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**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 33 City Council Regular Meeting, Thursday, December 15, 2005, 7:30 o'clock P.M. (E.S.T.)

**ACTING
COUNCIL PRESIDENT
BALBINA A. YOUNG**

ROLL CALL

**Present: ACTING COUNCIL PRESIDENT
YOUNG, COUNCILMEN APONTE, BUTLER,
DeLUCA, COUNCILWOMAN DiRUZZO,
COUNCILMEN HASSETT, IGLIOZZI,
JACKSON, MANCINI, COUNCILWOMAN
ROMANO and COUNCILWOMAN
WILLIAMS - 12.**

**Absent: COUNCIL PRESIDENT
LOMBARDI, COUNCILMEN ALLEN, and
LUNA - 3.**

**Also Present: Adrienne G. Southgate,
Deputy City Solicitor, Claire E. Bestwick,
Acting City Clerk, Sheri A. Petronio,
Assistant Clerk and Vincent J. Berarducci,
City Sergeant.**

2007 APR 18 P 2:40
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

FILED

MAY 3 2007
IN CITY COUNCIL

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE APPROVED.

INVOCATION

The Invocation is be given by COUNCILMAN JOSEPH DeLUCA.

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

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

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated December 8, 2005, Informing the Honorable Members of the City Council that he is this day designating Mr. Alexander Ryley of 10 East Street, Unit 4, Providence, Rhode Island 02906, as one of the three mayoral appointees to the Providence External Review Authority, for a term to expire in May, 2007. (Mr. Ryley is replacing Mr. Pedro Espinal whose term has expired)

Communication dated December 8, 2005, Informing the Honorable Members of the City Council that pursuant to Article III, Sec. 3.03-3.06(a) and 3.08(a) he, in his capacity as Mayor of the City of Providence, hereby re-appoints Mr. Joseph Simoes of 130 Ohio Avenue, Providence, Rhode Island 02905, as a member of the Public Sector of the Board of Directors of the Providence Community Action Program, Inc., for a term to expire in October, 2007.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

ACTING COUNCIL PRESIDENT YOUNG Receives the Several Communications.

ORDINANCES SECOND READING

The Following Ordinances were in City Council December 1, 2005, Read and Passed the First Time and are Severally Returned for Passage the Second Time:

An Ordinance in Amendment of Ordinance No. 85, Chapter 1997-18, Entitled: An Ordinance to adopt the ProvPort, Inc. Tax Exemption Agreement, 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 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 ("City"); and

Whereas, On July 7, 1994, this Council approved a resolution authorizing the sale of various lots on Assessor's Map 56, commonly referred to as the Port of Providence ("Port") to an entity then called Public Asset Management, Inc., which ultimately formed ProvPort, Inc. ("ProvPort"), a non-profit

corporation organized under the laws of the State of Rhode Island; and

Whereas, The sale of the Port was conducted under an advertised Request for Proposal process initiated by the City in May 1994, which Request for Proposal contemplated direct assistance by the City in the financing of port improvements in the amount of \$3,000,000; and

Whereas, The purchase proposal of Public Asset Management (subsequently known as ProvPort) allowed for the payment to the City of \$16,555,000.00 for all of the land and improvements advertised in the Request for Proposal for the sale of the Port; and

Whereas, An integral part of the purchase proposal, included as the Plan of Finance, was the adoption of a tax exemption agreement from the City for a thirty year period; and

Whereas, The purchase proposal also included a pledge of revenue sharing in the form of an in-lieu tax payment following the completion of certain capital investments totaling \$3,400,000.00, and increased for rising construction costs over time; and

Whereas, ProvPort had completed capital improvements by September 1, 2004 which will be in excess of \$3,400,000.00; and

Whereas, On September 28, 1994, ProvPort closed the purchase transaction for the Port and paid to the City \$16,555,000.00; and

Whereas, Subsequent to the closing, on February 26, 1997, the City granted a ten year exemption on the real and personal property and the improvements owned or leased by ProvPort, in keeping with the conditions of the acceptance of the original bid amount and to assist in the financing of certain capital improvements, as well as the payment of debt service; and

Whereas, Pursuant to Ordinance Chapter 2005-38, No. 348, the City Council granted an extension of the exemption of taxes to ProvPort for a second ten (10) year period and entered into the 2004 ProvPort Tax Exemption Agreement, which, among other things, provides for ProvPort to make in-lieu payments to the City based on a percentage of gross revenues; and

Whereas, ProvPort has proposed to amend the 2004 ProvPort Tax Exemption Agreement to provide that ProvPort may prepay the in-lieu tax payments to be paid under the 2004 ProvPort Tax Exemption Agreement.

