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**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 16 City Council Regular Meeting, Thursday, June 21, 2007, 7:00 o'clock P.M. (E.D.T)

PRESIDING

**COUNCIL PRESIDENT
PETER S. MANCINI**

ROLL CALL

**PRESENT: COUNCIL PRESIDENT MANCINI,
COUNCILMEN APONTE, DELUCA, COUNCILWOMAN
DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON,
LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA,
WOOD, COUNCILWOMAN YOUNG and COUNCILMAN
YURDIN - 15.**

ABSENT: NONE.

**ALSO PRESENT: Anna M. Stetson, City Clerk, Deborah L.
Santos- Hudson, First Deputy City Clerk, , Sheri A. Petronio,
Assistant Clerk, Fred Stolle, Senior Assistant City Solicitor and
Vincent J. Berarducci, City Sergeant.**

**IN CITY COUNCIL
APR 3 2009**

APPROVED:

Anna M. Stetson CLERK

INVOCATION

The Invocation is given by **COUNCILMAN CLIFFORD J. WOOD.**

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

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

APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated June 5, 2007, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1008 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. Francisco Ramirez of 23 Sussex Street, Providence, Rhode Island 02908, as the Director of the Department of Inspections and Standards, and respectfully submits the same for your approval.

COUNCIL PRESIDENT MANCINI Refers the Communication to the Committee on Finance.

ORDINANCES SECOND READING

The Following Ordinances were in City Council June 7, 2007, Read and Passed the First Time and are Severally Returned for Passage the Second Time:

An Ordinance in Amendment of Chapter 2006-37, Number 330, Approved July 14, 2006 Entitled: "An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 2005-36, No. 344, Approved July 27, 2005, As Amended.

Administrative Assistant to City Clerk Grade 18

This Ordinance Shall Take Effect June 29, 2007.

Read and Passed the Second Time, on Motion of **COUNCILMAN HASSETT,** seconded by

COUNCILMAN WOOD, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN -15.

NAYES: NONE.

ABSENT: NONE.

The Motion for Passage the Second Time is Sustained.

An Ordinance in Amendment of Chapter 2006-38, No. 331, Approved July 14, 2006, Entitled: "An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 2005-37, No. 345, Approved July 27, 2005, As Amended.

In Amendment of Chapter 2006-38, No. 331, Approved July 14, 2006, Entitled: "An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 2005-37, No. 345, Approved July 27, 2005, as Amended.

Be it ordained by the City of Providence:

Department of City Clerk

Add:

(1) Administrative Assistant to City Clerk

(1) Clerk III

Delete:

(2) Clerk I

This Ordinance Shall Take Effect June 29, 2007

Read and Passed the Second Time, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN -15.

NAYES: NONE.

ABSENT: NONE.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCILMAN IGLIOZZI (By Request):

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances.

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Finance.

COUNCILMEN LUNA, APONTE, TEJADA and COUNCILWOMAN YOUNG:

An Ordinance Relative to Voluntary Identification Cards.

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Ordinances.

An Ordinance Relative to Immigration.

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Ordinances.

An Ordinance in Amendment of Article II of the Code of Ordinances Entitled: "Discrimination".

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Ordinances.

COUNCILMAN WOOD:

An Ordinance Amending Chapter 15 of the Providence Code of Ordinances, Entitled: "Motor Vehicles and Traffic" to designate special parking areas for motorcycles.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

COUNCILMAN HASSETT Moves to Amend the Ordinance to strike the word "metered" and inserting "a four wheel automobile" in Section 1, seconded by COUNCILMAN WOOD.

COUNCILMAN HASSETT Moves Passage of the Ordinance the First Time, As Amended and Refer to the Committee on Ordinances, seconded by COUNCILMAN WOOD, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN -14.

NAYES: NONE.

NOT VOTING: COUNCILMAN LOMBARDI - 1.

ABSENT: NONE.

The Motion for Passage the First Time, As Amended is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCILMAN DELUCA (By Request):

Resolution Requesting the Director of Public Works to cause the repair of the sidewalk located at 80 Hendrick Street.

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

COUNCILMAN DELUCA and COUNCILMAN SOLOMON (By Request):

Resolution Authorizing His Honor, the Mayor, to execute an amendment to the existing revolving credit agreement between the City of Providence, on behalf of the Providence Water Supply Board, and Bank of America, N.A., for a Two Million Seven Hundred and Fifty Thousand Dollar (2,750,000.00) revolving loan for a 364 day period through August 9, 2008.

COUNCIL PRESIDENT MANCINI Refers the Resolution to the Committee on Finance.

COUNCILMAN LOMBARDI, COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Extending Sincere Congratulations to Lawrence & Silvana Young on the birth of their daughter, Erin Balbina Lee, born on June 7, 2007, weighing 6 pounds, 5 ounces and 19 inches long.

RESOLVED, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Lawrence & Silvana Young on the birth of their daughter, Erin Balbina Lee, born on June 7, 2007, weighing 6 pounds, 5 ounces and measuring 19 inches long.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

The Motion for Passage is Sustained.

COUNCILMAN LOMBARDI, COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LUNA, NARDUCCI,

SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Extending Sincere Congratulations to Lawrence & Balbina Young on the birth of their granddaughter, Erin Balbina Lee, born on June 7, 2007, weighing 6 pounds, 5 ounces and 19 inches long.

RESOLVED, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Lawrence & Balbina Young on the birth of their granddaughter, Erin Balbina Lee, born on June 7, 2007, weighing 6 pounds, 5 ounces and measuring 19 inches long.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA.

The Motion for Passage is Sustained.

COUNCILMEN LOMBARDI, APONTE, DELUCA, JACKSON and COUNCILWOMAN YOUNG:

Resolution Requesting His Honor the Mayor to submit to the City Council for its approval his nomination of Francisco Ramirez to the position of Director of the Department of Inspections and Standards.

COUNCIL PRESIDENT MANCINI Refers the Resolution to the Committee on Finance.

REPORTS FROM COMMITTEES

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

Transmits the Following with Recommendation the Same be Approved:

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 48, Lot 552 (11 Miner Street), in the amount of Six Thousand Eight Hundred Ninety Dollars and Ninety Four (\$6,890.94) cents along with any associated interest, penalties and intervening taxes, in accordance with RI General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership.

WHEREAS, In an effort to convert vacant lots into productive reuse, the Providence Redevelopment Agency is working with a community development corporation to develop affordable housing opportunities.

NOW, THEREFORE, BE IT RESOLVED, That the taxes, in the amount of Six Thousand Eight Hundred Ninety Dollars and Ninety Four (\$6,890.94) Cents, assessed upon Assessor's Plat 48, Lot 552 (11 Miner Street), along with any associated interest, penalties and intervening taxes are hereby abated in whole in accordance with Rhode Island General Law 44-7-23 and that the property is declared exempt in accordance with Rhode Island General Law 45-32-40 while under PRA ownership.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA.

The Motion for Passage is Sustained.

COMMITTEE ON ORDINANCES
COUNCILMAN MICHAEL A. SOLOMON, Chairman

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

An Ordinance Amending Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic", Sections 15-18 and 15-26.

SECTION 1. Chapter 15 of the Code of Ordinances of the City of Providence is hereby amended in part to read as follows:

Sec. 15-18. Removal or impounding of illegally parked vehicles.

(a) Generally. Any police officer may remove and impound or cause to be removed or impounded any vehicle illegally parked upon any street or highway, in such violation of any parking regulation or ordinance (other than overtime parking), as to constitute an obstruction to traffic or as to create an unsafe condition, thus jeopardizing public safety; provided nevertheless, that the police department shall, within forty-eight (48) hours, notify the vehicle owner of the said removal or impoundment; of the opportunity for a hearing before a "neutral official," in which the owner may contest the towing (or the deprivation of said vehicle), and the payment of costs or charges accompanying the towing or impoundment; all substantially in accordance with the procedure set forth in subsection (b) of this section.

(b) Post-seizure hearings for towed or impounded vehicles.

(1) Notice and request for hearing. As to any vehicle towed or impounded pursuant to this section 15-18 by or at the request of the City of Providence, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine

whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the police department within ten (10) days after such person has learned such vehicle has been impounded or within ten (10) days after the mailing of the date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner or their agent and to the garage where the vehicle is stored within forty-eight (48) hours, excluding weekends and holidays, after impounding and storage of the vehicle.

