy in attending all of his son's Pop Warner football games; and

WHEREAS, John Michael D'Antuono passed away at the age of 53 on Tuesday, September 18, 2018, surrounded by his loving family; and

WHEREAS, He is survived by his wife Charlotte (Harrington) D'Antuono, his parents John R. and Elaine (Villa) D'Antuono, and his loving children Felecia and Johnathon; and

WHEREAS, He is also survived by his brother Glenn D'Antuono and his wife Robin, his uncle David D'Antuono and Aunt Emma Loux, his niece Lindsay and her husband Nicholas, and nephews Jake and Sumner, as well as his many cousins whom he loved dearly; and

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby recognize and remember the life and legacy of John Michael D'Antuono.

Read and Passed, on Motion of COUNCILMAN IGLIOZZI, Seconded by COUNCILWOMAN RYAN.

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Councilman Iglioizzi
SECONDER:	Councilwoman Ryan
AYES:	Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Iglioizzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.
ABSENT:	Councilwoman Harris – 1.

The Motion for Passage is Sustained.

COUNCIL PRESIDENT SALVATORE, COUNCILWOMAN LAFORTUNE

Resolution Urging the Rhode Island General Assembly to pass legislation allowing municipalities the authority to put forth conflict resolution curriculum.

WHEREAS, The Providence Public School Department serves approximately twenty four thousand (24,000) students; and

WHEREAS, Students are the most precious resource the City of Providence has, and they, as well as school employees, should feel safe and secure while in school; and

WHEREAS, Currently, municipalities in the State of Rhode Island do not have the authority to craft and deliver their own conflict resolution curriculum; and

WHEREAS, Conflict resolution curriculum will allow staff and students the ability to peacefully de-escalate conflicts and work together towards resolutions; and

WHEREAS, Allowing for local control will better equip municipalities to create curriculum that is relevant to their communities and best serves their students and school employees; and

WHEREAS, As they are the future of our city, and the employees are the hand that guides them, it is the top priority of the Providence City Council to equip our schools with the appropriate tools to keep students and staff safe; and

WHEREAS, As public servants and the elected representatives of the people of Providence, the City Council has a moral obligation to ensure that students and school employees feel equipped to handle conflict and go to safe and secure schools.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council strongly urges the Rhode Island General Assembly to pass legislation allowing municipalities the authority to put forth conflict resolution curriculum.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the elected Rhode Island House and Senate representatives of the City of Providence.

COUNCIL PRESIDENT SALVATORE

Resolution Requesting the Director of the Department of Planning and Development provide a briefing and update on the Qualified Opportunity Zone Program.

WHEREAS, In 2017, the Tax Cuts and Jobs Act of 2018 was passed and signed into law; and

WHEREAS, The Tax Cuts and Jobs Act added “opportunity zones” to the tax code; and

WHEREAS, “Opportunity zones” are defined as economically-distressed communities where new investments, under certain conditions, may be eligible for preferential tax treatment; and

WHEREAS, In conjunction with the creation of opportunity zones, the new law created and established the Qualified Opportunity Zone program, a vehicle to spur economic development and investment in designated opportunity zones; and

WHEREAS, The Governor and the RI Commerce Corporation applied, and were approved, for twenty-five opportunity zones by the United States Department of Treasury and the IRS, with seven located in the City of Providence; and

WHEREAS, This designation provides an opportunity to increase and enhance development prospects and draw in potential developers to under-served communities in Providence; and

WHEREAS, As the elected representatives of the people of Providence, the Providence City Council has an obligation to ensure that programs created to help our under-served communities are functioning efficiently and are driving increased economic development and investment.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby request that director of the Planning Department provide a briefing and update on the Qualified Opportunity Zone program.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the Mayor and the director of the Planning Department.

COUNCILMAN NARDUCCI, COUNCIL PRESIDENT SALVATORE, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JENNINGS, COUNCILWOMEN LAFORTUNE, MATOS, COUNCILMAN PRINCIPE, COUNCILWOMAN RYAN, COUNCILMEN YURDIN AND ZURIER

Resolution Recognizing the Month of October as Breast Cancer Awareness Month.

RESOLVED, That the Members of the Providence City Council hereby Recognize the Month of October as Breast Cancer Awareness Month.