Now, Therefore, Be It Ordained By The City Of Providence:

Section 1. The City Council of the City of Providence hereby adopts the ProvPort, Inc. 2004 Tax Exemption Agreement, as amended, in the form attached hereto.

Section 2. All other provisions of Ordinance Chapter 2005-38, No. 348 shall remain in full force and effect.

Section 3. This ordinance shall be effective upon its approval by the Mayor after its passage.

An Ordinance Amending Chapter 16, "Offenses and Miscellaneous Provisions", Article 1, "In General", Section 13, "Obstruction of Public Ways."

Be it ordained by the City of Providence:

SECTION 1. Chapter 16, Article 1, Section 13 of the Code of Ordinances of the City of Providence is hereby amended as follows:

Sec. 16-13. Obstruction of public ways

(a) No person shall stand on any footwalk, sidewalk, parking lot, doorstep or in any doorway in this city as to obstruct a free passage for foot passengers; nor place sports equipment or other obstructions within any street or sidewalk within the city so as to impede the flow of vehicular or pedestrian traffic; or to hinder or delay passers-by or persons residing or doing business in the vicinity thereof.

(b) Any person obstructing any footwalk, sidewalk, parking lot, step or doorway, or utilizing sports equipment or other obstructions within any Street or sidewalk within the city, shall move, or remove the equipment or other obstruction, immediately when requested to do so by a police officer.

(c) The preceding paragraphs shall not apply to individuals who are exercising a right to protest; however, in no event shall there be less than three feet of unobstructed sidewalk access at all times.

(d) The Director of Public Works, or his designee, is hereby authorized to remove sports equipment or any other obstructions from any street or sidewalk within the city at the request of a police officer.

SECTION 2. This Ordinance shall take effect upon passage.

An Ordinance in Amendment of Ordinance No. 614, Chapter 2002-39, Entitled: "Providence External Review Authority" (PERA).

Be it ordained by the City of Providence:

PROVIDENCE EXTERNAL REVIEW AUTHORITY (PERA) established.

SECTION 1. There is hereby created a Providence External Review Authority ("PERA" or "Authority") The Authority shall review all allegations of misconduct on the part of sworn officers of the Providence Police Department, shall investigate the same, conduct hearings and make findings of

fact with respect to those allegations. The Authority shall hire administrative and investigative staffs. The administrative staff shall include an executive director who may be an attorney-at-law and/or has previous experience with public administration. Investigators hired by the Authority shall be civilians who have appropriate prior experience or training. "Civilian," for the purpose of this section, is a person who is not now a sworn officer of a law enforcement agency.

SECTION 2. Scope of Authority. The Authority shall receive complaints, that allege misconduct by a police officer or officers, including, but not limited to the following:

(a) Use Of Excessive Force. Excessive force shall mean "the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance, it does not include force that is reasonably necessary to effect a lawful purpose."

(b) Inappropriate language or conduct. Inappropriate language shall mean "harsh, violent, profane, or derogatory language or any action that demeans the dignity of an individual, including, but not limited to profanity, racial, ethnic, sexist or racial slurs."

(c) Harassment. Harassment shall mean "repeated, unwarranted verbal or physical annoyances, or abuse (whether physical or verbal) threats of demands."

(d) Theft. Theft shall mean "the taking or concealing of any item or thing of value without the consent of the rightful owner and with the intent to deprive the rightful owner of that item or thing."

(e) Discrimination in the provision of police services or other discriminatory conduct on the basis of race, color, creed, religion, ancestry, national origin, sex, sexual or gender orientation, disability, age, gender, or economic status.

SECTION 3. Composition. The Authority shall be comprised of twenty (20) members which shall be randomly selected to serve on hearing panels comprised of five (5) members each. Of the twenty (20) selected members, three (3) shall be appointed by the Mayor, two (2) shall be appointed by the President of the City Council, and one (1) shall be appointed by each member of the Providence City Council, excluding the Council President and one (1) member shall be appointed by the Executive Director of the Providence Human Relations Commission.

