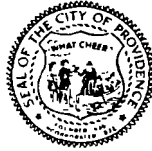


CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL  
JOURNAL OF PROCEEDINGS

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No. 82 City Council Regular Meeting, Thursday, December 20, 2001, 7:30 o'clock P.M. (E.S.T.)

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PRESIDING  
COUNCIL PRESIDENT  
JOHN J. LOMBARDI

ROLL CALL

Present: Council President Lombardi,  
Councilmen Allen, Aponte, Butler, Clarkin,  
DeLuca, Hassett, Igliozi, Jackson, Mancini,  
Councilwomen Romano, Williams and  
Young—13.

Absent: Councilwomen DiRuzzo and  
Nolan—2.

Also Present: Michael R. Clement, City  
Clerk, Claire E. Bestwick, Second Deputy  
City Clerk, Anna M. Stetson, Assistant  
Clerk, Raymond Dettore, Deputy City  
Solicitor and Ralph Guglielmino, City Ser-

IN CITY COUNCIL  
FEB 21 2002

1665

APPROVED:

*Michael R. Clement*  
*BC*

## INVOCATION

**The Invocation is given by COUNCILMAN  
JOSEPH DeLUCA.**

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

**COUNCILMAN TERRENCE HASSETT  
leads the members of the City Council and  
the Assemblage in the Pledge of Allegiance  
to the Flag of the United States of America.**

## APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated November 27, 2001,  
Informing the Honorable Members of the City  
Council that pursuant to Section 302(b) of the  
Providence Home Rule Charter of 1980 and  
Section 46-25-6 of the Rhode Island General  
Laws, he is this day reappointing Mr. Angelo  
S. Rotella of 140 Texas Avenue, Providence,

Rhode Island 02908, as a Member of the  
Narragansett Bay Water Quality Management  
District Commission for a term to expire in  
April, 2003.

**Received.**

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## ORDINANCES SECOND READING

**The following Ordinance was in City Council September 6, 2001, Read and Passed the First Time and Referred back to the Committee on Finance, and is returned for Passage the Second Time, as amended:**

An Ordinance establishing a tax stabilization plan for the Alice Building, as amended.

*Be it ordained by the City of Providence:*

*Whereas*, the City Council, pursuant to the General Laws of the State of Rhode Island, as amended, has the authority to exempt property in the designated Downcity Tax District used for commercial purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said sections of the General Laws of the State of Rhode Island and the Code of Ordinances of the city of Providence; and

*Whereas*, Alice Building, LLC has made application under, and has satisfied each condition of the above mentioned Ordinance; and

*Whereas*, it is in the public interest to provide property tax incentives for owners of under-utilized property in the Downcity District in order that there may be substantial rehabilitation of the properties and attract new residential, commercial, and institutional uses. It is also in the public interest to offer these incentives for a limited duration; and

*Whereas*, Alice Building, LLC is a commercial concern who intends to convert its building in the City of Providence to residential use, on Assessor's Plat 20, Lot 157 and ("Project");

*Whereas*, the Project will cause an increase in the tax base of the City and will increase residential apartments in the DownCity Arts & Entertainment District in the City; and

*Whereas*, it is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the apartments in the City, and such exemption will inure to the benefit of the City;

*Be it ordained by the City of Providence:*

*Section 1.* That the finding's set forth in the preceding *Whereas* Clauses are hereby made and confirmed.

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

(a) "Commencement Date" shall mean date of passage of this Ordinance.

(b) "Personal Property" means any and all tangible personal property, including, but not limited to all fixtures, equipment, furnishings, vehicles and other personal property, now or hereafter located at the Project Site.

(c) "Project Owner" means Developer or any successor permitted hereunder.

(d) "Project Site" means the property located on Plat 20, Lot 157.

(e) "Project Taxable Properties" means, collectively, the Project Site as proposed, the Real Property Improvements as made on the assumptions in the attached exhibit and the Personal Property as proposed, together, constituting the Project.

(f) "Real Property Improvements" means all structures, buildings, renovations and improvements currently proposed to be located at the Project Site. Any material additional improvements, excluding customary repairs and renovations, shall require a modification of this treaty.

(g) "Project" means the Project Site, the real property improvements in connection with the construction and operation of business units attached as Exhibit A.

(h) "Stabilized Tax Payment" means, with respect to the Project Taxable Properties, the amounts listed on the attached schedule.

(i) "Termination Date" means June 30, of the tenth year in which Stabilized Tax Payments are payable hereunder, as per the attached schedule.

**Section 3. Term.** The term of this agreement shall be for a period commencing on the date hereof and terminating on the Termination Date, per the attached schedule.

