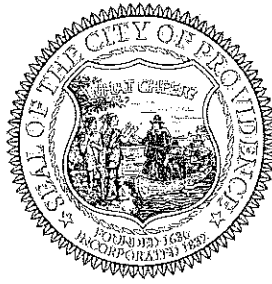


**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 23 City Council Regular Council Meeting, Thursday, June 15, 2017, 7:00 o'clock P.M.


PRESIDING

**ACTING COUNCIL PRESIDENT
SABINA MATOS**

CALL TO ORDER

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

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

IN CITY COUNCIL
JUN 15 2017
APPROVED:  **CLERK**

ROLL CALL

INVOCATION

The Invocation is given by **COUNCILWOMAN JO-ANN RYAN**.

“Let us bow our heads. O merciful and loving God, let us be mindful of the important business that we have before us this evening; that we be diligent in our solemn oath to uphold the law of our city and state and that we conduct the people’s business with diligence and dignity. Let us remember those who came before us, namely former Council President Evelyn Fagnoli, who passed this week and her loving family and friends who are struggling with the loss of this accomplished & vibrant women. Also, for the members of congress and their staffers and for all the victims of gun violence, that we as a nation firmly address and confront this as an important issue. For the Council staff and Clerks who toil long hours behind the scenes to help conduct the business of the City, may they know they are appreciated. And for the members gathered here this evening that we may show kindness and leadership for the good of the city of Providence. Amen.”

PLEDGE OF ALLEGIANCE

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

VETO FROM HIS HONOR THE MAYOR

Consideration of Mayor Jorge O. Elorza's **VETO** of the Ordinance Entitled: "An Ordinance Amending Chapter 23, "Streets, Sidewalks, and Public Places," to add Section 37, "No Smoking in the Public Way."

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 23, Section 37 is hereby amended by adding thereto the following:

Sec. 23-37. The use of tobacco products in the Public Way.

(a) Purpose

- (1) The use of tobacco for smoking purposes is being found to be increasingly dangerous, not only to the person smoking but also to the nonsmoking person who is required to breathe the contaminated air. A pervasive intrusion of the nonsmoker’s rights to unpolluted air space is the uncontrolled smoking in downtown Providence.

(2) The City of Providence is committed to keeping its downtown clean, safe, healthy and pleasant for everyone.

- i. Smoking is hazardous to health and numerous studies have shown that secondhand smoke is a significant public health hazard;
- ii. Smoking in public places endangers children and others by exposing them to secondhand smoke;
- iii. The United States Environmental Protection Agency has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;
- iv. The United States Centers for Disease Control and Prevention (CDC) has found that secondhand smoke causes children to suffer from lower respiratory tract illnesses, such as bronchitis and pneumonia, exacerbates childhood asthma and increases the risk of chronic middle ear infection in children;
- v. Discarding cigarette butts, cigar butts and tobacco waste on sidewalks and streets is unsightly, unclean and particularly hazardous to small children who handle and sometimes ingest them;
- vi. Cigarette butts do not biodegrade and they contain two hundred (200) known poisons, sixty-three (63) of which are known to cause cancer;
- vii. Whereas the area described in subsection (c) of this ordinance includes a public park, a public skating rink, a major bus station, and multiple businesses.
- viii. Whereas the area described in subsection (c) of this ordinance is an area experiencing high pedestrian traffic in a concentrated area.
- ix. Prohibiting smoking and the improper disposal of tobacco products in the area described in subsection (c) of this ordinance is necessary to protect the public health, safety and welfare of all residents and visitors. The City of Providence intends, by the enactment of this chapter, to protect the health and atmospheric environment of the nonsmoker by regulating smoking in downtown Providence.

(b) Definitions

- (1) For the purposes of this section, "tobacco product" means any product containing tobacco or nicotine, including but not limited to cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and electronic smoking devices; provided, however, that such term shall not include any product that has been approved by the U.S. Food and Drug Administration as a tobacco cessation product.

- (2) "Electronic smoking devices" means any electronic oral device such as one composed of heating element, battery and/or electronic circuit which provides a vapor of nicotine, vapor of a solution including nicotine, or aerosol of a solution including nicotine or any other substance for inhalation. This term shall include every variation and type of such devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pen, an electronic pipe or an electronic hookah or any other name or descriptor. The term "electronic smoking device" does not include any device specifically approved by the United States Food and Drug Administration for use in reducing, treating or eliminating nicotine or tobacco dependence, or for any other medical purposes, when such a device is being marketed and sold solely for such approved purpose.
- (c) The use of any and all tobacco products is prohibited on all non-enclosed sidewalks and other pedestrian areas, including alleys, accessible to the public anywhere inside the boundary lines contained in paragraph (c) of this section. Where the boundary lines contained in paragraph (c) of this section coincide with streets, highways, expressways, easements, or waterways, the boundary lines are construed to be the centerline of the right-of-way.
- i. Beginning at the intersection of Francis Street and Exchange Terrace, running easterly along Exchange Terrace to the intersection of Exchange Terrace and Exchange Street.
 - ii. From the intersection of Exchange Terrace and Exchange Street, running northerly along Exchange Street to the intersection of Exchange Street and Memorial Boulevard.
 - iii. From the intersection of Exchange Street and Memorial Boulevard, running easterly along Memorial Boulevard to the intersection of Memorial Boulevard and Westminster Street.
 - iv. From the intersection of Memorial Boulevard and Westminster Street, running southerly along Westminster Street to the intersection of Westminster Street and Dorrance Street.
 - v. From the intersection of Westminster Street and Dorrance Street, running westerly along Dorrance Street to the intersection of Dorrance Street and Francis Street.
 - vi. From the intersection of Dorrance Street and Francis Street, running northerly along Francis Street to the point and place of beginning.
- (d) Locations where the use of tobacco products is permitted.
- The use of tobacco products is permitted in private residences and in private vehicles. The use of tobacco products is permitted on private property unless the owner prohibits the use of tobacco products on that private property.
- (e) Posting of signs.
- The mayor or his or her designee shall post signs that adequately inform the public of the restrictions created by this section.

(f) Penalties.

For the first offense, the violator will receive a warning. All subsequent offenses are hereby declared to be public nuisances punishable by a civil fine of fifty dollars (\$50.00) per violation. Each violation shall be deemed a separate violation, and each violation shall be subject to a separate fine.

SECTION 2. This ordinance shall take effect upon passage.

COUNCILMAN PRINCIPE Moves to Override the Mayor's VETO, Seconded by COUNCILMAN JENNINGS, by the following Roll Call Vote:

RESULT:	OVERRIDDEN [11 TO 2]
MOVER:	Councilman Principe
SECONDER:	Councilman Jennings
AYES:	Acting Council President Matos, Councilman Aponte, Councilmen Hassett, Igliozi, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin and Zurier – 11.
NAYS:	Councilwoman Castillo and Councilman Correia – 2.
ABSTAIN:	Councilwoman Harris – 1.

APPOINTMENT BY ACTING COUNCIL PRESIDENT MATOS

Communication from Acting Council President Matos, dated June 9, 2017, Informing the City Clerk of her re-appointment of Vanessa E. Crum, Esquire, 77 America Street, Providence, Rhode Island 02903, to the Providence Ethics Commission, for a term to expire on February 4, 2021.

ACTING COUNCIL PRESIDENT MATOS Receives the foregoing Communication.

RESULT:	RECEIVED
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ORDINANCE(S) SECOND READING

The Following Ordinances were in City Council June 1, 2017, Read and Passed the First Time and ae Severally Returned for Passage the Second Time:

COUNCILMAN APONTE, (By Request):

An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to Change Certain Text in Articles 2, 4, 5, 6, 9, 12, 13, 15, 17, 18, 19 and 20, and to Amend the Official Zoning Map.

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 making the following changes, with additions underlined and deletions struck out:

ARTICLE 2. DEFINITIONS AND RULES OF MEASUREMENT

201 DEFINITION OF GENERAL TERMS

Cross-Access. A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exist to the street.

Freeboard. A factor of safety expressed in feet above the base flood elevation of a flood hazard area for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Shed. An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.

Sign. Any identification, description, illustration, or device illuminated or non-illuminated that is visible to the public from adjoining streets or adjoining properties and that directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, temporary sign, lights, balloons or other device designed to attract attention, advertise, identify or convey information. Building details that are an integral part of the overall architectural design of a building or works of art accessory to a building are not be considered signs.

Unified Development Review. The review and approval, approval with conditions, or denial of requests for variances and special-use permits submitted as part of land development and subdivision applications, pursuant to §45-24-46.4 of the Rhode Island General Laws.

B. Building Height

1. For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. This method of building height applies to all structures unless specifically exempted by this Ordinance. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like, as described in item 2 below. (Figure 2-4). For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), where freeboard, as defined in Section 201, is being utilized or proposed, such freeboard area, not to exceed five feet, shall be excluded from the building height calculation.