Upon enactment of this Ordinance one (1) mayoral appointee, one (1) appointee of the Council President and five (5) council appointees shall be appointed for a term of one (1) year; one (1) mayoral appointee, one (1) appointee of the Council President, and five (5) council appointees shall be appointed for a term of two (2) years. One (1) mayoral appointee, and four (4) council appointees and one (1) appointee by the Executive Director of the Providence Human Relations Commission shall be appointed for a term of three (3) years. Upon expiration of these initial terms each subsequent mayoral and council appointee shall serve for a term of three (3) years.

There shall be not more than three (3) former law enforcement officers appointed to the authority and not more than one (1) former law enforcement officer shall serve on any hearing panel. No person holding an elective office shall serve as an authority

member. No person currently employed as a law enforcement officer nor any member of his or her immediate family may serve as authority members.

The Authority shall elect one member to serve as chairperson for a term of two years and shall engage an executive director of this authority, a legal counsel, and investigators as may be required.

SECTION 4. Compensation - Each member shall be reimbursed for reasonable expenses incurred in the performance of his/her duties, however, no member shall be compensated for services performed.

SECTION 5. Duties - (a) Rulemaking notice and hearings. The Authority shall adopt rules governing its operation. All rules, and any amendments thereto, shall be promulgated after a public hearing, at which interested persons may present written and oral comments on the proposed rules. The Authority shall, at least thirty (30) days prior to the date set for the hearing, give notice of its intention to adopt rules by publishing a notice of its intention to promulgate or amend rules in a newspaper of general circulation and by making copies of the proposed rules/changes available to the public.

SECTION 6. Meetings. All meetings of the Authority, any sub-committees and hearing panels shall be held in accordance with applicable law governing open meetings.

SECTION 7. Removal. Any member of the Authority may be removed for incompetence, neglect of duty, misconduct or malfeasance by resolution of the City Council. Any vacancy occasioned by resignation, death, or removal of a member shall be filled

for the balance of the unexpired term of appointment by the previously denominated appointing authority.

SECTION 8. Bi-Annual Reports. The Authority shall submit to the Mayor and the City Council a report of its activities not fewer than two (2) times per year. The report shall include, among other topics, data and analysis of complaints and complaint trends and shall be open to the public.

SECTION 9. Policy Review. Upon its own initiative or upon request of the Mayor, a member of the City Council or the Executive Director; the Authority may initiate an examination of police policies, trends, or practices and issue recommendation for change.

SECTION 10. Outreach. Authority shall conduct such outreach activities as necessary to inform the public of the Authority and its practices. Any outreach shall be conducted with sensitivity to the diversity of languages and cultures present in the City.

SECTION 11. Complaint Filing. Any person, including, but not limited to:

(a) an alleged victim;

(b) a witness

(c) a parent, legal guardian, or immediate family of a victim having personal knowledge of alleged misconduct of a Providence Police Officer shall file a written complaint with the Authority by submitting said complaint at a location designated by the Authority. Additionally, upon probable cause, the Authority may initiate its own investigation into the alleged misconduct of a police officer.

SECTION 12. Preliminary Review. Within thirty (30) days of the date on which the complaint is filed the Executive Director shall review such complaint and recommend to the Authority either: (1) the complaint be dismissed; (2) the complaint be forwarded to mediation or (3) The complaint be transmitted for full investigation. The Authority shall promulgate guidelines delineating those factors to be assessed in making such recommendation.

All complaints shall be kept on file without regard to subsequent action of the Executive Director and the Authority and shall be available to the public; provided that the name of the complainant and/or respondent shall be kept confidential to the extent required by law.

SECTION 13. Dismissal. Upon dismissal of a complaint the Executive Director shall file written reasons for the same.

SECTION 14. Mediation. The Authority shall provide an informal mediation process to resolve those complaints of a more minor nature.

SECTION 15. Investigation. Upon determination that a full investigation is warranted, the complaint shall be transmitted to an authority investigator. An investigation shall be completed within one hundred twenty (120) days of the date that the complaint was filed. The Executive Director may upon request of the investigator, extend this deadline by not more than sixty (60) days. The application of this deadline may be held in abeyance during such time as the Executive Director determines that an investigation might impede or harm a related criminal investigation.