COUNCILMAN YURDIN, COUNCIL PRESIDENT SALVATORE, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JENNINGS, COUNCILWOMEN LAFORTUNE, MATOS, COUNCILMEN NARDUCCI, PRINCIPE, COUNCILWOMAN RYAN AND COUNCILMAN ZURIER

Resolution Expressing strong support for the Green Economy and Clean Water bond proposed by State Ballot Question #3 in the November 2018 General Election.

WHEREAS, If approved, State Ballot Question #3 in the November 2018 General Election would authorize a Green Economy and Clean Water bond investing in water quality, land cleanup, farmland, recreational facilities, open spaces, and much more to ensure Rhode Island remains a wonderful place to live, visit, and raise a family; and

WHEREAS, Investments in clean drinking water, recreation, bikeways, open space, farm land, and coastal resiliency are fundamental to preserving and improving quality of life in Providence and throughout Rhode Island; and

WHEREAS, The Green Economy and Clean Water bond will provide \$7.9 million to ensure our state's drinking and recreational waters are clean and safe; and

WHEREAS, By utilizing matching funds, the initial \$7.9 million investment will unlock close to \$40 million in federal funds and an additional \$150-\$200 million in private capital for water treatment upgrades, stormwater quality improvements, combined sewer overflow abatement projects, water distribution system upgrades, and repairs to aging sewers; and

WHEREAS, The Green Economy and Clean Water bond will provide an additional \$5 million for wastewater treatment facility resilience, helping to ensure our water quality and protecting facilities from flooding, higher tides, and major storm events; and

WHEREAS, The Green Economy and Clean Water bond will provide \$12 million of investment in bikeways, local recreation, and open space; and

WHEREAS, Rhode Island's bikeways, waterways, and open spaces are vital to the state's economy and ability to attract visitors, new residents, and businesses; and

WHEREAS, Protected open spaces and parks are the cornerstone of our tourism and outdoor recreation industry, attracting visitors and supporting businesses and employment in Providence; and

WHEREAS, Access to quality green space improves health outcomes, promotes stronger social ties, and enhances residents' sense of satisfaction and pride in their communities; and

WHEREAS, According to the Outdoor Industry Association, outdoor recreation in Rhode Island supports 37,000 jobs, \$1.2 billion in wages, and nearly \$300 million in state and local tax revenue annually; and

WHEREAS, Expanding the state's network of bike paths will enhance connections between communities, workplaces and parks, promote health and fitness, and increase Rhode Island's appeal as a tourist and outdoor recreation destination, further boosting our economy; and

WHEREAS, The Green Economy and Clean Water bond will provide \$2 million of investment to preserve working farms and Rhode Island's growing network of local farmers; and

WHEREAS, Protecting and preserving agricultural land in Rhode Island is critical to providing healthy locally grown food for our residents, supporting our farmers markets, providing community gardens accessible to every resident, and building a stronger and more equitable local food system; and

WHEREAS, Rhode Island leads the nation in food-system planning and innovation - spurred on by growing consumer demand for fresh, locally grown food; and

WHEREAS, The Green Economy and Clean Water bond will provide \$4 million to clean up former industrial sites, known as "brownfields," removing environmental hazards and returning them to productive use; and

WHEREAS, Funding for remediation and redevelopment of brownfield sites in Providence will create jobs, protect and enhance public health, and help to revitalize our neighborhoods by transforming underused or abandoned properties into productive places generating increased local tax revenue; and

WHEREAS, Since 1995, hundreds of brownfield sites have been cleaned in Rhode Island, leading to over \$630 million of private investment and creating thousands of jobs; and

WHEREAS, The Green Economy and Clean Water bond will provide \$5 million to restore and improve the climate resilience of vulnerable coastal areas, as well as river and stream floodplains; and

WHEREAS, With our nearly 400 miles of coastline, many marine-based businesses, and strong local maritime history, it is of the utmost importance that Rhode Island ensure that our coastal areas are preserved and able to withstand sea-level rise as well greater storm frequency and intensity; and

WHEREAS, The Green Economy and Clean Water bond will invest \$7 million for dredging sections of the major rivers in downtown Providence, supporting economic development, enhancing tourism opportunities, and improving water depths for boating, recreation, and climate resilience; and

WHEREAS, Significant sections of the rivers from Waterplace Park to Point Street Bridge are now impassable for boat traffic 50% of the time, and mud and debris are exposed at low tide; and

WHEREAS, The longer dredging is delayed, more and more sediment will build in the rivers, disrupting WaterFire and other major downtown events, and making future dredging even more expensive; and