~~Building height is measured as the vertical distance from grade to the top of the highest point of the roof or structure. This method of building height applies to all structures unless specifically exempted by this Ordinance. The distance may exclude spires, chimneys, flag poles, and the like, as described in item 2 below. (Figure 2-4)~~

ARTICLE 4. RESIDENTIAL DISTRICTS

402 DIMENSIONAL STANDARDS

TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

Key:

SF = Single-Family // SD = Semi-Detached // 2F = Two-Family

3F = Three-Family // RH = Rowhouse // MF = Multi-Family

	R-1A	R-1	R-2	R-3	R-4	RP
Bulk Standards						
Minimum Lot Area	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None
	SF & SD - New Subdivisions : 7,500sf	SF & SD - New Subdivisions : 5,000sf	SF & SD - New Subdivisions : 5,000sf	SF & SD - New Subdivisions : 5,000sf	SF & SD - New Subdivisions : 3,500sf	SF & SD - New Subdivisions : 5,000sf
	Non-Residential: 7,500sf	Non-Residential: 5,000sf	2F - Existing Lots: 4,000sf 2F - New Subdivisions : 5,000sf Non-Residential: 5,000sf	2F - Existing Lots: 3,500sf 2F - New Subdivisions : 5,000sf 3F: 5,000sf RH: 5,000sf min. with at least 1,650sf/du Non-Residential: 5,000sf	2F: 3,500sf 3F: 3,500sf RH: 3,500sf min. with at least 1,150sf/du MF: 3,500sf min. with at least 1,200sf/du Non-Residential: 3,500sf	2F - Existing Lots: 3,500sf 2F - New Subdivisions: 5,000sf 3F: 5,000sf RH: 5,000sf min. with at least 1,650sf/du MF: 5,000sf min. with at least 1,650sf/du Non-Residential: 5,000sf
Minimum Lot Width	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None	SF & SD - Existing Lots: None
	SF & SD - New Subdivisions & Non-Residential: 75'	SF & SD - New Subdivisions : 50' Non-Residential:	SF & SD - New Subdivisions : 50' 2F - Existing Lots: 40'	SF & SD - New Subdivisions : 50' 2F & 3F - Existing	SF & SD - New Subdivisions : 35' 2F, 3F & MF	SF & SD - New Subdivisions: 50' 2F - Existing Lots: 35'

TABLE 4-1: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

Key:

SF = Single-Family // SD = Semi-Detached // 2F = Two-Family

3F = Three-Family // RH = Rowhouse // MF = Multi-Family

	R-1A	R-1	R-2	R-3	R-4	RP
	Non-Residential: 75'	50'	2F—New Subdivisions ÷ 50' ² Non-Residential: 50'	Lots: 35' 2F—New Subdivisions ÷ 50' ² 3F: 50' RH: 50' minimum with at least 12'/du Non-Residential: 50'	<u>Existing</u> <u>Lots: 35'</u> 3F: 35' RH: 35' minimum with at least 12'/du MF: 35' Non-Residential: 35'	2F—New Subdivisions: 50' ² 3F, MF& <u>Non-Residential:</u> 50' RH: 50' minimum with at least 12'/du MF: 50' minimum with at least 12'/du Non-Residential: 50'

ARTICLE 5. COMMERCIAL DISTRICTS

503 DESIGN STANDARDS

A. C-1 and C-2 District Design Standards

2. Building Entry

- a. All buildings shall have an orientation to and public entrance from the sidewalk along the primary building frontage. ~~Public e~~Entrances shall be visually distinctive from the remaining portions of the façade along which it ~~is~~they are located. (Figure 5-1)

B. C-3 District Design Standards

2. Fenestration

- a. Ground floor ~~transparency~~ ~~facades~~ shall contain a total area of transparency of 50% or more of the wall area of the ground floor, measured between two and nine feet above the adjacent grade.

ARTICLE 6. DOWNTOWN DISTRICT

603 DEVELOPMENT INCENTIVES

C. Incentives – General

Two types of development incentives are permitted in the D-1 District to encourage development that is compatible with the goals of the comprehensive plan: bonuses and transfer of development rights.

1. All requests for development incentives shall be reviewed by the Downtown Design Review Committee at a public hearing in accordance with Section 19067 of this Ordinance.

604 DEVELOPMENT STANDARDS

G. Off-Street Parking

1. Parking in the D-1 District shall conform to the requirements of Article 14 of this Ordinance.
2. Access to parking lots and structures from A Streets is permitted only when the lot has no frontage on a B Street. ~~The Downtown Design Review Committee may waive this provision. For lots with A and B Street frontage, such access from an A Street may also be granted when the B Street is determined by the City Traffic Engineer to be substandard for maintaining adequate traffic flow.~~

606 DESIGN STANDARDS FOR NEW CONSTRUCTION

C. Entrance Design

1. Buildings shall have their main entrance from a sidewalk on an A Street, or if the building has no A Street frontage, on a B Street.
2. Buildings shall be designed to have multiple entrances, with no less more than 35 feet between entrances. This provision may be waived by the Downtown Design Review Committee.

ARTICLE 9. WATERFRONT DISTRICTS

902 DIMENSIONAL STANDARDS

TABLE 9-1: WATERFRONT DISTRICT DIMENSIONAL STANDARDS		
	W-2	W-3
Bulk Standards		
Minimum Lot Area	5,000sf <u>None</u>	None
Minimum Lot Width	50' <u>None</u>	None
Maximum Building Height	75'	90'
Minimum Setback Requirements		
Front Setback	None	None
Interior Side Setback	6'	6'
Corner Side Setback	None	None
Rear Setback	None, unless abutting a residential district, then 20'	None, unless abutting a residential district, then 30'

903 W-2 DISTRICT DESIGN STANDARDS

B. Building Entry

1. All buildings shall have an public entrance oriented to the sidewalk along the primary building frontage. (Figure 9-1)

ARTICLE 12. USES

1200 GENERAL REGULATIONS

- A. No structure or land may be used or occupied unless allowed as a permitted or special use within the zoning district.
- B. In the W-3 District, all permitted and special uses shall be part of a marine enterprise or dependent on access to the waterfront.

- C. All uses shall comply with any applicable federal and state requirements and any regulations of the Providence Code of Ordinances.
- D. Noncompliance with any of the use standards of Section 1202 and any conditions imposed as a part of the approval of a special use or any other zoning approval is considered a violation of this Ordinance and subject to enforcement provisions.
- E. §45-24-37 of Rhode Island General Laws permits the following uses within all residential districts of a municipality and all industrial and commercial districts except where residential such uses are prohibited for public health or safety reasons. Therefore, if any such use is not permitted by right or by special use permit, as indicated in the use matrix, it is presumed to be prohibited for health or safety reasons. For the purposes of this Ordinance, this permission includes any amendments to the general laws that modify such list. All uses permitted by Rhode Island General Laws shall meet any required standards of the general laws. For reference purposes, these uses include:
1. One aAccessory dwelling unit in an owner-occupied, single-family residence is permitted as a reasonable accommodation only for family members with disabilities or who are 62 years of age or older. The appearance of the structure shall remain that of a single-family residence and there shall be an internal means of egress between the principal unit and the accessory family dwelling unit. If possible, no additional exterior entrances should be added. Where additional entrance is required, placement should generally be in the rear or side of the structure. When the structure is serviced by an individual, sewage-disposal system, the applicant shall have the existing or any new system approved by the department of environmental management. The zoning-enforcement officer shall require that a declaration of the accessory family dwelling unit for the family member, or members, and its restrictions be recorded in the land-evidence records and filed with the zoning-enforcement officer and the building official. Once the family member, or members, with disabilities or who are 62 years of age or older, no longer reside(s) in the premises on a permanent basis, or the title is transferred, the property owner shall notify the zoning official in writing, and the accessory family-dwelling unit shall no longer be permitted, unless there is a subsequent, valid application. When used in this section the terms "people with disabilities" or "member, or members, with disabilities" means a person(s) who has a physical or mental impairment that substantially limits one or more major life activities, as defined in §42-87-1(7) of the Rhode Island General Laws.
 2. Community residences – Type I.
 3. Family day care homes.
 4. Plant Agriculture is a permitted use within all districts, including all industrial and commercial zoning districts, except where prohibited for public health or safety reasons or the protection of wildlife habitat. Plant Agriculture does not include Compassion Center/Cultivation Center.

1201 USE MATRIX

Table 12-1: Use Matrix

Key: P = Permitted // S = Special Use

Use	R-1A	R-1	R-2	R-3	R-4	R-P	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-M-U	I-1	I-2	P-S	O-S	C-D	Use Standard
Day Care - Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P		P		P	P	P				Sec. 1200.E & 1202.I
Dwelling -- Accessory Dwelling Unit	P	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>									P	P	P				Sec. 1200.E
Dwelling - Rowhouse				P	P	P	P	P	P	<u>P</u>	P				P	P	P				Sec. 1202.K
Dwelling - Single-Family	P	P	P	P	P	P				<u>P</u>						P	P				Sec. 1202.L
Dwelling - Three Family				P	P	P	P	P	P	<u>P</u>	P				P		P				Sec. 1202.L
Dwelling - Two-Family			P	P	P	P	P	P	P	<u>P</u>					P		P				Sec. 1202.L
Compassion Center/Cultivation Center									S				P		P						

1202 PRINCIPAL USE STANDARDS

M. Educational Facility - Primary or Secondary

1. Development Plan Review

For primary or secondary educational facility campuses with two or more existing or planned principal buildings in a residential district, Development Plan Review by the City Plan Commission is required for any new principal building and/or parking facility in accordance with Section 1906. A plan of development shall be submitted that includes the following:

- a. An existing conditions site plan for the entire site that identifies the location, square footage, and building heights of all existing structures, outdoor recreation areas, parking facilities, and general uses.

- b. A development plan for the entire site that identifies the location, square footage, and building heights of:
 - i. All planned new structures.
 - ii. All planned additions to existing structures of more than 25% of gross floor area or ~~5,000~~2,500 square feet of gross floor area, whichever is less.

DD. Wireless Telecommunications

6. Specific Standards for Wireless Telecommunications Antennas

Wireless telecommunications antennas are a special use in all districts, unless they are stealth design in which case they are considered a permitted use. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to development plan review and approval.