SECTION 16. Evidentiary hearings. Upon completion of such investigation, the Executive Director, may dismiss the complaint (and in such event he/she shall file a written statement providing reasons for such dismissal) or forward the same to full hearing. The Authority shall randomly select a five (5) person panel from its members to consider the matter and the Chairperson shall designate a foreperson of the panel. At such evidentiary hearing, the Authority shall weigh and consider all reliable and credible evidence. The panel shall make all reasonable efforts to complete evidentiary hearings and render a written decision within sixty (60) days of the completion of the investigation. In those instances in which the complainant is otherwise unrepresented by counsel, the Authority legal counsel shall present evidence to the panel on behalf of the complainant. The police officer may be represented by counsel and union representatives, may present evidence and conduct cross-examination of witnesses.

SECTION 17. Subpoena Power. At the request of legal counsel for either party, the Executive Director shall compel the presence of witnesses and/or documents at evidentiary hearings by applying to the Providence City Council for the issuance of subpoenas and where appropriate may seek that the City Council request the appropriate court sanctions against anyone who fails to comply with any subpoena so issued.

SECTION 18. Cooperation. All municipal board, bureaus, commissions, department and employees shall respond promptly to any and all lawful requests for municipal information sought for such evidentiary hearings, and for access to data and records for the purpose of enabling the Authority to carry out its responsibilities under this

chapter. The failure of any official or employee to response to lawful requests for such information and data shall be deemed an act of misconduct.

SECTION 19. Findings of fact and determination. Within thirty (30) days of the completion of an evidentiary hearing, the hearing panel shall issue a written report containing findings of fact; a determination of whether or not the complaint has been sustained by a preponderance of the evidence; if applicable the level of violation described in the disciplinary matrix developed by PERA and the Chief of Police, and a recommendation of discipline. When a complaint is sustained, the findings of fact and the determination shall be submitted to the chief of police. The chief shall impose discipline based upon the level of violation as found in the disciplinary matrix to be promulgated by the authority in accordance with Section 5(a). The Chief of Police shall, also provide the Authority, the city council, and the Mayor with a written explanation of the reason(s) for his/her disciplinary decision. The hearing panel report and the Police Chiefs explanation for his/her decision shall be available to the public provided that the name of the Complainant and/or respondent shall be kept.

SECTION 20. Notice to parties. The Authority shall notify the complainant(s) and police officer(s) in a timely fashion of the status or disposition of the complaint.

SECTION 21. Period of Limitation. No complaint filed more than one (1) year subsequent to the events complained of therein shall be timely.

SECTION 22. If any provision of this Ordinance, or its application to any person or circumstances, is held unconstitutional or

otherwise invalid, the remaining provisions of this Ordinance and the application of the provisions to other persons or circumstances, other than those to which it is held invalid, shall not be affected by the invalidity.

SECTION 23. This Ordinance shall take effect upon its passage.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

AYES: ACTING COUNCIL PRESIDENT YOUNG, COUNCILMEN APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 12.

NAYES: COUNCILMAN DeLUCA request to be recorded as voting "NO" on "An Ordinance in Amendment of Ordinance No. 85, Chapter 1997-18, Entitled: An Ordinance to adopt the ProvPort, Inc. Tax Exemption Agreement, As Amended."

ABSENT: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN and LUNA - 3.

The Motion for Passage the Second Time, is Sustained.

An Ordinance in Amendment of Ordinance No. 820, Chapter 2003-79, Approved December 22, 2003, Entitled: "An Ordinance Authorizing the Creation of a Class "N" Retail Liquor License. "

COUNCILMAN APONTE Moves to Refer the Ordinance Back to the Committee on Ordinances, seconded by COUNCILWOMAN WILLIAMS.

PRESENTATION OF ORDINANCE

COUNCIL PRESIDENT LOMBARDI,
COUNCILMEN APONTE and SEGAL:

An Ordinance relative to the Providence Hotel & Convention Consumer Protection Act.

ACTING COUNCIL PRESIDENT YOUNG Refers the Ordinance to the Committee on Ordinances.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMEN WILLIAMS and YOUNG:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Peter S. Mancini on December 6, 2005.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Peter S. Mancini on December 6, 2005.