WHEREAS, The Green Economy and Clean Water bond will provide \$4.4 million to repair dams throughout the Rhode Island, protecting people, property, and communities; and

WHEREAS, The Comprehensive Community Plan for the City of Providence documents the City's objectives for open space protection, urban agriculture, parks, greenways, and outdoor recreation facilities as well as transportation infrastructure, storm-water management and flood prevention with goals and objectives specifically cited throughout the most recent plan; and

WHEREAS, Municipal projects financed in part with past Open Space and Recreation Bond funds have enabled the City of Providence to implement our adopted Comprehensive Community Plan, preserve our unique character and enhance our quality of life by protecting our special places while improving parks and outdoor recreation facilities in our community; and

WHEREAS, The people of Rhode Island have consistently and overwhelmingly expressed their support for similar bond questions in the past, including the 2012 Farmland, Open Space Conservation, Parks and Bay Restoration Bond, the 2014 Clean Water, Open Space, and Healthy Communities Bond, and the 2016 Environmental and Recreational Improvement Bonds; and

WHEREAS, Moreover, each of the aforementioned initiatives was supported by more than 80% of Providence residents.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby express its strong support for the Green Economy and Clean Water bond proposed by State Ballot Question #3 in the November 2018 General Election.

REPORT(S) FROM COMMITTEE(S)

COMMITTEE ON PUBLIC WORKS COUNCILMAN MICHAEL J. CORREIA, Chairman

Transmits the Following with Recommendation the Same be Severally Approved:

Resolution Requesting a permanent easement on Assessor's Plat 20, Lots 165, 167, 169 and 179 (266-270 Westminster Street and 276-290 Westminster Street).

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant an easement to the properties located at 266-270 Westminster Street and 276-290 Westminster Street collectively Plat 20/ Lots 165, 166, 167, & 169, in the City of Providence (the "Premises") to Cornish Associates ("Grantee"). Said easement shall be granted specifically upon the following provisions:

- 1.) The perpetual easement for the area identified as "Proposed Electrical Vault Easement #1" and "Proposed Electrical Vault Easement #2", attached hereto as Exhibit A (hereinafter the "Permanent Easement Area"), shall be utilized for the purposes of operating, installing, maintaining, repairing and/or replacing three electrical vaults and other utilities and utility lines, and necessary conduits and appurtenances thereto for the provision of utilities to and from Plat 20/ Lot 165, 166, 167, & 169 (hereinafter the "Utility Facilities").
- 2.) Grantor further grants to Grantee a license to temporarily use other areas of Westminster Street and other property owned by Grantor adjacent to the Permanent Easement Area as are reasonably necessary for the inspection, installation, repair, replacement, or removal of the Utility Facilities (hereinafter the "Temporary Construction Easement").
- 3.) That pursuant to the terms of this easement, Grantor shall have the right to install, maintain, repair and replace the Utility Facilities within the Permanent Easement Area.

- 4.) Grantor, for itself and its heirs, successors, and assigns, hereby covenants and agrees with Grantee that: Grantor, for itself and its heirs, successors, and assigns, hereby covenants and agrees with Grantee that: (i) The easements granted hereunder shall constitute covenants and easements running with, and appurtenant to, the Property. All terms, covenants and easements of this Grant of Easement shall be binding upon and inure to the benefit of each of Grantor and Grantee and their respective successors and assigns. This Grant of Easement shall be recorded by Grantee in the Office of Land Records for the City of Providence; (ii) At the time that construction or installation of the Utility Facilities is complete, Grantee shall restore the portions of public way and sidewalk affected by such construction to substantially their previous condition; (iii) Grantee shall indemnify and hold Grantor harmless for liabilities and losses arising from injury, loss or damage to any person or property arising from Grantee's (and its agents' and employees') gross negligence or willful misconduct in the exercise of Grantee's easement rights hereunder, except to the extent such claims result from the joint or sole negligence or willful misconduct of Grantor and its agents and employees; (iv) Grantee shall maintain a comprehensive general liability insurance policy during the period of construction naming said Grantor, its agents, officers, servants and employees as additional-named insureds in a sum not less than one hundred thousand dollars (\$100,000.00), which policy Grantee has obtained and the City's Department of Law has approved as of the date hereof; (v) If at any time, Grantor determines the Permanent Easement Area should require re-pavement, or any other maintenance or improvements, Grantee shall remove any permanent structures affixed to the surface of the Permanent Easement Area, at its own expense, to allow Grantor to conduct said re-pavement, maintenance, or improvements; (vi) Grantee's use of the Permanent Easement Area and Temporary Construction Easement shall be in compliance with all applicable ordinances and regulations.
- 5.) Grantee shall tender to the City the sum of Twenty Four Thousand Eight Hundred Dollars (\$24,800.00) in legal tender of the United States of America.
- 6.) Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works and/or as may be deemed appropriate by the Mayor or the Law Department.