1204 USE DEFINITIONS

Dwelling - Accessory Dwelling Unit. A dwelling unit rented to and occupied either by one or more people with disabilities or who are 62 years of age or older and who are members of the family of the occupant or occupants of the principal residence, ~~or reserved for rental occupancy by a person or a family where the principal residence is owner occupied, and which meets the following provisions:~~

- ~~1. In zoning districts that allow residential uses, no more than one accessory dwelling unit may be an accessory to a single family dwelling.~~
- ~~2. An accessory dwelling unit shall include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The accessory dwelling unit shall be within or attached to the principal dwelling unit structure or within an existing structure, such as a garage or barn, and designed so that the appearance of the principal structure remains that of a single family residence.~~

Dwelling - Rowhouse. A structure consisting of three or more dwelling units, configured in a manner such that the dwelling units are stacked horizontally and separated by a party wall. A rowhouse is typically designed so that each unit has a separate exterior entrance and direct ground level access to the outdoors. A rowhouse dwelling does not include a multi-family dwelling. ~~A rowhouse structure may contain dwellings that are each located on separate lots.~~

ARTICLE 13. SITE DEVELOPMENT

1302 ACCESSORY STRUCTURES AND USES

A. General Regulations for Accessory Structures

9. In all residential zones, a mobile home, manufactured home, recreational vehicle, semi-tractor trailer, shipping container, boat or motor vehicle shall not be used as an accessory structure.

J. Garage

1. Attached Garage

- a. Front-loaded attached garages shall be limited to 50% of the width of the front building line or 22 feet, whichever is greater. Garage width is measure between garage doors; in the case of garages designed with multiple garage doors the distance is measured between the edge of the outmost doors. (Figure 13-4)
- b. Attached garages shall be set back a minimum of five feet from the front building line.
- c. There shall be a driveway, at least 18 feet long, between a street lot line and a garage door. Where the garage door faces an alley, the front of the garage may be set to the lot line.

2. Detached Garage

- a. One detached garage is permitted per lot.
- b. The area above the vehicle parking spaces in a detached garage shall not contain a kitchen or sleeping area but may contain an office or recreation room.
- c. Detached garages are permitted only in the rear, interior side, and corner side yards. Detached garages shall be set back a minimum of five feet from the front building line. No setback is required from any side or rear lot line.
- d. If a lot abuts a public alley that provides adequate access to a street, a detached garage shall be constructed so that access is from the public alley.
- e. There shall be a driveway, at least 18 feet long, between a street lot line and a garage door. Where the garage door faces an alley, the front of the garage may be set to the lot line.

ARTICLE 15. TREES AND LANDSCAPING

1503 ON-SITE LANDSCAPING AND REQUIRED TREES

B. Significant Tree Preservation

1. A significant tree is any tree that measures 32 inches or more in diameter at four and one-half feet above the ground. No significant tree may be removed without the permission of the City Forester.
2. Any person wishing to remove a significant tree shall file a request with the City Forester. In order to grant permission to remove a significant tree, the City Forester shall make one or more of the following findings within 30 days of receipt of the request:
 - a. The tree is in poor health or diseased with an expected life span less than two years.
 - b. The removal of the tree is unavoidable because the tree poses a danger to property or human health, safety, and welfare.
 - c. The tree prevents the property owner from developing the property in conformance with this ordinance, and there are no alternatives to removal of the tree. In this case, the City Forester shall not approve removal of the tree until a permit for new construction has been approved.

ARTICLE 17. ORDINANCE ADMINISTRATORS

1702 CITY PLAN COMMISSION

The City Plan Commission has the following powers, pursuant to this Ordinance:

- A. To make recommendations to the City Council on zoning map and text amendment petitions or proposals.
- B. To make final decisions on land development project applications.
- C. To make final decisions on certain development plan review applications.
- D. To periodically review this Ordinance to ensure that it is carrying out the goals as set forth in the City's Comprehensive Plan, and to recommend changes to the City Council.
- E. To make final decisions on unified development review applications.

1714 ZONING BOARD OF REVIEW ORGANIZATION AND PROCEDURES

B. Procedures

5.—Filing Fees

An application to the Board for an appeal, variance, or special use permit shall be accompanied by a filing fee as set by the City Council, which shall be deposited with the City Collector. The fee includes the cost of recording decisions of the Zoning Board of Review. No part of the fee is returnable to the petitioner.

1715 DOWNTOWN DESIGN REVIEW COMMITTEE ORGANIZATION AND PROCEDURES

B. Procedures

7.—Filing Fees

Any application for Downtown Design Review Committee approval shall be accompanied by a filing fee as set by the Council, which shall be deposited with the City Collector. No part of said fee shall be refunded to the applicant.

ARTICLE 18. APPLICATION AND NOTICE PROCEDURES

1800 APPLICATION

G. Fees

Each application shall be accompanied by the required filing fee. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. No part of the fee is returnable to the applicant. If an application is submitted by the City, then all fee requirements are waived. -The filing fee is as established and modified, from time to time, in the Providence Code of Ordinances or as established on the application, unless specifically described below:

1. A petition or proposed ordinance for an amendment to this Ordinance, including the Zoning Map, will not be accepted by the City Clerk unless accompanied by a filing fee which shall be deposited with the City Clerk, no part of which is returnable to the petitioner. The filing fee is a \$150 processing fee plus an advertising fee, which is the actual cost of advertising, as determined by the City Clerk when the advertisement is prepared and delivered to the newspaper, plus a mailing fee, which is the actual cost of mailing the required notice to abutters, as determined by the City Clerk when the mailing is prepared.
2. The fee for a zoning certificate is \$25.00.

3. The fee for an application to the Zoning Board of Review for an appeal, variance, or special use permit is set by the City Council under a separate ordinance.
4. The fee for an application for a Certificate of Appropriateness from the Historic District Commission is as follows:
 - i. New Construction and Demolition: \$400
 - ii. Major Alterations: \$100
 - iii. Minor Alterations: \$50
5. The fee for an application for Development Plan Review is as follows:
 - a. Institutional Master Plan: \$500
 - b. Downtown Design Review Committee Development Plan Review:
 - i. New Construction: \$400
 - ii. Major Alterations: \$100
 - iii. Minor Alterations: \$50
 - iv. Waiver or Development Incentive: add \$100 to above categories
 - c. Staff Level Development Plan Review: \$100
 - d. City Plan Commission Development Plan Review:
 - i. Educational Facilities- Primary or Secondary: \$200
 - ii. Waivers from design regulations: \$50
6. The fee for an application for a Land Development Project is established by the City Plan Commission in its development review regulations.

1801 NOTICE

B. City Council Notice

3. Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required by Section 1801.B.1, with the additional requirements that:

- a. Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city and town boundaries where appropriate; and
- b. Written notice of the date, time, and place of the public hearing and the nature and purpose of the hearing shall be sent to all owners of real property whose property is located in or within not less than 200 feet of the perimeter of the area proposed for change, whether within the City or within an adjacent city or town. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by registered, ~~or certified,~~ or first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided, for any notice sent by first-class mail, the sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate proof of such mailing.

ARTICLE 19. ZONING APPLICATIONS AND APPROVALS

1901 SPECIAL USE PERMIT

A. Authority

The Zoning Board of Review or the City Plan Commission, as part of unified development review, will take formal action on special use permit applications.

B. Procedure

1. Upon receipt of a complete application for a special use permit, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will request that the Department of Planning and Development staff prepare a written report of the staff's findings and recommendations, which will be submitted to the Zoning Board of Review applicable review body. The findings and recommendations shall include a statement on the general consistency of the application with the goals and purpose of the Comprehensive Plan. ~~The written report must be submitted to the Zoning Board of Review within 30 days of the Department of Planning and Development staff's receipt of the application. The Zoning Board of Review will refer all petitions for special use permits to the Department of Planning and Development for written recommendations at least ten business days prior to the hearing. The Department's report shall be received by the Office of the Zoning Board of Review no later than one full business day prior to the date of the public hearing.~~
2. The Zoning Board of Review, or the City Plan Commission, as part of unified development review, will hold a public hearing on the special use permit application in an expeditious manner, after receipt, in proper form, of an application, and shall give notice as required by Section 1801.

3. To authorize a special use permit, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall:
 - a. Consider the written opinion from the Department of Planning and Development.
 - b. Make specific findings of fact, in writing, with evidence supporting them, that demonstrate that:
 - i. The proposed special use permit is set forth specifically in this Ordinance, and complies with any conditions set forth therein for the authorization of such special use permit, including those listed in Article 12.
 - ii. Granting the proposed special use permit will not substantially injure the use and enjoyment of nor significantly devalue neighboring property.
 - iii. Granting the proposed special use permit will not be detrimental or injurious to the general health or welfare of the community.
 - c. To grant a special use permit for a health care institution or educational facility – college or university in a commercial or downtown district, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall find that such uses are essential and desirable to the public convenience and welfare, are in conformance with the objectives of the Comprehensive Plan, and that the following criteria have been met:
 - i. The proposed institutional use adheres to all dimensional requirements.
 - ii. The proposed use cannot be reasonably located on any existing property of the institution within an existing institutional district in which the use is permitted.
 - iii. Parking is provided for the proposed use in accordance with this Ordinance.
 - iv. An institutional master plan has been filed and approved, and the proposed use is in conformance with the institution's master plan.

C. Special Use Permit and Variance

The Zoning Board of Review, or the City Plan Commission, as part of unified development review, may issue a dimensional variance in conjunction with a special use permit. If the special use could not exist without the dimensional variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the variance evidentiary standards.

D. Expiration

Any special use permit granted by the City Plan Commission, in conjunction with a land development project or subdivision as part of unified development review, shall expire when the approval for the associated land development project or subdivision expires.