(2) Conduct of hearing. A hearing shall be conducted before a "neutral" hearing officer designated by a judge of the municipal court within forty-eight (48) hours of receipt of a written demand therefore from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and city holidays are to be excluded from the calculation of the forty-eight-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

"Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a brief written decision. A copy of such decision shall be provided to the registered owner of the vehicle. The hearing officer's decision in no way affects any criminal proceeding in connection with the impound in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner or his agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

(3) Decisions of the hearing officers and their effect. The hearing officer shall only determine that as to the vehicle in issue either (a) there was probable cause to impound the vehicle or (b) there was no such probable cause. In the event

that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the police department. Upon receipt of the possessor's copy of such certificate, the official police garage having custody of the vehicle shall release the vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the city in accordance with arrangements made between the city and the authorized garages. If the possessor fails to present such certificate to the authorized garage having custody of the vehicle within twenty-four (24) hours of its receipt, excluding such days when the said garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

(c) Payment of charges. ~~A charge of thirty five dollars (\$35.00) for towing performed during the hours of 8:00 a.m. to 5:00 p.m., or a charge of forty dollars (\$40.00) for towing performed during the hours of 5:00 p.m. to 8:00 a.m.; and/or truck towing and/or winching of commercial vehicles with a gross weight of twelve thousand (12,000) pounds or greater, including trucks, buses, trailers, semis, construction equipment etc., refer to the individual carrier's tariff on file with the Rhode Island Department of Public Utilities; plus a storage charge of fifteen dollars (\$15.00) per calendar day or for a fraction thereof for storage off the public highway in a secured lot; unless the vehicle is being stored pursuant to an ongoing investigation by a law enforcement agency, in said event the storage charge shall not exceed eight dollars (\$8.00) per day, and an additional charge of twenty dollars (\$20.00) for the special use of a car carrier will be levied when requested or required; an additional labor charge of twenty dollars (\$20.00) per half (1/2) hour for cable winching, with a five minute free hook up time allowed on each winch job; and an additional labor charge of ten dollars (\$10.00) for (linkage) the express purpose of moving the shift lever into a tow away position and the repositioning into a park position when the tow is completed; and additional labor charge of five dollars (\$5.00) for sweeping the highway of debris caused by the automobile accident; an additional labor charge of ten dollars (\$10.00) for unlocking doors; For charges in connection with the towing, winching, storage of a vehicle impounded under this section and for associated labor in connection with any action related to the seizure of a vehicle, refer to the~~

individual carrier's tariff on file with the Rhode Island Department of Public Utilities; for placement of a boot a charge of one hundred dollars (\$100.00) and an additional fee to compensate for the replacement value of the boot if the boot is damaged or not returned within a reasonable time to the city; all fees shall be paid to the carrier agent for the city in the usual business manner before any such vehicle shall be released except for vehicles towed during periods when emergency regulations controlling parking and traffic movements during storm periods are in effect. The payment of such towing and storage charges shall not release the operator or owner of the vehicle from any penalty imposed for violation of any traffic regulations.

(Ch. 2, § 199; added by Ord. 1956, ch. 1033, § 2; Ord. 1961, ch. 1443, § 1; Ord. 1968, ch. 68-71, § 1, 11-21-68; Ord. 1978, ch. 78-29, § 1, 12-21-78; Ord. 1983, ch. 83-12, § 1,3-4-83; Ord. 1983, ch. 83-25, § 1,5-3-83; Ord. 1986, ch. 86-9, § 1,3-13-86; Ord. 1988, ch. 88-1, § 1, 1-12-88)

Editor's note: Section 1 of Ch. 83-25, approved May 3, 1983, purported to amend subsection (b) of § 15-18. The amendment, however, repeated the entirety of § 15-18 as it had appeared prior to the passage of Ch. 83-12, approved March 4, 1983. Apparently, the intent of 83-25 was to raise the charges for towing, now codified as subsection (c). Accordingly, the editor has treated the amendment as amendatory of subsection (c) of § 15-18 as it currently appears, omitting the repetition of former subsection (a).

Sec. 15-26. Towing, or impoundment or immobilization of vehicles of scofflaws.

(a) Upon an order of a judge of the municipal court of the City of Providence, obtained in accordance with subsection (b) of this section, any police officer, agent, or parking enforcement officer of the city shall have the authority to impound or seize (or cause the same to be done) any vehicle, whether by towing or by immobilization otherwise (such as by use of the "Denver beet," se called a boot) if five (5) or more parking tickets or citations for violations of the traffic ordinances or regulations of the City of Providence have been issued against it and which remain outstanding and delinquent for more than fifteen (15) days.

(b) The procedure to be followed in the enforcement of the preceding subsection (a) shall be as follows:

(1) Prior to any such vehicle being ordered to be towed, seized, **immobilized** or impounded, if the vehicle is registered in the State of Rhode Island, and a registration is on file with the state, a notice of noncompliance and an order to respond to the municipal court to answer to the traffic violations shall be forwarded to the owner of record by registered or certified mail

(2) Said notice and order shall state that the registrant may appear before the municipal court at any session during the following fourteen (14) days, and request a hearing as to whether the vehicle should be towed or seized and impounded for said violations.

(3) If, after twenty-one (21) days from the date of mailing said notice or order, the registrant fails to appear, a judge of the municipal court shall issue a written order to the Providence Police Department to tow (or seize **immobilize** by use of the ~~"Denver a boot"~~ a boot) and impound said vehicle.

(4) Prior to any such vehicle being ordered towed or seized and impounded, if the vehicle is registered in a state other than Rhode Island, said notice of noncompliance and order to respond (as aforesaid) shall be mailed (by registered or certified mail) to the registrar of motor vehicles (supplying as much information as reasonably available) of the state in which such vehicle is registered. Said notice of noncompliance and order and the procedure and consequences shall be the same as for a Rhode Island registrant, except that an out-state registrant shall be given twenty-one (21) days to appear before the municipal court, and twenty-eight (28) days before said court order shall issue. **Upon any appeal to the Municipal Court contesting the booting fee or the right of the police department to tow or immobilize the vehicle, evidence of the City's compliance with this section shall establish probable cause for the towing or immobilization of the vehicle and such probable cause shall be independent of any subsequent judicial ruling regarding traffic tickets and violations.**

(5) Upon such a vehicle being thus towed or seized and impounded or **immobilized**, the Providence Police Department shall maintain a record of same, and upon inquiry by the registrant or other authorized person, notify same (i) that they may appear at the next regular session of the municipal court, for the purpose of securing a hearing as

to the towing or impoundment or **immobilization** of vehicle, liability for any charges arising there from, and for arraignment on the outstanding violations; (ii) provided that the registrant (or other authorized person) may either pay the outstanding traffic or parking fines **together with all fees in connection with the seizure of the vehicle**, or (iii) deposit with the court sufficient security for the payment thereof in the event the same are duly contested.

(6) Upon such a vehicle being thus duly towed and impounded in a convenient and safe place within the city, or **immobilized by use of a boot at the place where it was located**, the charge as set forth in section 15-18 (c) shall be paid by the registrant of such vehicle or other authorized person, firm or corporation designated by said registrant before any such vehicle shall be released.

(7) No vehicle thus towed and/or impounded or **immobilized** under this section may be released by the Providence Police Department unless issued written notice to do so by the clerk of the municipal court.

(8) No vehicle thus towed and impounded or **immobilized** under this section shall be disposed of or sold by any person, company or organization having possession or custody of same, nor by the police department, the city or any of its agents, except by written order of the municipal court (or the clerk thereof) obtained pursuant to applicable state law, if any; and if there be no applicable state law, then the following procedure shall govern and apply: If such property remains unclaimed in the possession of the police department, an officer or agent thereof, or an authorized towing company or garage for one month and the owner thereof or his place of abode or business is unknown, or if the owner and his place of abode or business are known and the owner, after receipt by registered mail of a written notice from such department or member to take possession of said property, refuses or fails for a period often (10) days following said receipt so to do, such department may sell the same by public auction, notice of the time and place of sale, with a description of the property to be sold, first being given by publishing the same once in each of three successive weeks in a newspaper published in Providence.