COUNCILWOMAN MATOS

Resolution Requesting the Director of Public Works to cause the installation of a "Handicap Parking " Sign located at 198 Progress Street.

RESOLVED, That the Director of Public Works is requested to cause the installation of a "Handicap Parking " Sign located at 198 Progress Street.

Resolution Requesting the Director of Public Works to cause the installation of a "Handicap Parking " Sign located at 199 Progress Street.

RESOLVED, That the Director of Public Works is requested to cause the installation of a "Handicap Parking " Sign located at 199 Progress Street.

COUNCIL PRESIDENT SALVATORE

Resolution Requesting the Traffic Engineer to cause the installation of crosswalks on Douglas Avenue between Eaton Street and Admiral Street.

RESOLVED, That the Traffic Engineer is requested to cause the installation of crosswalks on Douglas Avenue between Eaton Street and Admiral Street.

COUNCILMAN CORREIA

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" Signs in both directions on various streets in the 6th Ward.

RESOLVED, That the Traffic Engineer to cause the installation of "Slow Children" Signs in both directions on various streets in the 6th Ward.

Joslin Street between Atwells Avenue and Amherst Street
Erastus Street between Atwells Avenue and Amherst Street
Greenwood Street between Atwells Avenue and Manton Avenue

COUNCILWOMAN RYAN

Resolution Requesting the Director of Public Works study and address the drainage issues on Manomet Street.

RESOLVED, That the City Council of the City of Providence does hereby respectfully request that the Director of Public Works study the causes of the issues with stormwater drainage on Manomet Street and cause the amelioration of said issues.

NOW, THEREFORE, BE IT RESOLVED, That, upon passage, a copy of this resolution be sent to the Director of Public Works.

COUNCIL PRESIDENT SALVATORE

Resolution Requesting the Traffic Engineer to cause the implementation of a traffic study on Vandewater Street.

RESOLVED, That the Traffic Engineer is requested to cause the implementation of a traffic study on Vandewater Street.

COUNCILMAN IGLIOZZI Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, Seconded by COUNCILWOMAN RYAN.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Councilman Iglioizzi
SECONDER:	Councilwoman Ryan
AYES:	Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Iglioizzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.
ABSENT:	Councilwoman Harris – 1.

The Motion for Passage is Sustained.

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

Transmits the Following with Recommendation the Same be Adopted, As Amended:

COUNCIL PRESIDENT SALVATORE, (By Request):

An Ordinance Amending Chapter 17, "Officers and Employees," Section 189, "Benefits Payable," of the Code of Ordinances of the City of Providence.

Transmits the Following with Recommendation the Same be Adopted:

An Ordinance in Amendment to the City of Providence, "Capital Equipment Budget," As Amended, in accordance with Chapter 21, Section 19 of the Code of Ordinances.

COUNCILMAN IGLIOZZI Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the First Time, Seconded by COUNCILWOMAN RYAN, by the following Roll Call Vote.

RESULT:	READ/PASSED FOR THE FIRST TIME [UNANIMOUS]
MOVER:	Councilman Igliazzi
SECONDER:	Councilwoman Ryan
AYES:	Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Igliazzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.
ABSENT:	Councilwoman Harris – 1.

The Motion for Passage the First Time is Sustained.