Any special use permit granted by the Zoning Board of Review shall expire six months after the date of the filing of the resolution in the Office of the Board unless the applicant, within the six months:

1. Obtains a legal, complete building permit for the project and proceeds with construction of the proposed improvements. For purposes of this section, demolition permits and foundation permits are not construed to be building permits.
2. Obtains a legal building permit or a certificate of occupancy when no construction is required.

E. Extension of Time

1. The Zoning Board of Review may, upon written request and for cause shown prior to the expiration of the initial six month period, renew the special use permit for a second six month period. The request for an extension need not be advertised.
2. If an applicant fails to obtain a legal building permit within the second six month period, the Zoning Board of Review may upon written request prior to the end of the second six month period, renew the special use permit for a third six month period provided that the applicant can demonstrate due diligence in proceeding and substantial financial commitment in promoting the subject of the special use permit since the date of the filing of the resolution. The request for the third six month period shall be advertised and notice given in accordance with Section 1801. A hearing will be held on the request.
3. No extension may be granted during an appeal to Superior Court.

F. Modifications to Approved Special Use Permits

Modifications to an approved special use permit shall follow the process for approval of a special use permit.

G. Appeals

Any aggrieved party may appeal the decision of the Zoning Board of Review to the Rhode Island Superior Court within 20 days after a decision is recorded and posted in the office of the City Clerk. The process for appeals of decisions by the City Plan Commission is outlined in the City Plan Commission's Development Review Regulations.

1902 VARIANCE

A. Authority

The Zoning Board of Review, or the City Plan Commission, as part of unified development review, will take formal action on variance applications.

B. Procedure

1. Upon receipt of a complete application for a variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will request that the Department of Planning and Development staff prepare a written report of the staff's findings and recommendations, which will be submitted to the Zoning Board of Review~~applicable review body~~. The findings and recommendations shall include a statement on the general consistency of the application with the goals and purpose of the Comprehensive Plan. ~~The report must be submitted to the Zoning Board of Review within 30 days of the Department of Planning and Development staff's receipt of the application. The Zoning Board of Review will refer all petitions for variances to the Department of Planning and Development for written recommendations at least ten business days prior to the hearing. The Department's report shall be received by the Office of the Zoning Board of Review no later than one full business day prior to the date of the public hearing.~~
2. The Zoning Board of Review, or the City Plan Commission, as part of unified development review, will hold a public hearing on the variance application in an expeditious manner, after receipt, in proper form, of an application, and shall give notice as required by Section 1801.
3. In granting a variance, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
 - a. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in Rhode Island General Laws §45-24-30(16).
 - b. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
 - c. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan.
 - d. That the relief to be granted is the least relief necessary.

4. In addition, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, requires that evidence be entered into the record of the proceedings showing that:
 - a. In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this Ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district are not considered in granting a use variance.
 - b. In granting a dimensional variance, the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted will amount to more than a mere inconvenience. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief.
5. In addition to the above, the Zoning Board of Review, or the City Plan Commission, as part of unified development review, will consider the written opinion of the Department of Planning and Development prior to making a decision on a variance petition.

C. Conditions

The Zoning Board of Review, or the City Plan Commission, as part of unified development review, may impose such conditions regarding the proposed variance as it deems appropriate. Special conditions may be required, in the opinion of the Zoning Board of Review, or the City Plan Commission, as part of unified development review, to promote the intent and purposes of the Comprehensive Plan and the Zoning Ordinance. Failure to abide by any special conditions attached to approval constitutes a zoning violation. Those special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:

1. Minimizing the adverse impact of the development upon other land, including the type, intensity, design, and performance of activities.
2. Controlling the sequence of development, including when it shall be commenced and completed.
3. Controlling the duration of use or development and the time within which any temporary structure shall be removed.
4. Assuring satisfactory installation and maintenance of required public improvements.
5. Designating the exact location and nature of development.
6. Establishing detailed records by submission of drawings, maps, plats, or specifications.

D. Expiration

Any variance granted by the City Plan Commission, in conjunction with a land development project or subdivision as part of unified development review, shall expire when the approval for the associated land development project or subdivision expires.

Any variance ~~permit~~ granted by the Zoning Board of Review shall expire six months after the date of the filing of the resolution in the Office of the Board unless the applicant, within the six months:

1. Obtains a legal, complete building permit for the project and proceeds with construction of the proposed improvements. For purposes of this section, demolition permits and foundation permits are not construed to be building permits.
2. Obtains a legal building permit or a certificate of occupancy when no construction is required.

F. Appeals

Any aggrieved party may appeal the decision of the Zoning Board of Review to the Rhode Island Superior Court within 20 days after a decision is recorded and posted in the office of the City Clerk. The process for appeals of decisions by the City Plan Commission is outlined in the City Plan Commission's Development Review Regulations.

1904 LAND DEVELOPMENT PROJECT

B. Authority

The City Plan Commission may approve a land development project. The City Plan Commission may also approve modifications to select dimensional standards as described in item E. The City Plan Commission may also approve variances and special use permits through unified development review. No demolition, foundation, or building permits will be issued, and no site work will be allowed for any development requiring approval of a land development project until the City Plan Commission has approved the final plan.

D. Procedure

All land development projects, including requests for unified development review, shall be reviewed by the City Plan Commission according to the "Development Review Regulations" adopted by the City Plan Commission, pursuant to Rhode Island General Laws §45-23.

1906 CITY PLAN COMMISSION DEVELOPMENT PLAN REVIEW

C. Applicability

1.

b. Waivers from design regulations of the C-1, C-2, C-3, M-MU, and W-2 Districts, and the TOD Overlay District. The CPC may review applications that require staff level development plan review when a design waiver is also required.

1913 ZONING INTERPRETATION

A. Purpose

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

B. Authority

The Director of the Department of Inspection and Standards is authorized to issue zoning certificates and written guidance and clarification of the Ordinance, upon receipt of a written application or request for same. ~~will review and make final decisions on written requests for zoning interpretations.~~

C. Procedure

1. The Director of the Department of Inspection and Standards reviews a written request for ~~an interpretation~~ a zoning certificate or for guidance and clarification and shall render the interpretation within 15 days of receipt of a complete application. The Director of the Department of Inspection and Standards may request additional information prior to rendering an interpretation.
2. ~~If no written response is provided within the 15 day timeframe, the applicant has the right to appeal to the Zoning Board of Review for the interpretation.~~

D. Appeals

~~Any aggrieved person may appeal the decision of the Director of the Department of Inspection and Standards to the Zoning Board of Review within 20 days after a decision is rendered.~~

ARTICLE 20. NONCONFORMITIES

2003 NONCONFORMING LOT

A. Definition

A nonconforming lot is a lot of record that at one time conformed to the lot dimension requirements (lot area, lot width, lot depth) of the zoning district in which it is located but because of subsequent amendments to the Ordinance no longer conforms to the applicable lot dimensions. synonymous with a substandard lot of record, as defined in Section 201.

E. Merger of Substandard Lots of Record

~~In all residential districts, if two or more contiguous, lawfully established substandard lots of record, where one or more of the lots is less than 4,000 square feet and are under the same ownership on or, anytime after October 24, 1991, such lots are considered to be one lot and undivided for the purpose of this Ordinance, provided that the merger does not result in more than one principal building on the lot. For purposes of this provision, a garage is not considered a principal building. If after merging, the resulting lot does not meet the minimum lot area requirements of the district, then item B above applies. Notwithstanding the above, this section does not apply if such a merger would create a through lot. Further, a subdivision of lots that are merged by this section may be performed in accordance with the Commission's regulations, without zoning relief, to create lots that are conforming by dimension.~~

In all residential districts, two or more contiguous lawfully established substandard lots of record are considered to be one lot and undivided for the purpose of this Ordinance if all of the following conditions exist:

1. The lots are under the same ownership on or at any time after October 24, 1991.
2. One or more of the lots is less than 3,200 square feet.
3. The merger would not result in more than one principal building on the lot. For purposes of this provision, a garage is not considered a principal building.
4. The merger would not create a through lot.

A subdivision of lots that are merged by this section may be performed in accordance with the City Plan Commission's regulations, without zoning relief, to create lots that are conforming by dimension to the regulations of Table 4-1 for new subdivisions.

SECTION 2: The official zoning map shall be amended as follows:

A. The following lots, as indicated on the attached maps, shall be included within the Historic District Overlay District:

Plat 32, Lot 104 (14 Meader St.)