(Ord. 1983, ch. 83-12, § 2, 3-4-83)

SECTION 2. This Ordinance shall take effect upon its passage.

Read and Passed the First Time, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, NARDUCCI, SOLOMON, TEJADA, WOOD and YURDIN - 10.

NAYES: COUNCILMEN APONTE, JACKSON, LUNA and COUNCILWOMAN YOUNG - 4.

ABSENT: COUNCILMAN LOMBARDI - 1.

The Motion for Passage the First Time is Sustained.

COMMUNICATIONS AND REPORTS

Communication from Richard H. Aitchison, License Administrator, Board of Licenses, dated June 8, 2007, submitting the revenues received by the Providence Board of Licenses for the 3rd quarter.

COUNCIL PRESIDENT MANCINI Receives the foregoing Communication.

Communication from Anna M. Stetson, City Clerk, dated June 14, 2007, submitting the 2006 City of Providence Pension Study Committee Report.

COUNCIL PRESIDENT MANCINI Receives the foregoing Communication.

Communication from Matthew M. Clarkin, Jr., Acting Deputy Director of Finance, Dated June 15, 2007, submitting the city's first-ever Comprehensive Annual Financial Report (CAFR) for fiscal year 2006.

COUNCIL PRESIDENT MANCINI Receives the foregoing Communication.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Rose C. Almonte
Joshua J. Goding
Henry G. Carrascoza
Kim A. MacIntosh
(Jeffry S. Perlow, Esquire)
Terrance Lyons
(Charles J. Vucci, Esquire)
Anna Maria Peretti
(Mark B. Morse, Esquire)
Raymond Hawkins
(Christopher E. Fay, Esquire)
Eileen Mattoes
(Ronald J. Creamer, Esquire)
Jose Ayala
(Christopher E. Fay, Esquire)
William Mulgrew
(Edmund L. Alves, Jr., Esquire)
MetLife Auto & Home
a/s/o Mallory Gwynn
Margaret E. Cambra
Liberty Mutual a/s/o Kenneth Gladding
Catherine A. Brazil

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

PRESENTATION OF RESOLUTIONS "IN CONGRATULATIONS"**COUNCIL PRESIDENT MANCINI and MEMBERS OF THE CITY COUNCIL:****Resolution Extending Congratulations.**

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

Steven DiBiase, in recognition of the celebration of his Graduation from Cranston East Class of 2007.

Christopher DiBiase, in recognition of the celebration of his Graduation from Cranston East Class of 2007.

Anthony F. Laurenza, in recognition of the celebration of the happy occasion of his 60th birthday born on July 16, 1947.

Gina M. Laurenza, in recognition of the celebration of the happy occasion of her 60th birthday born on August 29, 1947.

Lawrence & Silvana Young, in recognition of the celebration of the happy occasion of the birth of their daughter Erin Balbina Lee on June 7, 2007 weighing 6 pounds 5 ounces- 19 inches long.

Lawrence & Balbina Young, in recognition of the celebration of the happy occasion of the birth of their granddaughter Erin Balbina Lee on June 7, 2007 weighing 6 pounds 5 ounces-19 inches long.

Jocelyn Pena (Union Representative of Boca Chica), in recognition of her valuable friendship, efforts in the union and dedication, loyalty and service to the community.

William Abreu (Administrative Director), in recognition of his valuable efforts, loyalty and service to the Community,

Domingo Nunez (Colonel of Fire Department), in recognition of his valuable efforts in the Community of Boca Chica.

Carlos Rodriguez, in recognition of his valuable efforts, loyalty and service in the Community.

Quilvio Fernandez (Public Relations), in recognition of his valuable efforts, loyalty and service to the Community.

Juan Emilio Casilla (President of National Cable), in recognition of Congratulating him for acquiring a Visa to the United States.

Dominico Cabral (Consul), in recognition of thanking him for his efforts, dedication and service to the Dominican Community in the State of Rhode Island.

Bienvenido Tolentino (Vice-Consul), in recognition of thanking him for his efforts, dedication and service to the Dominican Community in the State of Rhode Island.

Luis Almanzar (Vice-Consul), in recognition of thanking him for his efforts, dedication and service to the Dominican Community in the State of Rhode Island.

Maria Ariza, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Francisco Baque, in recognition of his Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Robert Barnwell, in recognition of his Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Veronica Castafieda, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Juliets Castellanos, in recognition of her Graduating from the Leadership Institute of Making Connections Providence-Class 2007.

Jonathan Castillo, in recognition of his Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Johnny Montes de Oca, in recognition of his Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Jessica O'Connor, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Emmanuela Paul, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Josefina Recio, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Toni Rose, in recognition of his Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Rose Spearman, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Ricardo Ventura, in recognition of his Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Tracy Walker, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Janette Perez, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Charles Anthony Ruggerio, in recognition of receiving his Law Degree, Cum Laude, from Albany Law School.

Ada's Creations, in recognition of their support of Save Our Club Kids (S.O.C.K.) in providing a meeting place during the organizing of the re-opening of the Southside Boys and Girls Club.

Evan Lawrence Lee Young, in recognition of his graduation from Roger Williams Day Care Center.

David Reis, Police Dispatcher, in recognition of his retirement after thirty-seven years of dedicated service to Providence Communications.

Frank Duffy, Fire Alarm Cable Foreman, in recognition of his retirement after thirty-six years of dedicated service to Providence Communications.

Ashley C. Petteruto, in recognition of the celebration of her graduation from St. Mary's Academy-Bay View, June 11, 2007.

Detective Michael Sweeney, in recognition of his retirement from the Providence Police Department after twenty years of dedicated service.

Sergeant Guy DeAngelis, in recognition of his retirement from the Providence Police Department after nineteen years of dedicated service.

Mr. and Mrs. Francis Joseph Sheehan, in recognition of the celebration of their marriage on Friday, June 29, 2007.

Bannister House Residents and Employees, in recognition of the occasion of their Sixth Annual Prom, Thursday, June 21, 2007.

Diane M. Fisher, in recognition of her retirement after thirty years of dedicated service to the seniors of our city as a dispatcher and van driver in the Transportation Department of Pro Cap.

Olga L. Morales, in recognition of the celebration of the happy occasion of her 59th birthday born on June 21, 1948.

Severally Read and Collectively Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

The Motion for Passage is Sustained.

**PRESENTATION OF RESOLUTIONS
"IN MEMORIAM"**

**COUNCIL PRESIDENT MANCINI and MEMBERS OF
THE CITY COUNCIL:**

Resolution Extending Sympathy.

RESOLVED, That the Members of the City Council hereby extend their sincere sympathy to the families of the following:

- Evelyn L. Horton*
- Annie M. Brown*
- Salvatore J. Santaniello*
- Ernest E. "Gido" Badway*
- Robert C. Christiansen*
- Dante A. Cedrone, DPM*
- Ernest Navach*

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on Motion of **COUNCILMAN HASSETT**, seconded by **COUNCILMAN WOOD**.

The Motion for Passage is Sustained.

**MATTER NOT APPEARING
ON THE PRINTED DOCKET**

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

PRESENTATION OF RESOLUTIONS

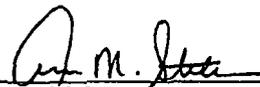
COUNCILMEN HASSETT, IGLOZZI, COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Authorizing the Extension of the initial appeal of the 2006 Revaluation of all property subjected to such revaluation.

COUNCIL PRESIDENT MANCINI Refers the Resolution to the Committee on Ordinances.

ADJOURNMENT

There being no further business, on Motion of **COUNCILMAN HASSETT**, seconded by **COUNCILMAN WOOD**, it is voted to adjourn at 7:30 o'clock P.M. (E.D.T.), to meet again **THURSDAY, JULY 5, 2007** at 7:00 o'clock P.M. (E.D.T.)