PERSONAL EXPRESSION

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

"I think it's very important to share, only because I know a lot of you were praying for her and are still praying for her. Last week we had a great miracle. My seven year old niece the one that got hit by the drunk driver down in Warwick that at one point was in a coma for two and a half months, we didn't even know if that poor baby was going to make it. At one point they were talking about amputating her left leg from the knee down and amputating the right leg from the ankle down to the foot. Well, throughout numerous surgeries she started therapy. Last Saturday, I saw my niece take three steps on her own without a walker, without nothing, seven years old. Again, the therapists are amazed. They're saying this baby shouldn't even be putting pressure on this leg at this point in time. I shared with some of you the video, this baby is so happy. Her little sister said what a bad man the man was that hit her, and she said no, he's not a bad man he just made a mistake. She says to me Uncle Nick, wait that's not it hang on. So, I'm standing there, she gets her crutches and she took about eight steps with her crutches. I just wanted to mention that because, again, I know a lot of you were praying and asking for her. I really appreciate, and my family appreciates, the prayers and thoughts and the concern from everybody. Again, she is one of a kind. They call her Haylee Spirit in school. She is back to school full time so she is dealing with that too know. In a matter of a month and a half is so incredible. We stand here and we pray to God before our meetings about all different things, but you know what, when you see something like Haylee and you see what she went through and the way she is now that's when you really know God is up there doing his job for everybody. Thank you."

**SPECIAL COMMITTEE ON SCHOOL DEPARTMENT OVERSIGHT
COUNCILMAN SAMUEL D. ZURIER, Chairman**

Transmits the Following with Recommendation the Same be Approved:

COUNCIL PRESIDENT SALVATORE, (By Request):

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

Education Logistics, Inc. \$22,532.00
(Providence School Department)

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

Education Logistics, Inc. \$22,532.00
(Providence School Department)

**COUNCILMAN IGLIOZZI Moves to Dispense with the Reading of the foregoing matter
and Moves Passage of the Resolution and Refer Back to the Board of Contract and Supply,
Seconded by COUNCILWOMAN RYAN.**

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Councilman Igliazzi
SECONDER:	Councilwoman Ryan
AYES:	Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Igliazzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.
ABSENT:	Councilwoman Harris – 1.

The Motion for Passage is Sustained.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Denise Alexandre
(Mark B. Morse, Esquire)
Oralia Garcia
(Joseph J. Voccola, Esquire)
Judith Simbron
The Beacon Mutual Insurance Company
a/s/o Johnson & Wales
Jose Hernandez
Gloria Coletta
Sybil Bailey
Coleen Carvalho
Lori Bettencourt
Alexander Max Hofstetter IV

Ernest Pendergrass
Progressive
a/s/o Arely Melchor
Erica Torres p.p.a. Joshua Torres
(Frank L. Orabona, Jr., Esquire)
Jose Moczo and Geneva Rosales
(Joseph J. Voccola, Esquire)
Tiffany Totten
(Christopher E. Fay, Esquire)
Laurelmead Co-Op
Christopher D. Ortiz
Carol Varden

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

RESULT:	REFERRED
TO:	Committee on Claims and Pending Suits

COMMUNICATIONS AND REPORTS

Communication from Nicholas Hemond, Esquire, Darrow Everett, LLP, 1 Turks Head Place, Suite 1200, Providence, Rhode Island 02903, informing the City Council, pursuant to the Tax Stabilization Agreement, that 78 Fountain Street JV Owner, LLC intends to convey the property located on Assessor's Plat 25, Lots 454, 455 and 164 (78 Fountain Street, 93 Washington Street and 66 Fountain Street) to 78 Fountain Street BAC LLC, effective as of or after September 26, 2018.

COUNCILMAN IGLIOZZI Moves to Dispense with the Reading of the foregoing matter, Seconded by COUNCILWOMAN RYAN.

COUNCIL PRESIDENT SALVATORE Receives the foregoing Communication.

RESULT:	RECEIVED
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PERSONAL EXPRESSION