**Section 4. Transfers.** As long as *Alice Building, LLC* owns or operates the facility, it will continue to pay taxes on the facility. *Alice Building, LLC*, its successors and assigns, agrees that this property will be subject to taxation at the expiration of the tax treaty.

*Alice Building, LLC* also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. *Alice Building, LLC* is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax paying entity, as set forth herein in the Land Evidence Records of the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, *Alice Building, LLC* will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by *Alice Building, LLC* or any subsequent transferee of such property, *Alice Building, LLC* will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

**Section 5. Employment.** It shall be the goal and *Alice Building, LLC* shall use its best efforts to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("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 the MBE Act). It shall be the goal

and *Alice Building, LLC* shall use its best efforts, as a further goal to award to women business enterprises ("WBE") 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).

*Section 6. Purpose.* The City of Providence has entered this tax treaty as a result of increasing demand for apartments in the City's Arts and Entertainment District by artists interested in taking advantage of the tax incentives available in that district as well as other professionals seeking apartments in the center of the DownCity area. In consideration of this tax treaty, as long as the project consists of all residential rental units, Developer and all successors and assigns shall maintain no less than twenty percent (20%) of the units in the project at below market rates. The rental rate shall be equal to the per square foot fair market rental rate for downtown Providence area as determined from time to time by a Rhode Island certified real estate appraiser less ten percent (10%), but in no event shall such rental rates for the below market units be less than the current per square foot market rental rates less ten percent (10%), as set forth below. The City and the Developer acknowledge pursuant to a market analysis prepared by CB Richard Ellis on October 19, 2001, that for the purposes of this document, the current per square foot market rental rate for the downtown Providence area is \$1.35. The City and the Developer also acknowledge that in no event shall the set aside requirement of below market units extend beyond the term of this treaty. The Developer shall be required to report annually to the City as to Compliance with this provision. As required by state law, the Alice Building is a former commercial building being converted into apartment use. This treaty shall only be

in effect as long as the property is utilized primarily for residential purposes and failure to use the building for primarily residential purposes would render the treaty null and void. The parties do not intend that this agreement would extend to use of the building as a "dormitory" or "apartment dormitory" use.<sup>1</sup> In fact, use of the building for "dormitory" or "apartment dormitory" purposes would also render the treaty null and void. The treaty being rendered null and void for any reason would require the owner to pay all taxes and fees as due and owing as if no treaty had been entered.

*Section 7. Payment of Taxes.* (a) Developer or any other Project Owner shall make Stabilized Tax Payments as prescribed in the attached schedule to the City in lieu of all other real property and personal property taxes and the City agrees to accept the Stabilized Tax Payments in lieu of such real property and personal property taxes on the Project taxable property.

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

(c) It is understood by the parties that Stabilized Tax Payments made hereunder are deemed by the City to be tax payments, and the Project Owner shall be entitled to all the rights and privileges of a taxpayer in the City.

(d) The liability for Stabilized Tax Payments due and owing under this agreement shall constitute an obligation of Developer or any other Project Owner, and the City shall be

granted by the Project Owner a lien on the Project Taxable Properties, which lien shall be of the same priority and entitle the City to the same foreclosure remedy as the lien and foreclosure remedy provided under applicable laws and ordinances with respect to real and personal property taxes.

*Section 8. Satisfaction of Obligations.* The City agrees that so long as the Stabilized Tax Payments are made by the Project Owner in accordance with the terms of this agreement, the City shall, during the term of this agreement, accept said payments in full satisfaction of the obligations of the Project Owner as to the payment of any and all taxes and property assessments to the City which would otherwise be levied upon or with respect to the Project Taxable Properties, including future customary repairs and customary renovations of the Facility and the Personal Property which may now exist or which may hereafter be placed or erected thereon or located thereat or used therein, but excluding material renovations or improvements to the Facility beyond that contemplated in the definition of Facility herein.

*Section 9. Schedule.* The schedule listed below is based upon information provided to the Tax Assessor by *Alice Building, LLC* including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information. This tax treaty is also conditioned upon commencement of construction upon the payment of any and all taxes due and owing on the property within sixty (60) days of this Ordinance going into effect. Failure to begin construction within that time frame or failure to make said payment in full shall render the treaty null and void. The treaty being rendered

null and void for any reason would require the owner to pay all taxes and fees as if no treaty had been entered.

*Section 10. Back Taxes.* That the real property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real property tax rates in effect for the City's 1997 fiscal year. The Treaty is further conditioned upon *Alice Building, LLC* at all times owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence.