Anna M. Stetson
City Clerk

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**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 17 City Council Regular Meeting, Thursday, July 5, 2007, 7:00 o'clock P.M. (E.D.T)

PRESIDING

**COUNCIL PRESIDENT
PETER S. MANCINI**

ROLL CALL

**PRESENT: COUNCIL PRESIDENT MANCINI,
COUNCILMEN APONTE, DELUCA, HASSETT,
JACKSON, LOMBARDI, LUNA, NARDUCCI,
SOLOMON, TEJADA, WOOD, COUNCILWOMAN
YOUNG and COUNCILMAN YURDIN -13.**

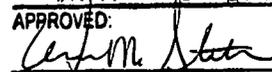
**ABSENT: COUNCILWOMAN DIRUZZO and
COUNCILMAN IGLIOZZI - 2.**

**ALSO PRESENT: Anna M. Stetson, City Clerk,
Deborah L. Santos-Hudson, First Deputy City Clerk,
Sheri A. Petronio, Assistant Clerk, Adrienne G.
Southgate, Deputy City Solicitor and Vincent J.
Berarducci, City Sergeant.**

IN CITY COUNCIL

APR 3 2008

APPROVED:

 CLERK

INVOCATION

The Invocation is given by **PASTOR TEDDY OTOBO OF THE PROVIDENCE ASSEMBLY OF GOD.**

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

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

COUNCILMAN IGLIOZZI JOINS THE MEETING

ORDINANCES SECOND READING

The Following Ordinances were in City Council June 21, 2007, Read and Passed the First Time are Severally Returned for Passage the Second Time:

An Ordinance Amending Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic", Sections 15-18 and 15-26.

Be it ordained by the City of Providence:

SECTION 1. Chapter 15 of the Code of Ordinances of the City of Providence is hereby amended in part to read as follows:

Sec. 15-18. Removal or impounding of illegally parked vehicles.

(a) *Generally.* Any police officer may remove and impound or cause to be removed or impounded any vehicle illegally parked upon any street or highway, in such violation of any parking regulation or ordinance (other than overtime parking), as to constitute an obstruction to traffic or as to create an unsafe condition, thus jeopardizing public safety; provided nevertheless, that the police department shall, within forty-eight (48) hours, notify the vehicle owner of the said removal or impoundment; of the opportunity for a hearing before a "neutral official," in which the owner may contest the towing (or the deprivation of said vehicle), and the payment of costs or charges accompanying the towing or impoundment; all substantially in accordance with the procedure set forth in subsection (b) of this section.

(b) *Post-seizure hearings for towed or impounded vehicles.*

(1) *Notice and request for hearing.* As to any vehicle towed or impounded pursuant to this section 15-18 by or at the request of the City of Providence, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a post-seizure administrative hearing to determine whether there was probable cause to impound the vehicle if such person files a written demand, on forms so provided for such a hearing, with the police department within ten (10) days after such person has learned such vehicle has been impounded or within ten (10) days after the mailing of the date set in the notice of stored vehicle, whichever occurs first. The notice of stored vehicle shall be sent in the mail to the legal and registered owner or their agent and to the garage where the vehicle is stored within

forty-eight (48) hours, excluding weekends and holidays, after impounding and storage of the vehicle.

(2) *Conduct of hearing.* A hearing shall be conducted before a "neutral" hearing officer designated by a judge of the municipal court within forty-eight (48) hours of receipt of a written demand therefore from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays, and city holidays are to be excluded from the calculation of the forty-eight-hour period. The hearing officer shall be someone other than the person who directed the impounding and storage of the vehicle. The sole issue before the hearing officer shall be whether there was probable cause to impound the vehicle in question.

"Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The police department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a brief written decision. A copy of such decision shall be provided to the registered owner of the vehicle. The hearing officer's decision in no way affects any criminal proceeding in connection with the impound in question and that any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final. Failure of the registered or legal owner, or his agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such hearing.

(3) *Decisions of the hearing officers and their effect.* The hearing officer shall only determine that as to the vehicle in issue either (a) there was probable cause to impound the vehicle or (b) there was no such probable cause. In the event that the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of no probable cause, copies of which shall be given to the possessor of the vehicle and the police department. Upon receipt of the possessor's copy of such certificate, the official police garage having custody of the vehicle shall release the

vehicle to its possessor. Upon a finding of no probable cause, towing and storage fees shall be paid by the city in accordance with arrangements made between the city and the authorized garages. If the possessor fails to present such certificate to the authorized garage having custody of the vehicle within twenty-four (24) hours of its receipt, excluding such days when the said garage is not open for business, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

(c) *Payment of charges.* ~~A charge of thirty five dollars (\$35.00) for towing performed during the hours of 8:00 a.m. to 5:00 p.m., or a charge of forty dollars (\$40.00) for towing performed during the hours of 5:00 p.m. to 8:00 a.m.; and/or truck towing and/or winching of commercial vehicles with a gross weight of twelve thousand (12,000) pounds or greater, including trucks, buses, trailers, semis, construction equipment etc., refer to the individual carrier's tariff on file with the Rhode Island Department of Public Utilities; plus a storage charge of fifteen dollars (\$15.00) per calendar day or for a fraction thereof for storage off the public highway in a secured lot; unless the vehicle is being stored pursuant to an ongoing investigation by a law enforcement agency, in said event the storage charge shall not exceed eight dollars (\$8.00) per day, and an additional charge of twenty dollars (\$20.00) for the special use of a car carrier will be levied when requested or required; an additional labor charge of twenty dollars (\$20.00) per half (1/2) hour for cable winching, with a five minute free hook up time allowed on each winch job; and an additional labor charge of ten dollars (\$10.00) for (linkage) the express purpose of moving the shift lever into a tow away position and the repositioning into a park position when the tow is completed; and additional labor charge of five dollars (\$5.00) for sweeping the highway of debris caused by the automobile accident; an additional labor charge of ten dollars (\$10.00) for unlocking doors; For charges in connection with the towing, winching, storage of a vehicle impounded under this section and for associated labor in connection with any action related to the seizure of a vehicle, refer to the individual carrier's tariff on file with the Rhode Island Department of Public Utilities; for placement of a boot a charge of one hundred dollars (\$100.00) and an additional fee to compensate for the replacement value of the boot if the boot is damaged or not returned within a reasonable time to the city; all fees shall be paid to the~~

carrier agent for the city in the usual business manner before any such vehicle shall be released except for vehicles towed during periods when emergency regulations controlling parking and traffic movements during storm periods are in effect. The payment of such towing and storage charges shall not release the operator or owner of the vehicle from any penalty imposed for violation of any traffic regulations.

(Ch. 2, § 199; added by Ord. 1956, ch. 1033, § 2; Ord. 1961, ch. 1443, § 1; Ord. 1968, ch. 68-71, § 1, 11-21-68; Ord. 1978, ch. 78-29, § 1, 12-21-78; Ord. 1983, ch. 83-12, § 1, 3-4-83; Ord. 1983, ch. 83-25, § 1, 5-3-83; Ord. 1986, ch. 86-9, § 1, 3-13-86; Ord. 1988, ch. 88-1, § 1, 1-12-88)

Editor's note: Section 1 of Ch. 83-25, approved May 3, 1983, purported to amend subsection (b) of § 15-18. The amendment, however, repeated the entirety of § 15-18 as it had appeared prior to the passage of Ch. 83-12, approved March 4, 1983. Apparently, the intent of 83-25 was to raise the charges for towing, now codified as subsection (c). Accordingly, the editor has treated the amendment as amendatory of subsection (c) of § 15-18 as it currently appears, omitting the repetition of former subsection (a).

Sec. 15-26. Towing, or impoundment or immobilization of vehicles of scofflaws.

(a) Upon an order of a judge of the municipal court of the City of Providence, obtained in accordance with subsection (b) of this section, any police officer, agent, or parking enforcement officer of the city shall have the authority to impound or seize (or cause the same to be done) any vehicle, whether by towing or by immobilization otherwise (such as by use of the "Denver boot," so-called a boot) if five (5) or more parking tickets or citations for violations of the traffic ordinances or regulations of the City of Providence have been issued against it and which remain outstanding and delinquent for more than fifteen (15) days.

(b) The procedure to be followed in the enforcement of the preceding subsection (a) shall be as follows:

(1) Prior to any such vehicle being ordered to be towed, seized, immobilized or impounded, if the vehicle is registered in the State of Rhode Island, and a registration is on file with the state, a notice of noncompliance and an order to respond to the municipal court to answer to the traffic violations shall be forwarded to the owner of record by registered or certified mail

(2) Said notice and order shall state that the registrant may appear before the municipal court at any session during the following fourteen (14) days, and request a hearing as to whether the vehicle should be towed or seized and impounded for said violations.