AP 32, Lot 104, 14 Meader Street to be included within the Historic District Overlay District in the Prov Landmarks District - Residential

MEADER ST

ALMY ST

SLOCUM ST

104 16696

449 3874

130 4793

105 4320

427 4320

426 4320

425 4320

139 4800

140 3200

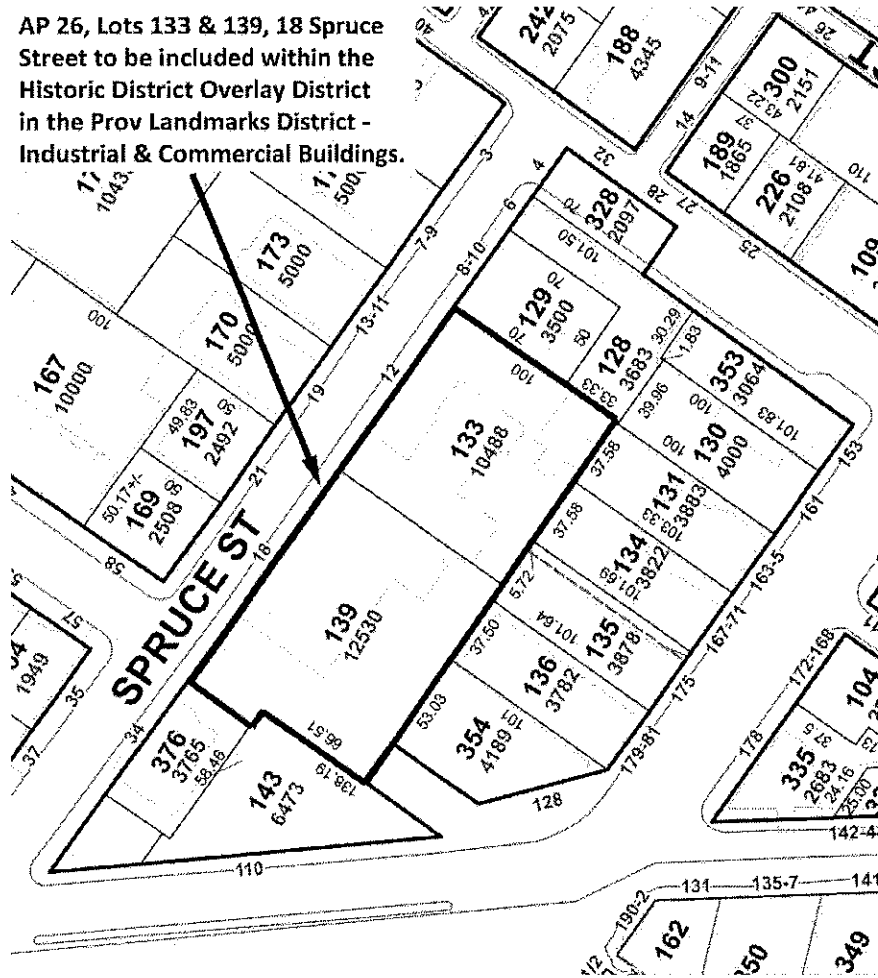
138 3200

137 3200

136 3200

Plat 36, Lots 133 and 139 (12-18 Spruce St.)

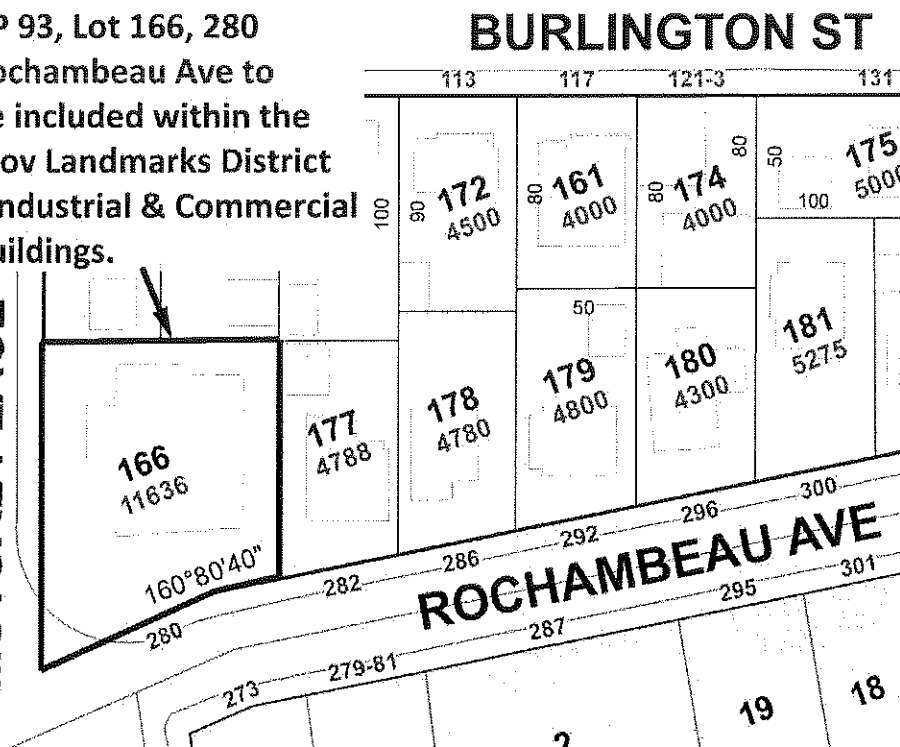
AP 26, Lots 133 & 139, 18 Spruce Street to be included within the Historic District Overlay District in the Prov Landmarks District - Industrial & Commercial Buildings.



Plat 93, Lot 166 (280 Rochambeau Ave.)

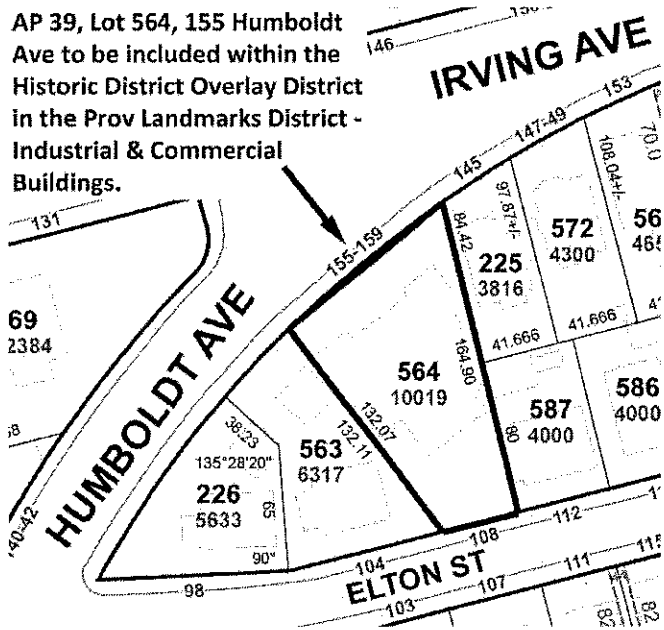
AP 93, Lot 166, 280
Rochambeau Ave to
be included within the
Prov Landmarks District
- Industrial & Commercial
Buildings.

MUTUAL PLACE



Plat 39, Lot 564 (155 Humboldt Ave.)

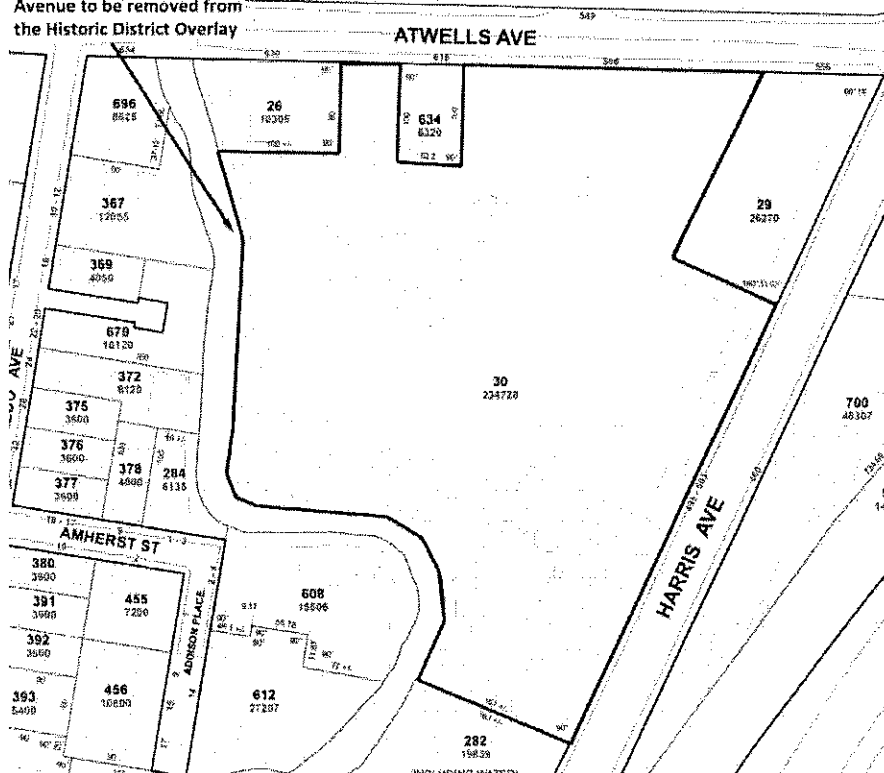
AP 39, Lot 564, 155 Humboldt Ave to be included within the Historic District Overlay District in the Prov Landmarks District - Industrial & Commercial Buildings.



B. The following lots, as indicated on the attached maps, shall be removed from the Historic District Overlay District:

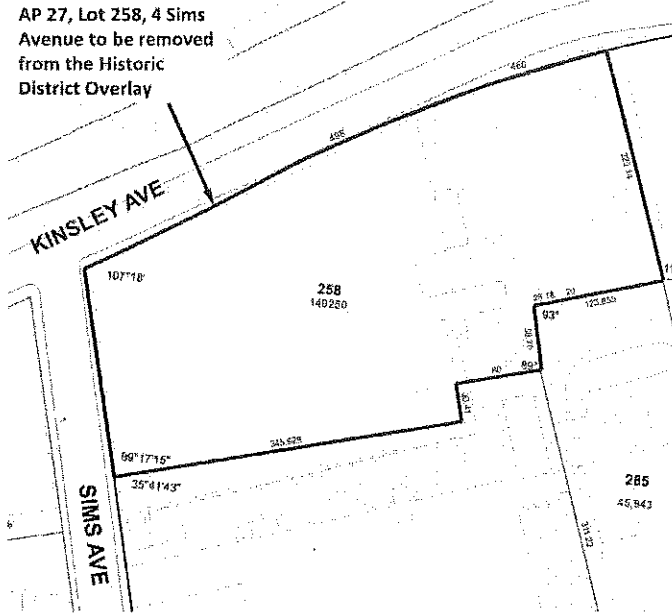
Plat 33, Lot 30 (586 Atwells Ave.)