*Section 11. Exemption Dates.* That the City in accordance with the Laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 2000 up to and including December 31, 2009 to *Alice Building, LLC* located on Weybosset and Union Streets in Providence, Rhode Island, on a portion of Assessor's Plat 20, Lot 157 as provided in the above-mentioned Ordinance, in accordance with the schedule in Exhibit A.

*Section 12. Notices.* All notices, certificates, requests, demands, consents, approvals, and other communications which may or are required to be served or given hereunder (for the purposes of this section, collectively called "Notices") shall be in writing and shall be sent by registered or certified mail, postage prepaid, return receipt requested and received or overnight delivery by a recognized public or private carrier, or by facsimile, in either case as evidenced by a receipt or other evidence of delivery showing the date, time, and for a facsimile, telephone number or receipt and

addressed to the party to receive such Notice as set forth below:

If to: City of Providence  
City Hall  
25 Dorrance Street  
Providence, Rhode Island 02903  
Attn: Mayor, City of Providence

Copies to: President, City Council  
25 Dorrance Street  
Providence, RI 02903

City Solicitor  
100 Fountain Street  
Providence, RI 02903

Director, Department of Planning  
and Development  
400 Westminster Street  
Providence, RI 02903

If to: Arnold Chace  
Cornish Associates  
731 Hospital Trust Building  
Providence, RI 02903

*Section 13. Effective Date.* This Ordinance shall take effect upon its passage.

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

<sup>1</sup> For the purposes of this ordinance, the definition of the term "dormitory" or "apartment dormitory" is defined according to Section 1000.12 of the Zoning Ordinance of the City of Providence.

**The following Ordinances were in City Council December 6, 2001, Read and Passed the First Time and are severally returned for Passage the Second Time:**

An Ordinance in amendment of and in addition to Chapter 1973-52 of the Ordinances of the City of Providence, approved December 24, 1973, entitled "An Ordinance approving and adopting the Official Redevelopment Plan for the West Broadway NDP Urban Renewal Area (1)" for the acquisition of property located on Lot 35, Plat 52, 1577 Westminster Street.

*Be it ordained by the City of Providence:*

1. That Chapter 1973-52 of the Ordinances of the City of Providence, approved December

24, 1973, entitled "An Ordinance approving and adopting the Official Redevelopment Plan for the West Broadway NDP Urban Renewal Area (1)" as amended by the following Ordinances of the City of Providence: Chapter 1974-38, (November 11, 1974); Chapter 1975-31, (December 13, 1975); Chapter 1976-16, (April 16, 1976); Chapter 1977-4, (February 14, 1977); Chapter 1978-16, (June 24, 1978); Chapter 1978-28, (December 29, 1978); Chapter 1984-19, (March 9, 1984); Chapter 1992-46, (November 25, 1992); Chapter 1997-13, (February 23, 1997); and

Chapter 1998-7, (January 16, 1998), is hereby further amended as follows:

A. To the list of designated properties for acquisition in Section 2., entitled, "Acquisition and Clearance" under Chapter D., entitled "Urban Renewal Techniques To Be Used To Achieve Plan Objectives" contained and set forth on page 12 of that certain booklet entitled "West Broadway Urban Renewal Area, Official Redevelopment Plan, 1973," which is part of the aforementioned Ordinance, the following property shall be added:

<i>Plat/Lot</i>	<i>Address</i>
035/052	1577 Westminster Street

B. Certain maps of the Official Redevelopment Plan herein identified; *Proposed Acquisition* and *Disposition* shall be amended to include the Proposed Acquisition of the aforementioned lot.

2. That said Chapter 1983-4 of the Ordinances of the City of Providence as adopted and as heretofore amended, be and the same is hereby ratified and affirmed in all other respects.

3. That this Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy thereof to the Providence Redevelopment Agency.

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An Ordinance establishing a tax stabilization plan for Kinsley Harris, LLC, on behalf of Jefferson at Providence Place.

*Be it ordained by the City of Providence:*

*Whereas*, the City Council, pursuant to the General Laws of the State of Rhode Island, as amended, has the authority to exempt property for residential purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said sections of the General Laws of the State of Rhode Island and the Code of Ordinances of the city of Providence; and

*Whereas*, Kinsley Harris, LLC has made application under, and has satisfied each condition of the above mentioned Ordinance; and

*Whereas*, it is in the public interest to provide and attract new residential and commercial uses; and

*Whereas*, this is a residential building intended to be constructed in the City of Providence, located at Providence Place and Harris Avenue, on Assessor's Plat 26, Lots 117, 201, 258 and 319, respectively; and

*Whereas*, the Project will cause an increase in the number of residential units in the Promenade District and the City of Providence; and

*Whereas*, it is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the apartments in the City, and such exemption will inure to the benefit of the City;

*Be it ordained by the City of Providence:*



*Section 1.* That the finding's set forth in the preceding *Whereas* Clauses are hereby made and confirmed.