(3) If, after twenty-one (21) days from the date of mailing said notice or order, the registrant fails to appear, a judge of the municipal court shall issue a written order to the Providence Police Department to tow (or seize immobilize by use of ~~the "Denver boot"~~ a boot) and impound said vehicle.

(4) Prior to any such vehicle being ordered towed or seized and impounded, if the vehicle is registered in a state other than Rhode Island, said notice of noncompliance and order to respond (as aforesaid) shall be mailed (by registered or certified mail) to the registrar of motor vehicles (supplying as much information as reasonably available) of the state in which such vehicle is registered. Said notice of noncompliance and order and the procedure and consequences shall be the same as for a Rhode Island registrant, except that an out-state registrant shall be given twenty-one (21) days to appear before the municipal court, and twenty-eight (28) days before said court order shall issue. **Upon any appeal to the Municipal Court contesting the booting fee or the right of the police department to tow or immobilize the vehicle, evidence of the City's compliance with this section shall establish probable cause for the towing or immobilization of the vehicle and such probable cause shall be independent of any subsequent judicial ruling regarding traffic tickets and violations.**

(5) Upon such a vehicle being thus towed or seized and impounded or immobilized, the Providence Police Department shall maintain a record of same, and upon inquiry by the registrant or other authorized person, notify same (i) that they may appear at the next regular session of the municipal court, for the purpose of securing a hearing as to the towing or impoundment or immobilization of vehicle, liability for any charges arising there from, and for arraignment on the outstanding violations; (ii) provided that the registrant (or other authorized person) may either pay the outstanding traffic or parking fines together with all fees in connection with the seizure of the vehicle, or (iii) deposit with the court sufficient security for the payment thereof in

the event the same are duly contested.

(6) Upon such a vehicle being thus duly towed and impounded in a convenient and safe place within the city, or immobilized by use of a boot at the place where it was located, the charge as set forth in section 15-18(c) shall be paid by the registrant of such vehicle or other authorized person, firm or corporation designated by said registrant before any such vehicle shall be released.

(7) No vehicle thus towed and/or impounded or immobilized under this section may be released by the Providence Police Department unless issued written notice to do so by the clerk of the municipal court.

(8) No vehicle thus towed and impounded or immobilized under this section shall be disposed of or sold by any person, company or organization having possession or custody of same, nor by the police department, the city or any of its agents, except by written order of the municipal court (or the clerk thereof) obtained pursuant to applicable state law, if any; and if there be no applicable state law, then the following procedure shall govern and apply: If such property remains unclaimed in the possession of the police department, an officer or agent thereof, or an authorized towing company or garage for one month and the owner thereof or his place of abode or business is unknown, or if the owner and his place of abode or business are known and the owner, after receipt by registered mail of a written notice from such department or member to take possession of said property, refuses or fails for a period often (10) days following said receipt so to do, such department may sell the same by public auction, notice of the time and place of sale, with a description of the property to be sold, first being given by publishing the same once in each of three successive weeks in a newspaper published in Providence.

(Ord. 1983, ch. 83-12, § 2, 3-4-83)

SECTION 2. This Ordinance shall take effect upon its passage.

Read and Passed the Second Time, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN TEJADA and COUNCILMAN WOOD, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN DELUCA, HASSETT, IGLIOZZI,

NARDUCCI, SOLOMON, TEJADA, WOOD and YURDIN – 9.

NAYES: COUNCILMEN APONTE, JACKSON, LOMBARDI, LUNA and COUNCILWOMAN YOUNG – 5.

ABSENT: COUNCILWOMAN DIRUZZO – 1.

The Motion for Passage the Second Time is Sustained.

An Ordinance Amending Chapter 15 of the Providence Code of Ordinances, Entitled: "Motor Vehicles and Traffic" to designate special parking areas for motorcycles.

Be it ordained by the City of Providence:

The Code of Ordinances of the City of Providence is amended by adding the following to Chapter 15, entitled "Motor Vehicles and Traffic":

Section 1. No person shall park or stand any vehicle having fewer than four wheels at or in a parking space which is designated by a sign or by notice posted on or near the parking space as restricted to parking a four wheel automobile only. No person shall park or stand any vehicle other than a motorcycle at or in a parking space which is designated by a sign or by notice posted on or near the parking space as restricted to parking of motorcycles only.

Section 2. This Ordinance shall take effect upon passage.

Read and Passed the Second Time, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN – 13.

NAYES: COUNCILMAN LOMBARDI – 1.

ABSENT: COUNCILWOMAN DIRUZZO – 1.

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman John J. Igliazzi on July 8, 2007.

RESOLVED, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman John J. Igliazzi on July 8, 2007.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

The Motion for Passage is Sustained.

COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Clifford J. Wood on July 11, 2007.

RESOLVED, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Clifford J. Wood on July 11, 2007.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN TEJADA.

The Motion for Passage is Sustained.

COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Kevin Jackson on July 13, 2007.

RESOLVED, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Kevin Jackson on July 13, 2007.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN APONTE.

The Motion for Passage is Sustained.

COUNCILWOMAN DIRUZZO (By Request):

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 35, Lot 443 (278 Grove Street), in the amount of Four Thousand Nine Hundred Ninety Two Dollars and Ninety Two (\$4,992.92) Cents, along with any associated interest, penalties and intervening taxes, and that the property be declared tax exempt for the 2007 tax roll forward.

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 35, Lot 444 (276 Grove Street), in the amount of Two Thousand Seven Hundred Seventy Two Dollars and Twenty Two (\$2,772.22) Cents, along with any associated interest, penalties and intervening taxes, and that the property be declared tax exempt for the 2007 tax roll forward.

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 62, Lot 431 (154 Delaine Street), in the amount of Three Thousand Six Hundred Eight Dollars and Fifty One (\$3,608.51) Cents, along with any associated interest, penalties and intervening taxes, and that the property be declared tax exempt for the 2007 tax roll forward.

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 62, Lot 435 (132 Delaine Street), in the amount of Two Thousand Two Hundred Twenty Six Dollars and Sixteen (\$2,226.16) Cents, along with any associated interest, penalties and intervening taxes, and that the property be declared tax exempt for the 2007 tax roll forward.

Resolution Requesting to cancel or abate in whole, the taxes assessed upon Assessor's Plat 62, Lot 554 (21 Appleton Street), in the amount of Three Thousand Seventy Two Dollars and Sixty One (\$3,072.61) Cents, along with any associated interest, penalties and intervening taxes, and that the property be declared tax exempt for the 2007 tax roll forward.

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

COUNCIL PRESIDENT MANCINI Refers the Several Resolutions to the Committee on Finance.

COUNCILMEN HASSETT, APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Extending Sincere Best Wishes to Rose R. Mancini for a complete and speedy recovery from her recent surgery.

RESOLVED, That the Members of the Providence City Council hereby Extend Sincere Best Wishes to Rose R. Mancini for a complete and speedy recovery from her recent surgery.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

The Motion for Passage is Sustained.

COUNCILMAN IGLIOZZI, COUNCIL PRESIDENT MANCINI, COUNCILMEN HASSETT, TEJADA, WOOD, APONTE, DELUCA, JACKSON, LUNA, NARDUCCI, SOLOMON, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Requesting to authorize the hiring of an attorney, under the provisions of the Providence Home Rule Charter of 1980, as amended, Section 401(d), for the purpose of assisting the City Solicitor and the City Council to advise, prepare and file a lawsuit against the State of Rhode Island and any and all governmental entities relative to the enforcement of a fair and predictable state funding formula for the City of Providence school system, with a cap of \$75,000.00.

WHEREAS, The State of Rhode Island has adopted a budget for fiscal year 2008 that has effectively cut the amount the State will provide to fund public schools in the City of Providence and all Rhode Island municipalities as compared with the prior fiscal year; and

WHEREAS, The reduction of education funding by the State of Rhode Island has widened the Providence School Department budget gap by \$6 million; and

WHEREAS, The State of Rhode Island has not provided a predictable school aid formula to cities and towns for over a decade; and

WHEREAS, The Rhode Island Public Expenditure Council and the General Assembly's Joint Committee to Establish a Permanent Education Foundation Aid Formula have both recently issued reports proposing school aid formulas that remove the heavy reliance on local property taxes and the creation of adequate and predictable school aid funding; and

WHEREAS, The City of Providence School Department has the largest and most diverse student population of any school district in Rhode Island, with nearly 25,000 students enrolled; 88 percent from "minority" backgrounds, with over 94 countries and 49 languages represented in the student population; and 30 percent of students receiving English Language Learning services; and

WHEREAS, Approximately 80 percent of Providence school children live in poverty, and

WHEREAS, Over 5,000 students (20 percent) in Providence schools are identified as having disabilities and receive special education services; and

WHEREAS, Due to the specialized student needs and unique challenges faced in Providence's urban school district, the State's reduction of education funding will create undue hardship and deprive Providence students from adequate resources necessary to achieve a basic education.