AP 33, Lot 30, 586 Atwells Avenue to be removed from the Historic District Overlay

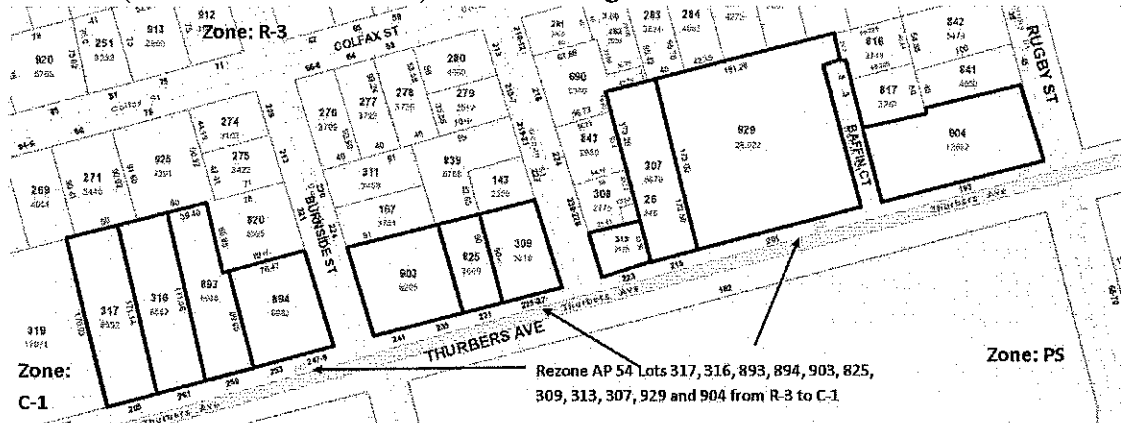


AP 27 Lot 25 (4 Sims Avenue)

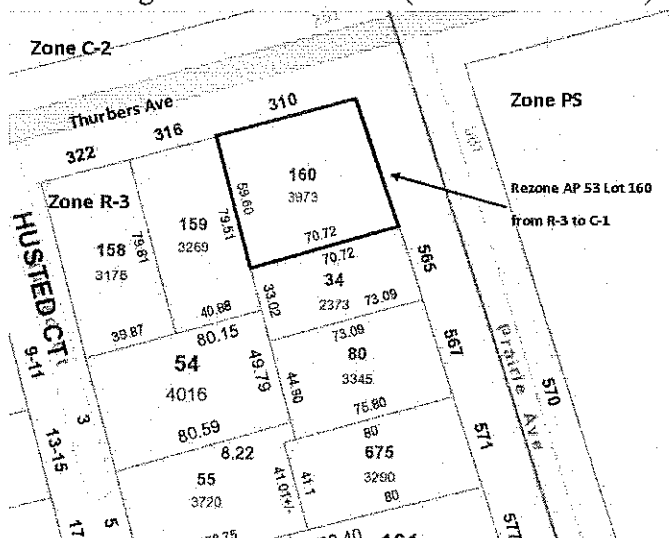
AP 27, Lot 258, 4 Sims Avenue to be removed from the Historic District Overlay



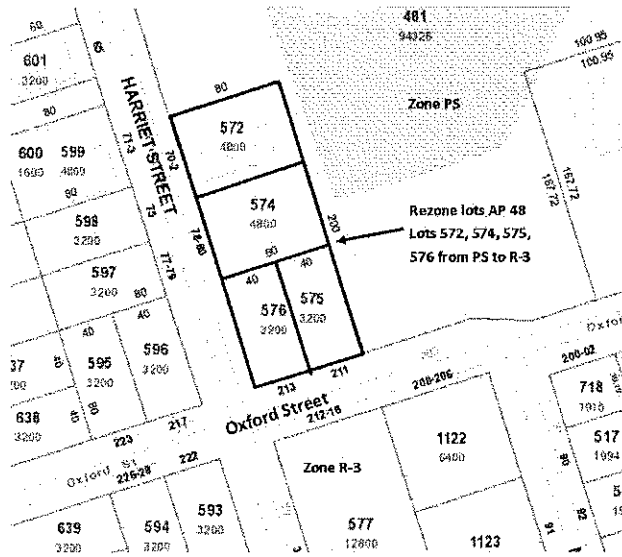
C. The zoning for following lots, AP 54 Lots 317, 316, 893, 894, 903, 825, 309, 313, 307, 929 and 904 (193-265 Thurbers Ave) shall be changed from R-3 to C-1



The zoning for AP 53 Lot 160 (310 Thurbers Ave) shall be changed from R-3 to C-1



D. The zoning for following lots, AP 48 Lots 572, 574, 575, 576 (211 and 213 Oxford Street and 70-2 and 76-80 Harriet Street) as indicated on the attached map, shall be changed from PS to R-3:



SECTION 3: This ordinance shall take effect upon passage.

An Ordinance Granting a Tax Exemption and Establishing a Tax Stabilization Plan for 68 Dorrance Street.

WHEREAS, Case Mead is the owner of certain real property located in the City at 68 Dorrance Street, also known as Assessor's Plat 20, Lot 136; and

WHEREAS, Case Mead has proposed and committed to rehabilitate a structure and/or improvement on its property thereby redeveloping approximately 25,140 square feet of mixed-use space to be used as retail stores, restaurants, and residential apartments within the existing building, thus returning the property to productive mixed use in accordance with the construction plans already submitted to the City by Case Mead; 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 Case Mead to rehabilitate and redevelop a building into commercial, retail, and residential spaces, 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 Case Mead to commit by agreement to make a significant investment in the above-referenced property, allowing the first level, comprised of 5,292 square feet, to continue to operate as retail space with restaurants and convert the upper levels, comprised of 19,848 square feet, into forty-four (44) residential apartments. 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 mean certain real property together with any and all buildings, structures, and/or improvements now or in the future located in the City at 68 Dorrance Street, also known as Assessor’s Plat 20, Lot 136.

“Property Owner” shall mean Case Mead, or any entity with legal or equitable right and/or interest in and/or to 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 twelve (12) year tax stabilization in favor of the Property Owner 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, 2028. (Tax Years 2018- 2029).

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 2021, the Property Owner shall make a tax payment equal to the taxes due and owing for an assessment value of \$1,391,900.00 multiplied by a tax rate of \$36.70 per \$1,000.00 in assessment value (hereinafter the “Base Assessment”). For each tax year thereafter, the Property Owner will pay a percentage of 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 Owner 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 Owner shall cause this Agreement to be recorded at its expense in the City's official public land evidence records. This recording shall be construed to provide a complete additional alternative method under contract law for the securitization of payments due and owing under this Agreement and shall be regarded as supplemental and in addition to the powers conferred by other state and local laws.

SECTION 3. PERFORMANCE OBLIGATIONS.

Section 3.1. Commencement of Performance.

Rehabilitation and/or construction shall commence within twelve (12) months and shall complete within twenty-four (24) 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, without regard to any transfer of the Property. 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 agrees to provide prior written notice to the City before any transfer of the Property so that the City may make a determination, in its sole discretion, as to whether or not stabilization under this Agreement will continue.

Section 4.2. Transfer to Tax Exempt Entities. In the event that the Property Owner transfers the Property to a tax-exempt entity, this Agreement shall be void ab initio and any entity holding an equitable or legal interest in the Property on or after the Effective Date of this Agreement shall be jointly and severally liable for the full taxes due and owing from the Effective Date of this Agreement and forward.

Section 4.3. Post-Expiration Transfers. In the event that any Property Owner transfers 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, any and all Property Owners 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.

SECTION 5. FURTHER ASSURANCES.

Section 5.1. MBE/WBE. Where found to be applicable and for the term of the stabilization period as defined in Section 2.2 above, the Property Owner afforded the stabilization of taxes as described herein shall make a good faith effort to comply with any and all requirements under Chapter 21 Article II Section 52 of the Providence Code of Ordinances as it pertains to Minority and Women Business Enterprises.

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. Where found to be applicable and for the term of the stabilization period as defined in Section 2.2 above, the Property Owner afforded the stabilization of taxes as described herein shall enter into a First Source Agreement with the Director of First Source Providence in accordance with Chapter 21 Article III1/2 of the Providence Code of Ordinances

Section 5.4. "Buy Providence" Initiative. Where found to be applicable and for the term of the stabilization period as defined in Section 2.2 above, the Property Owner afforded the stabilization of taxes as described herein shall make a good faith effort to ensure that any and all materials necessary to carry out the projects afforded the stabilization found in Section 2.3 above are purchased from economically competitive and qualified vendors located in the City of Providence, to the extent such materials can be purchased in the City of Providence.

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. Up to twenty (20) percent of the hourly requirement may be waived if replaced with hours worked by qualified MBE/WBE companies registered in the State of Rhode Island. Certification of this waiver shall be reviewed and signed by the designated MBE/WBE coordinator within the department of purchasing. 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 department of planning and development 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 city department of planning and development 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 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 prior to 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.

SECTION 7. NOTICE AND CURE.