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

(a) "Commencement Date" shall mean date of passage of this Ordinance.

(b) "Personal Property" means any and all tangible personal property, including, but not limited to all fixtures, equipment, furnishings, vehicles and other personal property, now or hereafter located at the Project Site.

(c) "Project Owner" means Developer or any successor permitted hereunder.

(d) "Project Site" means the property located on Plat 26, Lots 117, 201, 258 and 319 located at Providence Place and Harris Avenue.

(e) "Project Taxable Properties" means, collectively, the Project Site as proposed, the Real Property Improvements as made on the assumptions in the attached exhibit and the Personal Property as proposed, together, constituting the Project.

(f) "Real Property Improvements" means all structures, buildings, renovations and improvements currently proposed to be located at the Project Site. Any material additional improvements, excluding customary repairs and renovations, shall require a modification of this treaty.

(g) "Project" means the Project Site, the real property improvements in connection with the construction and operation of residential units attached as Exhibit A.

(h) "Stabilized Tax Payment" means, with respect to the Project Taxable Properties, the amounts listed on the attached schedule.

(i) "Termination Date" means June 30, of the tenth year in which Stabilized Tax Payments are payable hereunder, as per the attached schedule.

*Section 3. Term.* The term of this agreement shall be for a period commencing on the date hereof and terminating on the Termination Date, per the attached schedule.

*Section 4. Transfers.* As long as *Kinsley Harris, LLC* owns or operates the facility, it will continue to pay taxes on the facility. *Kinsley Harris, LLC*, its successors and assigns, agree that this property will be subject to taxation at the expiration of the tax treaty. *Kinsley Harris, LLC* also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. *Kinsley Harris, LLC* is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax paying entity as long as this agreement is in effect, as set forth herein in the Land Evidence Records of the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, *Kinsley Harris, LLC* will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by *Kinsley Harris, LLC* or any subsequent transferee of such property, *Kinsley Harris, LLC* will be responsible to make payments in lieu of taxes to the City of

Providence during the term of the tax treaty equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this *Section 2* shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

*Section 5. Payment of Taxes.* (a) Developer or any other Project Owner shall make Stabilized Tax Payments as prescribed in the attached schedule to the City in lieu of all other real property and personal property taxes and the City agrees to accept the Stabilized Tax Payments in lieu of such real property and personal property taxes on the Project taxable property.

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

(c) It is understood by the parties that Stabilized Tax Payments made hereunder are deemed by the City to be tax payments, and the Project Owner shall be entitled to all the rights and privileges of a taxpayer in the City.

(d) The liability for Stabilized Tax Payments due and owing under this agreement shall constitute an obligation of Developer or any other Project Owner, and the City shall be granted by the Project Owner a lien on the Project Taxable Properties, which lien shall be

of the same priority and entitle the City to the same foreclosure remedy as the lien and foreclosure remedy provided under applicable laws and ordinances with respect to real and personal property taxes.

*Section 6. Satisfaction of Obligations.* The City agrees that so long as the Stabilized Tax Payments are made by the Project Owner in accordance with the terms of this agreement, the City shall, during the term of this agreement, accept said payments in full satisfaction of the obligations of the Project Owner as to the payment of any and all taxes and property assessments to the City which would otherwise be levied upon or with respect to the Project Taxable Properties, including future customary repairs and customary renovations of the Facility and the Personal Property which may now exist or which may hereafter be placed or erected thereon or located thereat or used therein, but excluding material renovations or improvements to the Facility beyond that contemplated in the definition of Facility herein.

*Section 7. Employment.* It shall be the goal and the Developer shall use its best efforts to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 20% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE Act). It shall be the goal and the Developer shall use its best efforts to award to women business enterprises ("WBE") no less than 20% of the dollar value of the construction costs for the project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). The Developer shall use its best efforts to purchase

construction materials from Providence Businesses.

*Section 8. Purpose.* The City of Providence has entered this tax treaty as a result of increasing demand for apartments in the City of Providence. This treaty shall only be in effect as long as the property is utilized primarily for residential purposes and failure to use the building for primarily residential purposes would render the treaty null and void. The parties do not intend that this agreement would extend to use of the building as a "dormitory" or "apartment dormitory" use.<sup>1</sup> In fact, use of the building for "dormitory" or "apartment dormitory" purposes would also render the treaty null and void. The treaty being rendered null and void for any reason would require the owner to pay all taxes and fees as due and owing as if no treaty had been entered. Additionally, it is a strong policy position of the City of Providence to provide affordable housing. Therefore, in consideration for this tax treaty, *Kinsley Harris, LLC* and all successors and assigns agree to maintain twenty percent (20%) of the residential units at a lower market rate, as defined by Department of Planning and Development for the City of Providence for the term of the treaty.