COUNCIL PRESIDENT LOMBARDI, COUNCILMEN ALLEN, APONTE, BUTLER, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, MANCINI, SEGAL, COUNCILWOMEN WILLIAMS and YOUNG:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilwoman Carol A. Romano on December 25, 2005.

Resolved, That the Members of the Providence City Council Extend Sincere Best Wishes for a Happy Birthday to Councilwoman Carol A. Romano on December 25, 2005.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of

the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage of the Several Resolutions, is Sustained.

COUNCIL PRESIDENT LOMBARDI:

Resolution Requesting the Rules Committee to Amend "The Rules of the Providence City Council", Approved April 3, 2003.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Rules Committee.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking" Signs on both sides of Dean Street between Broadway and Atwells Avenue.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Committee on Public Works.

COUNCILMAN HASSETT:

Resolution naming Schaffer Street, from that point at Jewitt Street to Smith Street, "Fran Conway Place".

Resolution Naming that portion of Brownell Street from Holden Street to Interstate Route 95 "Avenue of the Arts".

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

ACTING COUNCIL PRESIDENT YOUNG Refers the Several Resolutions to the Committee on Urban Redevelopment, Renewal and Planning.

Resolution Requesting the Rules Committee to Amend "The Rules of the Providence City Council", Approved April 3, 2003, to include sworn testimony.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Rules Committee.

Resolution Authorizing the City of Providence to enter into a purchase and sale agreement for the property located at

30 Arline Street and Calvery Street (Assessor's Plat 67, Lots No. 280, 382, 384 and 391) from the Narragansett Bay Commission.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Committee on Finance and the Committee on City Property, Jointly.

COUNCILMAN SEGAL (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of a "No Right Turn on Red" Sign at 195 West off ramp at Gano Street and Trenton Street.

ACTING COUNCIL PRESIDENT YOUNG Refers the Resolution to the Committee on Public Works.

REPORTS FROM COMMITTEE

COMMITTEE ON FINANCE

COUNCILMAN KEVIN JACKSON, Chairman

Transmits the Following with Recommendation the Same be Severally Approved.

Communication from His Honor the Mayor, dated November 7, 2005, Informing

the Honorable Members of the City Council that pursuant to Sections 302(b) and 814 of

the Providence Home Rule Charter of 1980, as amended, he is this day re-appointing Charles P. Fitzgerald of 447 Eaton Street, Providence, Rhode Island 02908, as a member of the Board of Tax Assessment Review for a term to expire in January 2009, and respectfully submits the same for your approval. (Mr. Fitzgerald is registered as unaffiliated)

Communication from His Honor the Mayor, dated November 22, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Ms. Rosanna Castro of 205 Gallup Street, Providence, Rhode Island 02905, as a member of the Providence School Board for a term to expire on the first Monday in January, 2009, and respectfully submits the same for your approval. (Ms. Castro will be replacing Ms. Dilania Inoa whose term has expired)

Communication from His Honor the Mayor, dated November 22, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Ms. Jill W. Holloway of 600 Hope Street, Providence, Rhode Island 02906, as a member of the Providence School Board for a term to expire on the first Monday in January, 2009, and respectfully submits the same for your approval. (Ms. Holloway will be replacing Ms. Adeola Oredola whose term has expired)

Communication from His Honor the Mayor, dated November 22, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Ms. Katherine F. McKenzie of 15 Westford Road, Providence, Rhode Island 02906, as a member of the Providence School Board for a term to expire on the first Monday in January, 2009, and respectfully submits the same for your approval. (Ms. McKenzie will be replacing Mr. Milton Hamolsky whose term has expired)

Communication from His Honor the Mayor, dated November 22, 2005, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 701 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. Ronnie M. Young of 30 Nebraska Street, Providence, Rhode Island 02905, as a member of the Providence School Board for a term to expire on the first Monday in January, 2008, and respectfully submits the same for your approval. (Mr. Young will be replacing Robyne Frye who has resigned)

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCILMAN APONTE Approves the Several Communications, seconded by COUNCILWOMAN WILLIAMS.

FROM THE CLERK'S DESK

Petition from Howard Schulman, MD, 12-14 Benefit Street Condo Association President, 14 Benefit Street, Providence, Rhode Island 02904, requesting that the residents of the 12-14 Benefit Condo Association be permitted to park their cars on Benefit Street, including overnight parking and that the City of Providence look into safety and security problems at 12-14 Benefit Street.