Section 7.1. Notice and Cure Period. The City 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 thirty (30) 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 thirty (30) days, then the Property Owner shall request an additional reasonable period of time from the City to cure such default as may be necessary provided that the Property Owner shall have commenced to cure such default within said period, such cure shall have been diligently pursued by the Project Owner and the City does not reasonably deem the taxes jeopardized by such further delay, all as determined by the City in its sole 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 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
 *Accompanied by 9 copies

If to: Case Mead Assoc., LLC
 100 Westminster Street, Suite 1700
 Providence, RI 02903

SECTION 8. RIGHTS AND REMEDIES.

Section 8.1. Retroactive Revocation of Tax Stabilization. In the event of a default under this Agreement which remains uncured after the notice and cure period set forth in Section 7 above, the Property Owner shall pay to the City an amount equal to the difference between the stabilized tax payments made under this Agreement and the amount of Property taxes that would have been assessed and paid during the tax stabilization term as defined in Section 2.2 above, but for this Agreement. The entire retroactive tax obligation will become due and owing on the same date that the next quarterly taxes are due for all other taxpayers in the City.

Section 8.2. 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 8.3. 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.

****OLD SECTION 8.4 REMOVED****

Section 8.4. 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 of privilege thereunder.

Section 8.5. Joint and Several Liability. In the event of default under this Agreement Case Mead agrees to remain jointly and severally liable with any and all Property Owners.

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. Specifically, its report shall include a performance report on rehabilitation and/or improvements with evidence of final construction costs, status of stabilized tax payments, evidence of employment compliance pursuant to Section 6 above, and overall financial well-being. Upon receipt and review, the City may require and request additional information.

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 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 5 (five) percent of the total estimated abated tax for the term of the tax stabilization agreement, 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. 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 Owner due to a default.
- (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. Resolution of Calculation Disputes. Property Owner and the City of Providence agree that Property Owner retains the right to appeal the valuations of the Property or calculation of the taxes assessed from time to time.

Section 9.5. 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 9.6. 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 9.7. 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 9.8. 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 9.9. Effective Date. This Agreement shall take effect upon passage of this Ordinance by the Providence City Council, and approval by the Mayor.

COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, Seconded by COUNCILMAN CORREIA.

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

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

ACTING COUNCIL PRESIDENT MATOS, (By Request):

An Ordinance Formally Establishing a Tax-Exempt Status for Jewish Family Services, Inc.

ACTING COUNCIL PRESIDENT MATOS Refers the Ordinance to the Committee on Finance.

COUNCILMAN ZURIER Recuses himself from voting on this matter.

RESULT:	REFERRED
TO:	Committee on Finance

COUNCILWOMAN RYAN

An Ordinance Amending Chapter 16, "Licenses", to add Section 23, "Keg Sales and Regulation."

**COUNCILMAN ZURIER, ACTING COUNCIL PRESIDENT MATOS,
COUNCILMAN PRINCIPE**

An Ordinance regarding Observance of the first night of the Passover Holiday.

**COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters,
Seconded by COUNCILMAN CORREIA.**

**ACTING COUNCIL PRESIDENT MATOS Refers the Several Ordinances to the
Committee on Ordinances.**

RESULT:	REFERRED
TO:	Committee on Ordinances

PRESENTATION OF RESOLUTIONS

ACTING COUNCIL PRESIDENT MATOS

Resolution Requesting that Rule 1 of the Rules of the Providence City Council be amended to add Rule 1(c).

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

RESULT:	REFERRED
TO:	Rules Committee

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

Resolution Expressing Strong Support for the Paris Climate Accord.

WHEREAS, The changing climate trends and increasing greenhouse gas emissions pose a serious threat to our nation and the world; and

WHEREAS, According to NASA, ninety-seven percent of actively publishing scientists agree that climate warming trends over the past century are driven by human activities; and

WHEREAS, The United Nations' Intergovernmental Panel on Climate Change (IPCC) reports that climate change has brought about rising water levels and the loss of the Arctic's sea ice; and

WHEREAS, The IPCC also reports that global carbon and greenhouse gas emissions have increased by more than fifty percent since 1990; and

WHEREAS, The Paris Climate Accord is an agreement between the UN Framework Convention on Climate Change (UNFCCC) members to plan, implement and report their country's contributions to reduce emissions and build climate resilience; and

WHEREAS, On June 1, 2017, President Trump announced that the United States was withdrawing from the Paris Accord, effective November 4, 2020; and

WHEREAS, Governors Jerry Brown of California, Andrew Cuomo of New York, and Jay Inslee of Washington formed the United States Climate Alliance with ten other governors in response to the President's announcement, pledging to uphold the U.S. goal of reducing emissions twenty-six to twenty-eight percent from 2005 levels; and

WHEREAS, The Mayors National Climate Action Agenda, representing two-hundred forty-six U.S. mayors, has pledged to honor the Paris Accord, including Los Angeles, New York City, Houston and Boston; and

WHEREAS, Businesses such as Apple, Google, Microsoft and Nike, as well as one hundred eighty-three universities and colleges have declared their intent to ensure the U.S. remains committed to the Paris Accord; and

WHEREAS, The City of Providence has a duty to protect its people and the environment from the impacts of climate change.

NOW, THEREFORE, BE IT RESOLVED, That the Providence City Council strongly supports, in full, the Paris Climate Accord and all its goals, and remains committed to reducing emissions and mitigating the effects of climate change.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the members of the Rhode Island Congressional delegation.

Read and Passed, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN CORREIA.

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

The Motion for Passage is Sustained.

**COUNCILWOMAN HARRIS, ACTING COUNCIL PRESIDENT MATOS,
COUNCILMEN APONTE, CORREIA, NARDUCCI, PRINCIPE,
COUNCILWOMAN RYAN AND COUNCILMAN YURDIN**

Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2017 S-0940, An Act Relating to Alcoholic Beverages - Retail Licenses.

RESOLVED, That the Members of the Providence City Council hereby Endorse and Urge Passage by the General Assembly of Senate Bill 2017 S-0940, An Act Relating to Alcoholic Beverages - Retail Licenses.

Read and Passed, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN CORREIA.

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

The Motion for Passage is Sustained.

COUNCILMEN HASSETT, JENNINGS, NARDUCCI AND SALVATORE

Resolution Requesting the Traffic Engineer to cause the implementation of a traffic study on Douglas Avenue at Candace Street and at Fillmore Street.

**COUNCILMAN PRINCIPE Refers the Resolution to the Committee on Public Works,
Seconded by COUNCILMAN CORREIA.**

RESULT:	REFERRED
TO:	Committee on Public Works

REPORT(S) FROM COMMITTEE

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

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

COUNCILMAN APONTE, (By Request):

An Ordinance Establishing a Tax Treaty Agreement for Waterfire Providence and 475 Valley Street.

Read and Passed the First Time, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN CORREIA, by the following Roll Call Vote.

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

The Motion for Passage the First Time is Sustained.

Transmits the Following with Recommendation the Same be Approved:

Resolution Authorizing Approval of the following Change Order #2 Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

FirstWorks \$93,000.00

(Art, Culture & Tourism)

RESOLVED, That the Members of the Providence City Council hereby Authorize Approval of the following Change Order #2 Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

FirstWorks \$93,000.00

(Art, Culture & Tourism)

Read and Passed, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN APONTE and Refer Back to Board of Contract and Supply.

RESULT:	READ AND PASSED [UNANIMOUS]
MOVER:	Councilman Principe
SECONDER:	Councilman Aponte
AYES:	Acting Council President Matos, Councilmen Aponte, Correia, Councilwoman Harris, Councilmen Hassett, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin and Zurier – 12.
ABSENT:	Councilwoman Castillo and Councilman Igliazzi – 2

The Motion for Passage is Sustained.

Transmits the Following with Recommendation the Same be Received and Approved:

Communication from His Honor the Mayor, dated May 12, 2017, Informing the Honorable Members of the City Council that pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended, Ordinance 2017, Chapter 2017-4, No. 58 and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing **Heather Kilkenny** of 11 Cady Street, Providence, Rhode Island 02903, to the position of **License Administrator/Registrar of Vital Statistics**, and respectfully submits the same for your approval.

COUNCILMAN PRINCIPE Moves to Receive and Approve the foregoing Communication, Seconded by COUNCILMAN CORREIA.

RESULT:	RECEIVED AND APPROVED [UNANIMOUS]
MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Acting Council President Matos, Councilman Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hassett, Igliozi, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin and Zurier – 14.

FROM THE CLERK'S DESK

Certificates from City Assessor (**23M and 24M**), recommending the same be severally cancelled pursuant to the provisions of Section 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, As Amended.

ACTING COUNCIL PRESIDENT MATOS Refers the Several Certificates to the Committee on Finance.

RESULT:	REFERRED
TO:	Committee on Finance

Petitions for Compensation for Injures and Damages, viz:

Hector Almonte
(Leonardo M. Cordeiro, Esquire)
Diana Gorin
Jake Healey
Dennis Burns
Jessica Joubert
Xiang Ying Yu

Juana Delanueces
(Christopher E. Fay, Esquire)
John Arakelian, Jr.
Allstate Insurance
a/s/o Julian Lopez
Pamela Lowell

ACTING COUNCIL PRESIDENT MATOS Refer 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 Claudia J. Haugen, Chairperson, Board of Canvassers, dated June 2, 2017, Informing Lori L. Hagen, City Clerk, that in accordance with Section 411 of the Providence Home Rule Charter relative to Public Hearings and the petitions received regarding, "Resolution to Post Campaign Finance Reports.", it has been determined that there are 102 signatures of qualified voters.

Communication from Claudia J. Haugen, Chairperson, Board of Canvassers, dated June 2, 2017, Informing Lori L. Hagen, City Clerk, that in accordance with Section 411 of the Providence Home Rule Charter relative to Public Hearings and the petitions received regarding, "Resolution to Post Ethics Disclosure Statements.", it has been determined that there are 102 signatures of qualified voters.

COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing Communications, Seconded by COUNCILMAN CORREIA.

ACTING COUNCIL PRESIDENT MATOS Receives the Several Communications.

RESULT:	RECEIVED
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PRESENTATION OF RESOLUTIONS "IN CONGRATULATIONS"

ACTING COUNCIL PRESIDENT MATOS AND MEMBERS OF THE COUNCIL

Resolution Extending Congratulations.

RESOLVED, That the Members of the City Council hereby extend their Sincere

Congratulations to the following:

Shelly Peterson, in recognition of her dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

Susan DeRita, in recognition of her dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

Christine Arvanigan, in recognition of her dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

Heidi Brinig, in recognition of her dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

David O'Connor, in recognition of his dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

Jennifer Schroth, in recognition of her dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

Rick Jakubowski, in recognition of his dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

Julie Steinhilber, in recognition of her dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

Nina Wang, in recognition of her dedication to the Friends of Fagnoli Park and the installation of the neighborhood's new playground.

Jeniyah Bonafiglia, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Alexa Bonafiglia, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Rosemary Donovan, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Stadler Donovan, in recognition of his participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Virginia Donovan, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Jazmin Franco, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Sabrina Franco, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Braya Quinlin, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Rickenson Jourdain, in recognition of his participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Aaliyah Camacho, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Elizabeth Duefield, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Lily Temporal, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Jake Temporal, in recognition of his participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Marley Derosé, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Tamia Derosé, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Cole Walker, in recognition of his participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Hunter Walker, in recognition of his participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Avery Walker, in recognition of her participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Matthew Ryan, in recognition of his participation in the Robert F. Kennedy Elementary School Garden Club and creating the garden on May 7, 2017.

Battalion Chief Joseph Fontaine, Safety Operations Chief, in recognition of the celebration of his retirement after 32 years of dedicated service to the Providence Fire Department.

Captain Robert Barrett, Engine 2, Group D, in recognition of the celebration of his retirement after 26 years of dedicated service to the Providence Fire Department.

Lieutenant Kenneth A. Bager, Ladder 3, Group D, in recognition of the celebration of his retirement after 33 years of dedicated service to the Providence Fire Department..

Lieutenant Kristopher S. Wright, Ladder 5, Group D, in recognition of the celebration of his retirement after 16 years of dedicated service to the Providence Fire Department.

Firefighter John J. Farrell, Engine 11, Group D, in recognition of the celebration of his retirement after 29 years of dedicated service to the Providence Fire Department.

Fire Inspector Bertrand J. Ledoux, Plan Review, Fire Prevention Bureau, in recognition of the celebration of his retirement after 25 years of dedicated service to the Providence Fire Department.

Nehru King, Esek Hopkins Middle School, in recognition of the celebration of his retirement after 18 years of dedicated service to the Providence School Department.

Lindsey Wells, Esek Hopkins Middle School, in recognition of the celebration of her retirement after 32 years of dedicated service to the Providence School Department.

Rodolfo Vargas, Esek Hopkins Middle School, in recognition of the celebration of his retirement after 33 years of dedicated service to the Providence School Department.

Karen Muir, E-Cubed Academy, in recognition of the celebration of her retirement after 21 years of dedicated service to the Providence School Department.

Betsy Weiner McNeil, E-Cubed Academy, in recognition of the celebration of her retirement after 28 years of dedicated service to the Providence School Department.

Edwin Gordon, E-Cubed Academy, in recognition of the celebration of his retirement after 13 years of dedicated service to the Providence School Department.

Officer Merrick A. Cook III, in recognition of the celebration of his retirement after 20 years of dedicated service to the Providence Police Department.

New Kingston Jamaican Restaurant, in recognition of being the recipient of ONE Neighborhood Builders' Best in Business Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

New Beginnings Academy, YouthBuild Preparatory Academy, in recognition of being the recipient of ONE Neighborhood Builders' Best in Youth Programming Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

Woonasquatucket River Watershed Council, in recognition of being the recipient of ONE Neighborhood Builders' Best in Community Health Impact Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

Fete Music Hall, in recognition of being the recipient of ONE Neighborhood Builders' Best in Arts/Entertainment Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

Community Action Partnership of Providence, in recognition of being the recipient of ONE Neighborhood Builders' Best in Community Resource Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

Manton Avenue Project and Woonasquatucket River Watershed Council, in recognition of being the recipient of ONE Neighborhood Builders' Best in Collaborations Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

William D'Abate Elementary School and Brown University, in recognition of being the recipient of ONE Neighborhood Builders' Best in Collaborations Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

Build a Bed, YouthBuild Preparatory Academy, in recognition of being the recipient of ONE Neighborhood Builders' Best in Community Event Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

Clinica Esperanza, in recognition of being the recipient of ONE Neighborhood Builders' Best in Services for Under Served Populations Award at NeighborWorks Week 2017 "NeighborWorks WORKS" Olneyville OViE Awards Gala.

Iasha Hall, in recognition of being the recipient of ONE Neighborhood Builders' Resident Leadership Award at NeighborWorks Week 2017 Olneyville OViE Awards Gala.

Abelardo Hernandez, William D'Abate School after-school Program, Volunteer, in recognition of being the recipient of ONE Neighborhood Builders' Unsung Hero Award at NeighborWorks Week 2017 Olneyville OViE Awards Gala.

Captain Dean Isabella, Providence Police Department, in recognition of being the recipient of ONE Neighborhood Builders' Lifetime Achievement Award at NeighborWorks Week 2017 Olneyville OViE Awards Gala.

Dante Alves, Olneyville Youth Council Member, in recognition of being the recipient of ONE Neighborhood Builders' Youth Leadership Award at NeighborWorks Week 2017 Olneyville OViE Awards Gala.

Officer Tracie Miller, Providence Police Department, in recognition of being the recipient of ONE Neighborhood Builders' "Cops with Hearts" Community Policing Award at NeighborWorks Week 2017 Olneyville OViE Awards Gala.

LISC, in recognition of being the recipient of ONE Neighborhood Builders' Community Investment Award at NeighborWorks Week 2017 Olneyville OViE Awards Gala.

Jaylen Alicea, in recognition of the celebration of her Graduation from Roger Williams Day Care on June 15, 2017.

Jelisa Castillo, in recognition of the celebration of her Graduation from Roger Williams Day Care on June 15, 2017.

Aaron Jones, in recognition of the celebration of his Graduation from Roger Williams Day Care on June 15, 2017.

Ta'Naz Knott, in recognition of the celebration of his Graduation from Roger Williams Day Care on June 15, 2017.

Zinnia Sanchez, in recognition of the celebration of her Graduation from Roger Williams Day Care on June 15, 2017.

Seamus Tavares-Stein, in recognition of the celebration of his Graduation from Roger Williams Day Care on June 15, 2017.

Latoya Clement, in recognition of her dedication and commitment to Roger Williams Day Care.

Jamel Dennis, in recognition of his dedication and commitment to Roger Williams Day Care.

Agueda Hernandez, in recognition of her dedication and commitment to Roger Williams Day Care.

Lisbeth Valdez, Valedictorian, in recognition of her graduation from Hope High School and receiving a scholarship to Dartmouth College.

Leinni Valdez, in recognition of her graduation from Hope High School and receiving a scholarship to Dartmouth College.

**Severally Read and Collectively Passed, on Motion of COUNCILMAN PRINCIPE,
Seconded by COUNCILMAN CORREIA.**

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

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS "IN MEMORIAM"

ACTING COUNCIL PRESIDENT MATOS AND MEMBERS OF THE COUNCIL

Resolution Extending Sympathy.

RESOLVED, That the Members of the City Council hereby extend their Sincere

Sympathy to the families of the following:

Frank L. Zammarelli

William T. Tilley

Barbara R. Woodruff

The Honorable Evelyn V. Fagnoli

Severally Read and Collectively Passed by a Unanimous Rising Vote, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN CORREIA.

MOVER:	Councilman Principe
SECONDER:	Councilman Correia
AYES:	Acting Council President Matos, Councilman Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hassett, Igliozi, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin and Zurier – 14.

The Motion for Passage is Sustained.

**MATTER NOT APPEARING
ON THE PRINTED DOCKET**

On Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN CORREIA, it is voted to Suspend Rule 16(b) of the Rules of the City Council in order to allow the introduction of the following Matter not Appearing on the Printed Docket.

PRESENTATION OF ORDINANCE

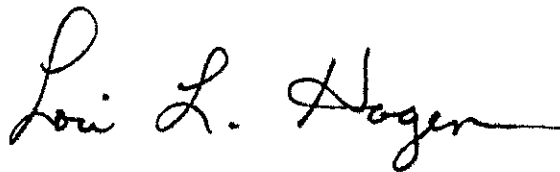
An Ordinance Amending Section 25-37 of the Code of Ordinances.

ACTING COUNCIL PRESIDENT MATOS Refers the Ordinance to the Committee on Ordinance.

RESULT:	REFERRED
TO:	Committee on Ordinances

CONVENTION

There being no further business, on Motion of **COUNCILMAN PRINCIPE**, Seconded by **COUNCILMAN CORREIA**, it is voted to adjourn in memory of Kenneth Michael Boucher at 7:37 o'clock P.M., to meet again **UPON THE RISE OF THE 7:00 O'CLOCK P.M.**
REGULAR CITY COUNCIL MEETING

A handwritten signature in black ink, reading "Lori L. Hagen". The signature is fluid and cursive, with a long horizontal stroke at the end.

LORI L. HAGEN
CITY CLERK