NOW, THEREFORE, BE IT RESOLVED:

1) That the City Council of the City of Providence does hereby authorize the hiring of outside legal counsel to work in conjunction with the City Solicitor to advise the City Council in the investigation and preparation of legal action against the State of Rhode Island, including Governor Donald L. Carcieri, the Rhode Island General Assembly, the Rhode Island Commissioner of Education, and the Rhode Island Department of Elementary and Secondary Education, seeking adequate, fair, equitable and predictable state funding for primary and secondary education in the City of Providence, and

2) That the City Council does hereby authorize the expenditure of not more than \$75,000.00 for said legal counsel

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, HASSETT, IGLIOZZI, JACKSON, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN – 13.

NAYES: COUNCILMAN LOMBARDI – 1.

ABSENT: COUNCILWOMAN DIRUZZO – 1.

The Motion for Passage is Sustained.

COUNCILMAN SOLOMON, COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN (By Request):

Resolution Requesting that prior to the disbursement of Master Lease funds to the Providence Public Library in the amount of \$250,000.00, that the City Council requests these funds be used to increase branch services and not for capital repairs.

RESOLVED, That prior to the disbursement of Master Lease funds to the Providence Public Library in the amount of \$250,000.00, that the City Council is requesting these funds be used to increase branch services and not for capital repairs.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN TEJADA and COUNCILMAN WOOD.

The Motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COMMITTEE ON FINANCE COUNCILMAN JOHN J. IGLIOZZI, Chairman

Transmits the Following with Recommendation the Same be Adopted:

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances.

COMMITTEE ON ORDINANCES COUNCILMAN MICHAEL A. SOLOMON, Chairman

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

An Ordinance in Amendment of Chapter 9-10 of the Code of Ordinances.

Transmits the Following with Recommendation the Same be Severally Adopted:

An Ordinance Amending Article I, Section 15-2, Penalties for Traffic Violations.

COUNCILMAN HASSETT Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the First Time, seconded by COUNCILMAN TEJADA and COUNCILMAN WOOD, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, HASSETT, IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN – 14.

NAYES: NAYES.

ABSENT: COUNCILWOMAN DIRUZZO – 1.

The Motion for Passage the First Time is Sustained.

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

Resolution Requesting an Immediate Moratorium on the issuance of approval of any permit required for any construction and/or demolition in certain areas affected by

the I-195 relocation project pending the completion and adoption of the Comprehensive and Neighborhood Plans.

WHEREAS, the City of Providence is currently preparing and adopting an updated Comprehensive Plan as required by State law; and

WHEREAS, the City of Providence's draft Comprehensive Plan requires a series of Neighborhood Plans to be undertaken and adopted; and

WHEREAS, the City of Providence recognizes the unique nature of its waterfront, the importance of public access to the waterfront, and its potential economic benefit and historic significance to the City; and

WHEREAS, the City of Providence finds that the waterfront area and residential neighborhoods adjacent to Interstate Highway I-195 between the Providence River and the Seekonk River have been and continue to be significantly affected by the ongoing I-195 relocation project; and

WHEREAS, the City of Providence has a compelling interest in the protection of the health and safety of all its residents, as well as a compelling interest in ensuring that the goals and policies contained within the City's soon-to-be-adopted Comprehensive and Neighborhood Plans are met; and

WHEREAS, without a moratorium, the City of Providence could, in the near future, receive applications for developments, additions or alterations in an area hereafter referred to as "the moratorium area" that would conflict with existing regulations and compromise the achievement of the long-range vision for this area as currently being developed within the Comprehensive and Neighborhood Plans; and

WHEREAS, a moratorium on new development and additions or alterations to existing developments in the moratorium area that is not consistent with the adopted Zoning Ordinance as may be amended from time to time, is required in order to allow sufficient time to undertake and complete the Comprehensive, Neighborhood and Special Area Plans and to draft and approve amendments to the Zoning Ordinance that implement the plan's long range vision.

NOW, THEREFORE, BE IT RESOLVED, that the City of Providence hereby declares that a moratorium shall be enacted with respect to the issuance or approval of any development plans, construction or demolition permits that do not comply with the adopted Zoning Ordinance for properties within the moratorium area, defined generally as follows: beginning at a point in the Seekonk River where the northerly edge of the right of way for I-195 intersects; then running generally westerly along the northerly edge of the I-195 right of way until it intersects with Benefit and Pike Streets; then northwesterly along Benefit Street until it intersects with the southerly property line with AP 16 Lot 529 but not including AP 16 Lots 137 and 577; then southwesterly and northwesterly along the property lines with lots 529,135,134,142,133,129 and 81 on AP 16 until it intersects with Transit Street; then westerly along Transit Street until it intersects with South Main Street; then northerly along South Main Street until it intersects with James Street; then westerly along James Street until it intersects with the Providence River; then southerly in the Providence River and easterly along the Seekonk River to the point of beginning; meaning and intending to include all RIDOT I-195 right of way lands and AP 16 lots 42, 43, 44,145,589,629, and 631, and AP 17 lots 54, 69, 541,616 and 633 and AP 18 lot2,3,4,8,10,12,13,15,16,18,19,20,48,72,100, 119,135,149,331,332,337,343,344, and 345.

BE IT FURTHER RESOLVED, that said moratorium shall be effective until the adoption and approval by the City Council of any proposed amendments to the City's Comprehensive Plan and Zoning Ordinance resulting from the adoption of the Fox Point/College Hill/Wayland Neighborhood Plan and any Waterfront Vision Plan for the moratorium area. Notwithstanding the foregoing, this moratorium shall not be effective for a period longer than twelve months from the date of adoption of this resolution.

BE IT FURTHER RESOLVED, that the moratorium shall not prohibit development or alterations to property undertaken in the moratorium area for health, safety or fire prevention/repair purposes. However, said development and alterations must be approved by the Director of the Department of Inspection and Standards before being initiated.

BE IT FURTHER RESOLVED, that the moratorium shall not prohibit development in the affected area that conforms to the Zoning Ordinance in effect as of the date of adoption of this resolution; rather, the moratorium applies to

development that would require any variance or special use permit from the Zoning Board of Review or otherwise fails to conform with the Zoning Ordinance in effect as of the date of the adoption of this resolution.

BE IT FURTHER RESOLVED, that the moratorium shall not prevent or otherwise affect the E 183 power line project.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit a duly certified copy of this resolution to the City's Department of Planning and Development and Department of Inspection and Standards.

BE IT FURTHER RESOLVED, that the moratorium shall not apply to any permits applied for or obtained from the City prior to the enactment of this resolution, including for the I-195 project.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN YURDIN.

COUNCILMAN YURDIN Moves to Amend the Resolution by inserting in the second to last paragraph on page 2 "Be It Resolved, that the moratorium shall not apply to any permits applied for or obtained from the city prior to the enactment of this resolution, including for the I-195 project", seconded by COUNCILMAN DELUCA.

COUNCILMAN HASSETT Moves Passage of the Resolution, As Amended, seconded by COUNCILMAN WOOD.

The Motion for Passage, As Amended, is Sustained.

Transmits the Following with Recommendation the Same be Approved:

Resolution Authorizing the Extension of the initial appeal of the 2006 Revaluation of all property subjected to such revaluation.

WHEREAS, The City of Providence is required by Rhode Island State Law to undertake a property revaluation every three (3) years; and

WHEREAS, The City of Providence has complied with such requirement in completing a revaluation of all property subjected to such revaluation; and

WHEREAS, There are city residents who, in the interest of protecting any and all rights associated with the 2006

reevaluation, need to be granted a reasonable opportunity to protest, if necessary, the conclusion of the reevaluation.

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby authorizes the extension of the deadline for appealing the 2006 reevaluation to July 6, 2007, and further, that the City Council shall not act on the implementation of such reevaluation before July 6, 2007, by the city contracted firm.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA.