*Section 9. Basis of Calculation.* The schedule listed below is based upon information provided to the Tax Assessor by *Kinsley Harris, LLC* including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information. The Developer shall make two payments in lieu of taxes during the construction period. The first payment shall be due on June 30, 2002 in the amount of two hundred thousand dollars (\$200,000) in lieu of

taxes owed that year. The second payment shall be due on June 30, 2003 in the amount of two hundred thousand dollars (\$200,000) in lieu of taxes owed that year. This tax treaty is also conditioned upon commencement of construction and the payment of all taxes due and owing on the property within sixty (60) days of this Ordinance going into effect. Failure to begin construction or to make full payment within that time frame renders the treaty null and void unless said time frame is amended by the City Council. The treaty being rendered null and void would require the owner of the property to pay all taxes as due and owing as if no treaty had been entered.

*Section 10. Back Taxes.* That the real property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real property tax rates in effect for the City's 2000 fiscal year. The Treaty is further conditioned upon *Kinsley Harris, LLC* at all times owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence.

*Section 11. Exemption Dates.* That the City in accordance with the Laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 2003 up to and including December 31, 2012 to *Kinsley Harris, LLC* for property located at Providence Place and Harris Avenue, on a portion of Assessor's Plat 26, Lots 117, 201, 258 and 319, respectively, as provided in the above-mentioned Ordinance, in accordance with the schedule in Exhibit A.

*Section 12. Effective Date.* This Ordinance shall take effect upon its passage.

*Section 13. Applicable Law.* This agreement shall be construed under the laws of the State of Rhode Island.

<sup>1</sup> For the purposes of this ordinance, the definition of the term "dormitory" or "apartment dormitory" is defined according to Section 1000.12 of the Zoning Ordinance of the City of Providence.

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

Collectively Passed, the Second Time, as amended, on motion of COUNCILMAN

ALLEN, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

**Ayes:** Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, Hassett, Igliazzi, Jackson, Mancini, Councilwomen Romano, Williams and Young—12.

**Nays:** Councilman DeLuca—1.

**Absent:** Councilwomen DiRuzzo and Nolan—2.

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

## PRESENTATION OF ORDINANCES

### COUNCILMAN HASSETT (By Request):

An Ordinance in amendment of Chapter 2001-50, approved October 29, 2001, of the Ordinances of the City of Providence making an appropriation of four hundred eighty five million, seven hundred seventy two thousand, eight hundred sixty dollars (\$485,772,860) for the Fiscal Year ending June 30, 2002, as amended.

An Ordinance establishing a Compensation Plan for the City of Providence and repealing Ordinance Chapter 2001-51, approved October 29, 2001, as amended.

An Ordinance establishing the Classes of Positions, the Maximum Number of Employees in Certain Classes in the City Departments and repealing Ordinance Chapter 2001-34, approved October 29, 2001, as amended.

## PRESENTATION OF RESOLUTIONS

**COUNCIL PRESIDENT LOMBARDI (By Request):**

Resolution Authorizing the approval of certain expenditures of funds from the Neighborhood Improvement Program.

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

**COUNCIL PRESIDENT LOMBARDI**  
Severally Refers the matters to the  
Committee on Finance.

The motion to Refer is Sustained.

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Resolution Requesting the Traffic Engineer to  
cause the installation of a "four-way stop"  
sign at the corner of Carpenter Street and  
Knight Street.

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Resolution Requesting the Traffic Engineer to  
cause the installation of a "four-way stop"  
sign at the corner of Brighton Street and  
Knight Street.

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Resolution Requesting the Traffic Engineer to  
cause the installation of a "three-way stop"  
sign at Penn Street and Knight Street.

Resolution Requesting the Traffic Engineer to  
cause the installation of a "stop" sign at  
Ridge Street and Route 10 heading south.

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Resolution Requesting the Traffic Engineer to  
cause the installation of "slow" signs heading  
north along Tobey Street from Broadway to  
Route 10.

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

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

The motion to Refer is Sustained.

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Resolution Requesting the Tax Assessor and/  
or the City Collector to abate the taxes on  
Assessor's Plat 29, Lot 25 (16 Luongo Square),  
which is owned by the Providence Preserva-  
tion Society Revolving Fund.