ACTING COUNCIL PRESIDENT YOUNG Refers the Petition to the Study Commission to Study Conditional On Street Parking.

Petitions for Compensation for Injuries and Damages, viz:

Progressive
a/s/o Shelley Holmes

Joyce A. Visconti-Cimino

Richard Schwartz

Frances M. Jones

Matthew Potenza
(Philip M. Weinstein, Esquire)

Nationwide Mutual Insurance Company
a/s/o Arlene & Wayne Jankura

One Beacon Insurance
a/s/o Ursula Nihill

Georgina Santos
(Michael R. Lombardi, Esquire)

Francheska Canales
(Robert V. Russo, Esquire)

Maryann Pollidoro
(David A. Ursillo, Esquire)

Heather P. Butler and Heather P. Butler
p.p.a. Patrick K. Butler, Jr.
(G. Eben Milne, Esquire)

Jeffrey Meehan

Marc Fain

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

PRESENTATION OF RESOLUTIONS

"In Congratulations"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS OF THE CITY
COUNCIL:**

Delores Farrow, in recognition of her retirement on December 24, 2005, after twenty-nine years of dedicated state service.

Resolution Extending Congratulations.

Resolved, That the Members of the City Council hereby Extend their Sincere Congratulations to the following:

Elvira Apici, in recognition of the celebration of the special occasion of her ninetieth birthday, born November 18, 1915.

**Severally Read and Collectively
Passed, on Motion of COUNCILMAN
APONTE, seconded by COUNCIL-
WOMAN WILLIAMS.**

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS OF THE CITY
COUNCIL:**

Angelo M. Guarino

Mary D. Langton

Resolution Extending Sympathy.

Lena Lazzareschi

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

John R. Lynch, Sr.

Joseph DiFruscio

Rose E. Ritarossi

Viola A. Guglielmo

Inez A. Tammaro

Carmella I. Diciolla

Michael J. Carpilio

Ann D. Hill

Concetta Martini

Alfred V. Morro

**Motion of COUNCILMAN APONTE,
seconded by COUNCILWOMAN
WILLIAMS.**

The Motion for Passage is Sustained.

**Severally Read and Collectively
Passed, by a Unanimous Rising Vote, on**

MATTERS NOT APPEARING ON THE PRINTED DOCKET

**On Motion of COUNCILMAN APONTE,
seconded by COUNCILWOMAN
WILLIAMS, it is voted to Suspend Rule
16-B of the City Council Rules in order to
allow the introduction of the Following
Matters Not Appearing on the Printed
Docket.**

PRESENTATION OF ORDINANCE

**COUNCILMAN BUTLER AND COUNCIL-
MAN DeLUCA (By Request)**

**An Ordinance Establishing a Compensation
Plan for the Water Supply Board and
Repealing Ordinance Chapter 2005-15,
Approved February 28, 2005, As Amended.**

COMMUNICATION

Communication dated December 15, 2005 from Carissa R. Richard, Board Secretary, Providence Water Supply Board, submitting the employment agreement stating the terms and conditions for the hiring of the new Providence Water Chief Engineer and General Manager.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

ACTING COUNCIL PRESIDENT YOUNG Refers the Ordinance and Communication to the Committee on Finance.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:10 o'clock P.M. (E.S.T.), to meet again on THURSDAY, JANUARY 5, 2006 at 7:30 o'clock P.M. (E.S.T.).

Michael R. Clement

MICHAEL R. CLEMENT
CITY CLERK



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CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL
JOURNAL OF PROCEEDINGS

No. 34 City Council Special Meeting, Monday, December 19, 2005, 5:00 o'clock PM. (E.S.T.)

PRESIDING
COUNCIL PRESIDENT
JOHN J. LOMBARDI

ROLL CALL

Present: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMEN MANCINI, COUNCILWOMAN ROMANO and COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 8.

Absent: COUNCILMEN ALLEN, BUTLER, HASSETT, IGLIOZZI, JACKSON, LUNA and COUNCILWOMAN YOUNG - 7.

Also Present: Adrienne G. Southgate, Deputy City Solicitor, Claire E. Bestwick, First Deputy City Clerk, Sheri A. Petronio, Assistant Clerk and Vincent J. Berarducci, City Sergeant.