The Motion for Passage is Sustained.

COMMITTEE ON PUBLIC WORKS
COUNCILMAN LEON F. TEJADA, Chairman

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

Resolution Requesting the Traffic Engineer to amend their Rules and Regulations from "Two Hour Parking" to "Four Hour Parking", for parking along the main thoroughfares of Atwells Avenue, Broadway, Westminster Street, Cranston Street and Elmwood Avenue.

RESOLVED, that the Traffic Engineer is requested to amend their Rules and Regulations from "Two Hour Parking" to "Four Hour Parking", for parking along the main thoroughfares of Atwells Avenue, Broadway, Westminster Street, Cranston Street, Elmwood Avenue and Broad Street.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

COUNCILMAN HASSETT Moves to Amend the Resolution after Elmwood Avenue, strike the period, and insert "and Broad Street", seconded by COUNCILMAN TEJADA.

COUNCILMAN HASSETT Moves Passage of the Resolution, As Amended, seconded by COUNCILMAN WOOD.

The Motion for Passage, As Amended, is Sustained.

Transmits the Following with Recommendation the Same be Severally Approved:

Resolution Authorizing the abandonment of a portion of the public highway known as Bradford Street.

COUNCILMAN HASSETT Refers the Resolution Back to the Committee on Public Works, seconded by COUNCILMAN DELUCA.

Resolution Requesting the Traffic Engineer to cause the relocation of the existing "No Parking to Corner" Sign, presently near the intersection of Canton Street and Pleasant Valley Parkway, to a position no more than twenty five (25) feet from said intersection.

RESOLVED, That the Traffic Engineer is requested to cause the relocation of the existing "No Parking to Corner" Sign, presently near the intersection of Canton Street and Pleasant Valley Parkway, to a position no more than twenty five (25) feet from said intersection.

Resolution requesting the Traffic Engineer to change the existing "No Parking" Sign located in front of 53 Quincy Street to "One Hour Parking".

RESOLVED, That that the Traffic Engineer is requested to change the existing "No Parking" Sign located in front of 53 Quincy Street to "One Hour Parking".

Resolution Requesting the Traffic Engineer to cause Burleigh Street, from Branch Avenue to Winchester Street, to be designated as a "One-Way" Street.

RESOLVED, That the Traffic Engineer is requested to cause Burleigh Street, from Branch A venue to Winchester Street, to be designated as a "OneWay" Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Handicap" Sign in front of 44 Opper Street.

RESOLVED, That the Traffic Engineer is requested to cause the installation of a "Handicap" Sign in front of 44 Opper Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "No Parking" Sign on the corner of Greeley Street and Opper Street, to be placed on the right hand side of Greeley Street.

RESOLVED, That the Traffic Engineer is requested to cause the installation of a "No Parking" Sign on the corner of Greeley Street and Opper Street, to be placed on the right hand side of Greeley Street.

Resolution Requesting the Traffic Engineer to cause the replacement of the missing street sign on Christopher Street at its intersection with Windmill Street.

RESOLVED, That the Traffic Engineer is requested to cause the replacement of the missing street sign on Christopher Street at its intersection with Windmill Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "No Parking to Corner" Sign at the corner of Marisa Lane and Nellie Street.

RESOLVED, That the Traffic Engineer to cause the installation of a "No Parking to Corner" Sign at the corner of Marisa Lane and Nellie Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Four-Way Stop" Signs at the intersection of Standish Avenue and Manomet Street.

RESOLVED, That the Traffic Engineer is requested to cause the installation of "Four- Way Stop" Signs at the intersection of Standish Avenue and Manomet Street.

Resolution Requesting the Traffic Engineer to cause the installation of "No Thru Trucks" Signs located at each end of Sandringham Avenue.

RESOLVED, That the Traffic Engineer is requested to cause the installation of "No Thru Trucks" Signs located at each end of Sandringham Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of a "Three-Way" Stop Sign on Enfield Street and Walton Street.

RESOLVED, That the Traffic Engineer is requested to cause the installation of a "Three-Way" Stop Sign on Enfield Street and Walton Street.

Resolution Requesting the Traffic Engineer to cause the installation of Two "Stop" Signs on Eaton Street at its intersection with Jastram Street.

RESOLVED, That the Traffic Engineer is requested to cause the installation of Two "Stop" Signs on Eaton Street at its intersection with Jastram Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Handicapped Only Parking" Sign in front of 1577 Westminster Street, to designate one parking space for handicapped motorists at that location.

RESOLVED, That the Traffic Engineer is requested to cause the installation of a "Handicapped Only Parking" Sign in front of 1577 Westminster Street, to designate one parking space for handicapped motorists at that location.

Resolution Requesting the Traffic Engineer to cause the installation of "Four-Way Stop" Signs at the intersection of Bolton Avenue and Kimball Street.

RESOLVED, That the Traffic Engineer is requested to cause the installation of "Four-Way Stop" Signs at the intersection of Bolton Avenue and Kimball Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Three-Way Stop" Signs at the intersection of Metropolitan Road and Lawn Street.

RESOLVED, That the Traffic Engineer is requested to cause the installation of "Three-Way Stop" Signs at the intersection of Metropolitan Road and Lawn Street.

Resolution Requesting the Traffic Engineer to change the existing "No Parking Anytime" Sign located in front of 220 Eaton Street to "Two-Hour" Parking.

RESOLVED, That the Traffic Engineer is requested to change the existing "No Parking Anytime" Sign located in front of 220 Eaton Street to "Two-Hour" Parking.

Resolution Approving the Construction and Maintenance Agreements for IR Improvements to West River Street, Eddy Street, Cranston Street, Hope Street, Hawkins Street and Woodward Road.

RESOLVED, That the Construction and Maintenance Agreements for IR improvements to West River Street, Eddy Street, Cranston Street, Hope Street, Hawkins Street and Woodward Road, are hereby approved.

Resolution Approving the Woonasquatucket River Heritage Trail-Phase I Enhancement Project Agreement.

RESOLVED, That the Woonasquatucket River Heritage Trail Phase I Enhancement Project Agreement, is hereby approved.

COUNCILMAN HASSETT Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by **COUNCILMAN WOOD** and **COUNCILMAN TEJADA**.

The Motion for Passage of the Several Resolutions is Sustained.

COMMUNICATIONS AND REPORTS

Certificates from City Assessor (11L and 12L), recommending the same be severally cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, As Amended.

Communication from Alan R. Sepe, Acting Director, Department of Public Property, dated June 28, 2007, Informing Council President, Peter S. Mancini, of the approval of transfer of ownership of the Hanley Property from the State of Rhode Island to the City of Providence.

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

COUNCIL PRESIDENT MANCINI Refers the Several Certificates and Communication to the Committee on Claims and Pending Suits.

Communication from Alan Sepe, Acting Director of Public Property, submitting a proposal from T-Mobile to install a wireless communications facility at Conley Stadium.

COUNCIL PRESIDENT MANCINI Refers the Communication to the Committee on City Property.

FROM THE CLERK'S DESK

Petition from Joseph R. Paolino, Jr., Paolino Properties, 76 Dorrance Street, Providence, RI 02903, requesting a permanent easement on Assessor's Plat 20, Lot 27, to construct certain improvements within the sidewalk adjacent

to the property to provide for ADA-compliant access to the building.

COUNCIL PRESIDENT MANCINI Refers the Petition to the Committee on Public Works.

Petitions for Compensation for Injuries and Damages, viz:

MetLife a/s/o Judith Owens
Georgi Amanda O'Neill
(Joseph A. Capineri, Esquire)
Sally Yang
(Jimmy Burchfield, Jr., Esquire)
Edward T. Harding
Victoria Marchesi
(Thomas R. Ricci, Esquire)
Miguelina Almanzar
(Richard P. Brederson, Esquire)

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

PRESENTATION OF RESOLUTIONS "IN CONGRATULATIONS"

COUNCIL PRESIDENT MANCINI and **MEMBERS OF THE CITY COUNCIL:**

Resolution Extending Congratulations.

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

Cheryl Johnson, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Keran Holmes, in recognition of his Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Roberta Barnwell, in recognition of her Graduation from the Leadership Institute of Making Connections Providence-Class 2007.