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**COUNCILMAN ALLEN:**

Resolution Requesting the Tax Assessor and/  
or the City Collector to cause the taxes to be  
abated on Assessor's Plat 31, Lot 330 (204  
Bellevue Avenue), including all interest

accrued while in the possession of the Providence Redevelopment Agency.

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

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

The motion to Refer is Sustained.

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**COUNCILMAN ALLEN and CONCILMAN APONTE (By Request):**

Resolution Requesting the Transfer of Assessor's Plat 28, Lot 359 (235 Atwells Avenue), in the amount of one dollar (\$1.00) to the Providence Redevelopment Agency.

**COUNCIL PRESIDENT LOMBARDI** Refers the Resolution to the Committee on Urban Redevelopment, Renewal and Planning.

The motion to Refer is Sustained.

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**COUNCILMAN MANCINI (By Request):**

Resolution Requesting the Chief Electrical Inspector to cause the upgrade of street lighting along Veazie Street between O'Neill Street and Branch Avenue.

**COUNCIL PRESIDENT LOMBARDI** Refers the Resolution to the Committee on Public Works.

The motion to Refer is Sustained.

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**COUNCILMAN MANCINI:**

Resolution Extending Sincere Congratulations to Daniel Cennamo upon receiving the American Police Hall of Fame Silver Star for Bravery Award.

*Resolved*, That the Members of the Providence City Council hereby extend their Sincere Congratulations to Daniel Cennamo upon receiving the American Police Hall of Fame Silver Star for Bravery Award.

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**COUNCILWOMAN NOLAN:**

Resolution Requesting the Director of Public Works to cause the installation of a guard rail at the corner of Detroit Avenue and Niagara Street along the exterior of the fence belonging to the Rhode Island State Armory on Niagara Street.

*Resolved*, That the Director of Public Works is requested to cause the installation of a guard rail at the corner of Detroit Avenue and Niagara Street along the exterior of the fence belonging to the Rhode Island State Armory on Niagara Street.

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

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

The motion for Passage is Sustained.

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COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Traffic Engineer cause the installation of "no parking 8:00 a.m. to 10:00 a.m." signs on the north side of Cushing Street between Brown Street and Prospect Street.

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

The motion to Refer is Sustained.

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Resolution Requesting the Forestry Division of the Parks Department to cause the trees to be pruned along the Brown Stadium side of Savoy Street to a height of thirteen feet.

*Resolved*, That the Forestry Division of the Parks Department is requested to cause the trees to be pruned along the Brown Stadium side of Savoy Street to a height of thirteen feet.

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

The motion for Passage is Sustained.

COUNCILWOMAN WILLIAMS and COUNCILMAN HASSETT (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "no parking" signs on the south side of Jenckes Street between Prospect Street and Pratt Street.

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Resolution Requesting the Police Department and the Traffic Engineering Department to cause the issue of "residential parking only" stickers to residents and cause the installation of signs on certain streets in the College Hill area.

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COUNCILWOMAN WILLIAMS:

Resolution Requesting Verizon to move the telephone pole on the northwest corner of Taber Avenue and Irving Avenue to allow for handicapped accessibility at the corner of the sidewalk.

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COUNCILWOMAN YOUNG (By Request):

Resolution Requesting the Traffic Engineer to cause the creation of two handicapped parking spaces in front of the Office of Community Services located at 184 Broad Street.

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

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

The motion to Refer is Sustained.

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**COUNCILWOMAN YOUNG, COUNCIL  
PRESIDENT LOMBARDI, COUNCIL-  
MAN ALLEN, COUNCILMAN APONTE,  
COUNCILMAN BUTLER, COUNCIL-  
MAN CLARKIN, COUNCILMAN De-  
LUCA, COUNCILWOMAN DiRUZZO,  
COUNCILMAN HASSETT, COUNCIL-**

**MAN IGLIOZZI, COUNCILMAN JACK-  
SON, COUNCILMAN MANCINI, COUN-  
CILWOMAN NOLAN, COUNCILWO-  
MAN ROMANO and COUNCILWOMAN  
WILLIAMS:**

Resolution Extending Sincere Best Wishes to  
Lieutenant Paul Fitzgerald of the Providence  
Police Department upon his recent surgery.

*Resolved,* That the Members of the Provi-  
dence City Council hereby extend their Sincere  
Best Wishes to Lieutenant Paul Fitzgerald of  
the Providence Police Department upon his  
recent surgery.

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## REPORTS FROM COMMITTEES

### COUNCILMAN ROBERT M. CLARKIN, Chairman COMMITTEE ON PUBLIC WORKS

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

Resolution Requesting the Traffic Engineer to  
cause the installation of "no parking on  
sidewalk" signs along 40 and 49 Bradford  
Street.