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

"It would be remiss upon me not to discuss something that I think is paramount for all of us. Unfortunately, the city is in a crisis right now and we all can't put a blind eye to that. I remember a decade ago, and it was a similar situation that a council person sat right there, and his name was Councilman Miguel Luna. There was a strike by the way, First Student strike and he rallied all of us on the council to go down there and to support the strikers and the working folks down there. It's kind of funny it's like we're back here again. I just want to remind people, by the way, in the spirit of Councilman Luna of a couple of things. There were approximately 200 bus drivers, the majority are women and minorities. They make a simple pay, it's a part time job, they work about six hours day. So, the dispute that's before us right now isn't about wages, it's not about benefits, it's about them wanting to have some kind of pension later on when they retire. By the way, nothing extravagant folks, and just to let you get a sense, I have taken the liberty of speaking to some folks and stakeholders and try to get an understanding of what's going on. This was what was relayed to me. Presently, right now that bus driver who drives our kids safely back and forth to school gets a basic wage and they get a 401K. At the end of the day, out of a \$35 million dollar contract with the city and First Student, First Student pays about \$65,000.00 to 200 bus drivers 401Ks, or half of that by the way. Excuse me, half of that comes from the actual bus driver. So, what they're asking is this by the way, they're asking for \$1.00 to be added per hour to be contributed to the pension system. That comes out to \$6.00 dollars a day times approximately 181, which comes out to approximately about \$1,000.00 a year per bus driver, which comes out to about \$217,000.00. It seems like a lot of money but it's not. The city's contract is \$35 million dollars. Think about this for a second. We're arguing about a \$1.00, we're arguing about contributing to a pension system, by the way, folks that take care of the most vulnerable, the most precious cargo that we all care about. Unfortunately, I don't know what happened. They negotiated whatever contract position out, which gives me concerns, but we need to stand up and support and protect our children, and by the way, help us support those bus drivers, specifically the support of the assistants on that bus that take care and transport our kids. The fact that our handicapped children can't get to school is a travesty. The fact that they can't get there to get educated and have an opportunity to succeed, we failed. Folks, let's put it all together. We have no teacher's contract, we have a Superintendent who has ten months left on his contract where the Department of Justice, who has investigated the School Department, is penalizing us, we have violence in our schools, we have a tragedy on the first week of school and now we can't even get our kids to school. I don't know what's going on here, but this is a problem. We should do everything we can to try to solve this problem and if it's about \$200,000.00, if it's about that nominal cost, well about ten years ago the city solved the problem then. What we did is we came back, we renegotiated the contract and we helped the contractor pay those workers a fair wage. If the city has to go back and help on this contract, \$200,000.00 in this case by the way, it would be less than that because they're already paying \$65,000.00. We're talking about \$150,000.00. Folks, that's a playground. I'm just saying that we need to step up, we need to protect our children and we also need to support the idea of a fair wage in giving these people an opportunity to have a decent living especially since in my mind there are single mothers and they live in the city. So, I just ask everybody if they just could support this initiative. Push, prod and let's solve this problem because this is the capital city and there is no excuse for next week that our kids can't get to school. Thank you."

**PRESENTATION OF RESOLUTIONS
"IN CONGRATULATIONS"**

**COUNCIL PRESIDENT SALVATORE 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:

Raymond Arciliares, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Christopher Cotto, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Moises Flores, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Charles Fontes, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Cassiana Fuller, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Cazzimaria Johnson, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Maurice Johnson, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Jaylayah Murray, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Luis Nolasco, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Matthew Osinaga, Unified Basketball Team, Mount Pleasant High School, in recognition of being honored for representing Rhode Island at the 2018 Special Olympics USA Games in Seattle.

Zachary Pinot, Coach, Unified Basketball Team, Mount Pleasant High School, in recognition of his outstanding commitment and dedication as Coach of the Mount Pleasant High School Unified Basketball Team, and for representing Rhode Island at the 2018 Special Olympics Games in Seattle.

Clarence Suthers, Assistant Coach, Unified Basketball Team, Mount Pleasant High School, in recognition of his outstanding commitment and dedication as Coach of the Mount Pleasant High School Unified Basketball Team, and for representing Rhode Island at the 2018 Special Olympics Games in Seattle.

Kinzel A. Thomas, Family Service & Providence School Board, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Frank P. LaTorre, Executive Director, Downtown Improvement District, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Michael Stephens, Director of Recreation, City of Providence,, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Pastor Hance J. Philippe, Community Partner, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Eileen Hayes, CEO/President, Amos House, in recognition of being honored for her outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Carina Monge, School Culture Coordinator, Providence Public Schools, in recognition of being honored for her outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Hillary Salmons, Executive Director, Providence After School Alliance, in recognition of being honored for her outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Anthony Santurri, Co-Owner, Colosseum Nightclub Providence, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

James Vincent, President, NAACP Providence, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Elder William Z. Scott, Pastor, First Tabernacle, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Rich Norris, Guidance Counselor, Providence Gentlemen's Academy, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Abelardo (Abe) Hernandez, Olneyville Community, in recognition of being honored for his outstanding community service at the 2018 Providence Police Department Community Appreciation Night.

Susan S. Erstling, MSW, PhD, Family Service-RIC Social Worker, in recognition of receiving the Lifetime Award, and being honored for her outstanding community service at the 2018 Providence Police Community Appreciation Night.

Danida Mansolillo, Deputy Mayor, Panni, Italy, in recognition of her memorable visit to the City of Providence, and for her accomplishment of being elected the youngest Mayor in Italy.