2001 APR 18 P 2:41
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

FILED

MAY 3 2007
IN CITY COUNCIL

[Signature]
READ

WHEREUPON IT IS ORDERED THAT
THE SAME BE APPROVED.

INVOCATION

The Invocation is given by COUNCIL-
WOMAN RITA M. WILLIAMS.

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

COUNCILMAN PETER S. MANCINI
Leads the Members of the City Council
and the Assemblage in the Pledge of
Allegiance to the Flag of the United
States of America.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM COUNCIL PRESIDENT JOHN J. LOMBARDI

Request, filed with the First Deputy City
Clerk, December 15, 2005, Requesting a
Special Meeting of the City Council to be

Called on the 19th day of December, 2005 at
5:00 o'clock P.M., in the City Council
Chamber, Third Floor, City Hall.

December 15, 2005

Claire E. Bestwick
First Deputy City Clerk
City Hall
Providence, RI 02903

Dear Mrs. Bestwick:

In accordance with the Provisions of Section 406 of the Providence Home Rule Charter of 1980, I am, this day, calling a Special Meeting of the City Council to be held on Monday, the 19th day of December 2005 at 5:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall for the purpose of acting upon the following:

AN ORDINANCE IN AMENDMENT OF CHAPTER 2004-41, NO. 544, ENTITLED: "AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE", APPROVED JUNE 27, 1994, AS AMENDED. (DOWNCITY DISTRICT)

Respectfully,

**Council President
John J. Lombardi**

Received.

WARRANT FOR SPECIAL MEETING

Warrant of the First Deputy City Clerk to Vincent J. Berarducci, City Sergeant with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 19th day of December, 2005 at 5:00 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

DEPARTMENT OF CITY CLERK
CITY HALL

December 15, 2005

TO VINCENT J. BERARDUCCI, CITY SERGEANT:

Whereas, Council President John J. Lombardi has, pursuant to Section 406 of the Providence Home Rule Charter of 1980, requested the First Deputy City Clerk, in writing, to Call a Special Meeting of the City Council to be held on the 19th day of December, 2005, A.D. at 5:00 o'clock P.M., in the Chamber of the City Council, Third Floor, City Hall for the purpose of Enacting the following:

AN ORDINANCE IN AMENDMENT OF CHAPTER 2004-41, NO. 544, ENTITLED: "AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED:

**"THE CITY OF PROVIDENCE
ZONING ORDINANCE", APPROVED
JUNE 27, 1994, AS AMENDED.
(DOWNCITY DISTRICT)**

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS THE CITY
OF PROVIDENCE, Sc.

You are therefore, hereby commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

DECEMBER 15, 2005

Hereof, Fail Not, and make a true return of this Warrant, with your doings thereon.

I, Vincent J. Berarducci, City Sergeant do hereby certify that I have notified each Member of the City Council of the Special Meeting scheduled to be held on Monday, December 19, 2005 at 5:00 o'clock P.M., in the Chamber of the City Council, City Hall, Providence, in accordance with the subject warrant by delivering to each member a copy thereof.

Given under my Hand and the Official Seal of the City of Providence, State of Rhode Island and Providence Plantations this 15th day of December, 2005, A.D.

Claire E. Bestwick

Claire E. Bestwick
First Deputy City Clerk

V. J. Berarducci

12-15-05
Date

Received.

REPORT FROM COMMITTEE

COMMITTEE ON ORDINANCES

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman

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

An Ordinance in Amendment of Chapter 2004-41, No. 544, Entitled: "An Ordinance in Amendment of Chapter 27 of the Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved June 27, 1994, As Amended. (Downcity District)

Read and Passed the First Time, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT LOMBARDI, COUNCILMEN APONTE, DeLUCA, COUNCILWOMAN DiRUZZO,

COUNCILMEN MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL and COUNCILWOMAN WILLIAMS - 8.

NAYES: NONE.

ABSENT: COUNCILMEN ALLEN, BUTLER, HASSETT, IGLIOZZI, JACKSON, LUNA and COUNCILWOMAN YOUNG - 7.

The Motion for Passage the First Time, is Sustained.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 5:15 o'clock P.M. (E.S.T.), to meet again on WEDNESDAY, DECEMBER 21, 2005 at 6:00 o'clock P.M. (E.S.T)



**CLAIRE E. BESTWICK
FIRST DEPUTY CITY CLERK**