*Resolved,* That the Traffic Engineer is  
requested to cause the installation of "no  
parking on sidewalk" signs along 40 and 49  
Bradford Street.

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

*Collectively Passed,* on motion of  
**COUNCILMAN ALLEN**, seconded by  
**COUNCILWOMAN WILLIAMS.**

The motion for Passage is Sustained.



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

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

An Ordinance in accordance with Chapter 21,  
Section 19 of the Code of Ordinances of the City

of Providence entitled, "Capital Equipment  
Budget", as amended.

**COUNCILWOMAN RITA M. WILLIAMS, Chairwoman  
COMMITTEE ON ORDINANCES**

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

An Ordinance limiting the possession of laser  
pointers.

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

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

**Ayes:** Council President Lombardi,  
Councilmen Allen, Aponte, Butler, Clar-  
kin, DeLuca, Hassett, Igliazzi, Jackson,  
Mancini, Councilwomen Romano, Wil-  
liams and Young—13.

**Nays:** None.

**Absent:** Councilwomen DiRuzzo and  
Nolan—2.

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

\_\_\_\_\_

An Ordinance relating to garbage, trash and  
debris.

**COUNCILWOMAN WILLIAMS** moves  
for Passage, the First Time, seconded by  
**COUNCILMAN BUTLER**.

**COUNCILWOMAN WILLIAMS, seconded by COUNCILMAN BUTLER, moves to amend the Ordinance to add Section 17 to read:**

*"Section 17. All violations under this Ordinance shall be civil offenses and shall be heard in the municipal court."*

**The motion to Amend is Sustained.**

**COUNCILMAN CLARKIN, seconded by COUNCILMAN DeLUCA, moves to Refer back to the Committee on Ordinances, by the following Roll Call Vote:**

**Ayes: Council President Lombardi, Councilmen Allen, Clarkin, DeLuca, Jackson and Mancini—6.**

**Nays: Councilmen Aponte, Butler, Hassett, Igliozi, Councilwoman Romano, Williams and Young—7.**

**Absent: Councilwomen DiRuzzo and Nolan—2.**

**The motion to Refer Back Fails.**

**Read and Passed the First Time, as Amended, and Referred back to the Committee on Ordinances, on motion of COUNCILWOMAN WILLIAMS, seconded by COUNCILWOMAN YOUNG, by the following Roll Call Vote:**

**Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clarkin, DeLuca, Hassett, Igliozi, Jackson, Mancini, Councilwomen Romano, Williams and Young—13.**

**Nays: None.**

**Absent: Councilwomen DiRuzzo and Nolan—2.**

**The motion for Passage the First Time, as Amended, and to Refer Back to Committee, is Sustained.**

## COMMUNICATIONS AND REPORTS

Application of Richard Gower, 12 Hylestead Street, Providence, Rhode Island, requesting permission for a fuel dispensing permit to be located at 9 Hylestead Street, Providence, Rhode Island.

**COUNCIL PRESIDENT LOMBARDI Refers the Application to the Committee on Public Works.**

**The motion to Refer is Sustained.**

Annual Report from Laurence K. Flynn, Executive Secretary, Board of Canvassers for the year January 1, 2000 through December 21, 2000.

Received.

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Annual Report from Alex Prignano, Director of Finance for the years 2000 and 2001.

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

Received.

## FROM THE CLERK'S DESK

Petition of 755 Lofts, LLC, by its Manager, The Armory Revival Company, Mark Van Noppen, Vice President and JALI Realty Corporation, requesting an abandonment of Normal Court and to transfer all rights, title and interest to the abutting landowners.

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Petition of JALI Realty Corporation, requesting an abandonment of Wamsutta Place and to transfer all rights, title and interest to the abutting landowner.

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

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

**The motion to Refer is Sustained.**

**Petitions for Compensation for Injuries and Damages, viz:**

Irina Smiler (Michael R. DeLuca, Esquire)

Verizon

MetLife Auto & Home a/s/o Rosa Zayas

Donald Boland

Richard Ardito

Raymond D'Amico

Wanda Rossi (James V. Burchfield, Jr., Esquire)

Janet Delanuez

Gertrude E. Miner (Peter M. Iascone, Esquire)

Robert Ashness (Patrick T. Conley, Esquire)

Sapienza Realty (Patrick T. Conley, Esquire)

Prime Properties (Patrick T. Conley, Esquire)

Douglas Berge

Options Realty (Patrick T. Conley, Esquire)

Julie Chau

Phoenix J. Finnegan (Patrick T. Conley, Esquire)

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

Kip Friedman

**The motion to Refer is Sustained.**

## PRESENTATION OF CITATIONS

*"In Congratulations"*

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

Citations Extending Congratulations.