MaryKate Griffin, in recognition of the celebration of her 21st Birthday on September 21, 2018.

Harvesting Hope, in recognition of their hard work, commitment and dedication to the community.

Olakunle George, Ph.D, Professor of English & Africana, Brown University, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Distinguished Achievement and Community Outreach Award.

Munirat O. Adebimpe, Psychiatric Nurse Practitioner, Butler Hospital, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Sherifat T. Adegoke, Case Manager, The Providence Center, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Adeshola Abiade-Maddox, Compliance Project Manager, Wells Fargo, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Olalekan O. Oyetayo, Health Administration, Evergreen, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Olubkanla Adio, Registered Nurse, Certified Case Manager, Blue Cross Blue Shield Texas, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Adeyinka B. Eniayedun, Nurse Manager, Director of Nursing, Devereux Orlando, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Tolulope T. Fayanjuola, Operations Supervisor, General Dynamics Electric Boat, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Adeola O. Akinde, Public Safety, Bryant University, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Janet F. Olayinka, Emergency Dispatcher/Telecommunications, City of Arlington, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Silifat A. Yussuff-Ainabe, Employment Career Advisor, RI Department of Human Services, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Kamorudeen A. Yussuff, Federal Work Study Coordinator, Kennesaw State University, in recognition of being a recipient of the 2018 Yoruba Elders International Society's Outstanding Leadership and Community Service Award.

Sarath Suong, Executive Director, PrYSM, in recognition of the celebration of her Naturalization Ceremony.

ONE Neighborhood Builders, in recognition of the celebration of their 30th Anniversary, and for promoting equity, public health and community safety in Providence Neighborhoods.

Iris Barbara Hall, in recognition of the celebration of her Birthday on December 28th.

Josephine Elyce Hall, in recognition of the celebration of her Birthday on June 27th.

Jake Henry Healy and Courtney Rose Girouard, in recognition of their Wedding on July 14, 2018.

Mt. Pleasant Hardware, in recognition of being a family-owned and operated independent hardware store and glass repair shop serving Providence for 95 years, since 1923.

Firefighter Gerald P. Carvalho, Engine 13, Group A, in recognition of the celebration of his retirement after 27 years of dedicated service to the Providence Fire Department.

Leila N. Narducci, in recognition of the celebration of her First Birthday, born on September 28, 2017.

Alexandra's Green, in recognition of the celebration of the Grand Opening on September 28, 2018.

**Severally Read and Collectively Passed, on motion of COUNCILMAN IGLIOZZI,
Seconded by COUNCILWOMAN RYAN.**

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Councilman Iglioizzi
SECONDER:	Councilwoman Ryan
AYES:	Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Iglioizzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.
ABSENT:	Councilwoman Harris – 1.

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS "IN MEMORIAM"

COUNCIL PRESIDENT SALVATORE 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:

Sally L. Sheedy

Ruby Lawrence

Sandra Lazarus Sherman

Jean Verducci

John Michael D'Antuono

Joyce M. Flynn

Charles E. Gibbons

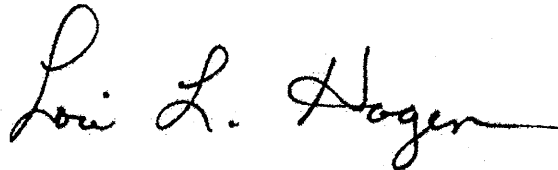
**Severally Read and Collectively Passed, by a Unanimous Rising Vote, on motion of
COUNCILMAN IGLIOZZI, Seconded by COUNCILWOMAN RYAN.**

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Councilman Iglioizzi
SECONDER:	Councilwoman Ryan
AYES:	Council President Salvatore, Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Iglioizzi, Jennings, Councilwomen LaFortune, Matos, Councilmen Narducci, Principe, Councilwoman Ryan, Councilmen Yurdin and Zurier – 14.
ABSENT:	Councilwoman Harris – 1.

The Motion for Passage is Sustained.

CONVENTION

There being no further business, on Motion of **COUNCILMAN IGLIOZZI**, Seconded by **COUNCILWOMAN RYAN**, it is voted to adjourn at 7:29 o'clock P.M., to meet again **UPON THE RISE OF THE 7:00 O'CLOCK P.M. REGULAR CITY COUNCIL MEETING.**



**LORI L. HAGEN
CITY CLERK**