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

Daniel Cennamo, in recognition of receiving the American Police Hall of Fame Silver Star for Bravery Award.

Jo-Ann J. Macari, in recognition of being promoted as the Chief Deputy Sheriff of Providence County.

Anthony Phillips, in recognition of being promoted as Sheriff of Providence County.

Captain Gary W. Maddocks, Johnston Police Department, in recognition of being promoted to Deputy Chief of Police.

Lieutenant John J. Angell, Johnston Police Department, in recognition of being promoted to Captain.

Sergeant David M. DeCesare, Johnston Police Department, in recognition of being promoted to Lieutenant.

Patrol Officer Raymond R. Skomin, Johnston Police Department, in recognition of being promoted to Sergeant.

Patrol Officer Dennis R. Pimental, Johnston Police Department, in recognition of being promoted to Sergeant.

Oasis International, in recognition of their continuing efforts to strengthen our community.

Yoruba Community of Massachusetts, in recognition of their continuing efforts to strengthen our community.

Golden Sisters, in recognition of their continuing efforts to strengthen our community.

Nigerian/American Social Club, in recognition of their continuing efforts to strengthen our community.

Edo State Association, in recognition of their continuing efforts to strengthen our community.

African Web.Net, in recognition of their continuing efforts to strengthen our community.

Ijebu Descendant Association of Rhode Island, in recognition of their continuing efforts to strengthen our community.

Glamorous Girls, in recognition of their continuing efforts to strengthen our community.

Eko Club International, in recognition of their continuing efforts to strengthen our community.

Dr. Perev Khatib, in recognition of his outstanding and continued support for our community.

Bisola Safiyepi, in recognition of his outstanding and continued support of our community.

Frank Amalfetano, in recognition of his actions and personal sacrifice in our nation's

defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Michael E. Andrea, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Anthony Annicone, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Edmund B. Armstrong, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

James R. Brown, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Pasco A. Corona, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Amato Corsetti, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Francis J. Culligan, in recognition of his actions and personal sacrifice in our nation's

defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Victor D'Alfonso, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Anthony DeAngelis, Jr., in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Domenico DeFeo, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Eugene A. DeFusco, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Edward A. Duffy, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

William P. Duhaime, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Vernon D. Dunlap, in recognition of his actions and personal sacrifice in our nation's

defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Robert T. Dutcher, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Anthony J. Esposito, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Mario Ferrucci, Jr., in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Samuel Granoff, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

William W. Hardman, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Melvin Kahn, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Raymond E. LeBlanc, in recognition of his actions and personal sacrifice in our nation's

defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Ernest Mansolillo, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Robert C. Mawson, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

John B. McWeeney, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Joseph Monda, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Salvatore Montella, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Daniel J. O'Hara, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Sherman S. Price, in recognition of his actions and personal sacrifice in our nation's

defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Norton M. Rappoport, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Manuel Furtado Rosa, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

George Lawrence Tamasauskas, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Wilfred A. Warren, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

Eugene Francis Wood, in recognition of his actions and personal sacrifice in our nation's defense during World War II, and the subsequent award of his high school diploma by Providence Schools.

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

**The motion for Passage is Sustained.**

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## PRESENTATION OF RESOLUTIONS

*"In Memorium"*

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

*Resolutions Extending Sympathy.*

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

Patricia Denise Clanton

Antonio Feole

Amelia Palumbo

Jennie P. Gemma

Edwin Crump

Evelyn G. Mancini

Pasqualena Capobianco

Gabriel Castro

Emma Costa

Pauline C. Ramos

Henry N. Perella

Vito Coppa

Thee Artis "H" Carpenter

Claudia L. Zampini

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

**The motion for Passage is Sustained.**

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## MATTER NOT APPEARING ON THE PRINTED DOCKET

On motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to Suspend Rule 16 of the Rules of the City Council in order to allow the introduction of the following matter not appearing on the Printed Docket.

## COMMUNICATION

Communication from Jeffrey W. Kasle, Esquire, informing the Honorable Members of the Providence City Council that he is submitting the 2001 to 2004 tentative Collective Bargaining Agreement between the City of Providence and the Providence Fraternal Order of Police, Lodge No. 3, for ratification.

COUNCIL PRESIDENT LOMBARDI  
Receives the Communication and Refers  
the Same to the Committee on Finance.

The motion to Receive and Refer is  
Sustained.

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## ADJOURNMENT

There being no further business, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:15 o'clock P.M. (E.S.T.) to meet again on THURSDAY, JANUARY 3, 2002 at 7:30 o'clock P.M. (E.S.T.).

*Michael R. Clement*

City Clerk