Phillip "Sharky" Almagno, in recognition of The Celebration of the happy occasion of his 80th Birthday born on June 21, 1927.

Timothy Griffin, in recognition of the celebration of his eightieth birthday on June 23, 1927.

The Providence Fire Department, in recognition of their dedication to the citizens of Providence for putting their life on the line everyday for our protection.

The Day Family, in honor of Assistant Chief Michael Day, the first Providence Firefighter in thirty years to lose his life in the line of duty.

Kathleen McGrath, in recognition of the celebration of her eightieth birthday, born July 11, 1927.

Paride Luigi Autiello, in recognition of the celebration of his eightieth birthday, born July 14, 1927.

Severally Read and Collectively Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

The Motion for Passage is Sustained.

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

The Motion for Passage is Sustained.

MATTER NOT APPEARING ON THE PRINTED DOCKET

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

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT MANCINI, COUNCILMEN HASSETT AND IGLIOZZI:

An Ordinance adding Section 9-45 in the Code of Ordinances Entitled: "Fire Prevention and Protection".

An Ordinance Amending Chapter 5 of the Code of Ordinances Entitled: "Buildings and Structural Appurtenances", Section 5-7.

An Ordinance Amending Chapter 14 of the Code of Ordinances Entitled: "Licenses", Section 14-95.

An Ordinance Amending Chapter 9 of the Code of Ordinances Entitled: "Fire Prevention and Protection", Section 9-101.

An Ordinance in Amendment of Section 9-92 of Chapter Nine of the Code of Ordinances Entitled: "Fire Prevention and Protection".

An Ordinance Amending Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic", Section 15-2.

An Ordinance Amending Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic", Section 15-3.

An Ordinance Adding Section 15-14 in the Code of Ordinances Entitled: "Motor Vehicles and Traffic".

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

COUNCIL PRESIDENT MANCINI Refers the Several Ordinances to the Committee on Finance and the Committee on Ordinances, Jointly.

COUNCILMAN NARDUCCI (By Request):

Resolution Authorizing His Honor the Mayor to execute a lease for the land owned by the City of Providence and described as Assessor's Plat 70, Lots 574 and 451, in the City of Providence to the Providence, a legal description of which is included in the attached Lease Agreement, to the Providence Head Start for a period of twenty years at an annual rental of \$1.00 and with other such terms and conditions as may be imposed by the Committee on City Property, the City Council, His Honor the Mayor, and the City Solicitor.

COUNCIL PRESIDENT MANCINI Refers the Resolution to the Committee on City Property.

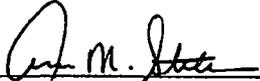
COMMUNICATIONS AND REPORTS

Communication from His Honor the Mayor David N. Cicilline, Informing the Honorable Members of the City Council, that he is enclosing the Memorandum of Agreement (MOA) regarding the relationship between the City of Providence and the Providence Public Library for a one year period beginning July 1, 2007.

**COUNCIL PRESIDENT MANCINI Refers the
Communication to the Committee on City Finance.**

ADJOURNMENT

There being no further business, on Motion of **COUNCILMAN HASSETT**, seconded by **COUNCILMAN WOOD**, it is voted to adjourn at 8:15 o'clock P.M. (E.D.T.), to meet again **THURSDAY, JULY 19, 2007 at 7:00 o'clock P.M. (E.D.T.)**



Anna M. Stetson
City Clerk

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**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 18 City Council Regular Meeting, Thursday, July 19, 2007, 7:00 o'clock P.M. (E.D.T)

PRESIDING

**COUNCIL PRESIDENT
PETER S. MANCINI**

ROLL CALL

**PRESENT: COUNCIL PRESIDENT MANCINI,
COUNCILMEN APONTE, DELUCA,
COUNCILWOMAN DIRUZZO, COUNCILMEN
HASSETT, IGLIOZZI, LOMBARDI, LUNA,
NARDUCCI, SOLOMON, TEJADA, WOOD,
COUNCILWOMAN YOUNG AND COUNCILMAN
YURDIN - 13.**

ABSENT: COUNCILMAN KEVIN JACKSON - 1.

**ALSO PRESENT: Anna M. Stetson, City Clerk,
Deborah L. Santos Hudson, First Deputy City Clerk,
Sheri A. Petronio, Assistant Clerk, Adrienne G.
Southgate, Deputy City Solicitor and Vincent J.
Berarducci, City Sergeant.**

IN CITY COUNCIL

APR 3 2008

APPROVED:

Anna M. Stetson CLERK

INVOCATION

The Invocation is given by **COUNCILMAN LEON F. TEJADA.**

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

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

APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated July 5, 2007, Informing the Honorable Members of the City Council that pursuant to Sections 42-99-4 of the Rhode Island General Laws, he is this day re-appointing Mr. Paul MacDonald, President, Providence Central Federated Council, AFL-CIO, 278 Silver Spring Street, Providence, Rhode Island 02904, as a member of the Convention Center Authority for a term to expire on June 30, 2011.

COUNCIL PRESIDENT MANCINI Receives the foregoing Communication.

ORDINANCES SECOND READING

The Following Ordinances were in City Council July 5, 2007, Read and Passed the First Time are Severally Returned for Passage the Second Time:

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances.

Be it ordained by the City of Providence:

Section 1. Notwithstanding the language of Section 17-189(5) of the Code of Ordinances which provides that "[t]he application to accomplish such [accidental disability] retirement must be filed within eighteen (18) months of the date of the accident", the Retirement Board of the City of Providence, may consider and act upon the accidental disability retirement application of John P. Troino, Department of Public Works, even though more than eighteen (18) months have passed since the date of the accident which is the averred proximate cause of the above-named applicant for a disability retirement allowance.

Section 2. Said application shall be subject to and considered in accordance with all other applicable ordinances, regulations, standards and practices relating to accidental disability retirement applications.

Section 3. This Ordinance Shall take effect upon its passage.

An Ordinance in Amendment of Chapter 9-10 of the Code of Ordinances.

Be it ordained by the City of Providence:

Sec. 9-10. Refuse, rubbish, waste to be burned in covered receptacle.

No person shall burn or cause to be burned any refuse, rubbish or waste material.

Burning of clean cut firewood, or other clean burning fuel for personal enjoyment, is permitted in a safe, covered receptacle.

Special event burning such as Water Fire shall be permitted by permit.

An Ordinance Amending Article I, Section 15-2, Penalties for Traffic Violations.

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence is hereby amended as follows:

Sec. 15-2. Penalties for traffic violations.

(a) *Generally.* The general penalties provided for by section 1-10 of this Code of Ordinances shall apply to violations of this chapter or any regulations made there under except that any person electing to appear before the clerk of court, or mailing the same, in lieu of a personal appearance before the Providence Municipal Court and admitting the violation charged, shall be punished by a fine as hereinafter respectively set forth:

Offense	Fine
Overtime parking from 1:00 a.m. to 7:00 a.m.-....	\$15.00
Overtime parking form 7:00 a.m. to 1:00 a.m.	15.00
<u>Parking without permit in a residential zone.....</u>	<u>15.00</u>
<u>Parking at expired meter.....</u>	<u>15.00</u>
Parking during an emergency.....	100.00
Parking so as to obstruct the flow of traffic	75.00
Parking in prohibited area (no parking)	30.00
Parking within eight (8) feet of fire hydrant	30.00
Parking loading zone	30.00
Parking in taxi stand	30.00
Parking within twenty-five (25) feet of corner	30.00
Parking to obstruct driveway	30.00
Parking on sidewalk	100.00
Standing in prohibited areas	30.00
Double parking (more than three (3) feet from curb)	30.00
Parking in marked bus stop	30.00
Parking in excess of one foot, but not more than three (3) feet from curb	30.00
Parking with left wheels to curb	30.00
Angle parking	30.00
Parking on marked crosswalk or within intersection	30.00
Stopping bus away from curb	30.00
Parking in a tow zone	100.00
Violation of moving vehicle traffic regulation	75.00

*except in those areas designated as permit parking areas (which allow for residential permit parking only between the hours of 11 p.m. and 6 a.m.) during the pilot program to expire on ~~June 30, 2007~~ June 30, 2009.

In the event any of the foregoing stated fines are not paid or a plea of not guilty to the citation is entered prior to the fourteenth day after date of violation, said fines shall be doubled.

In the event any of the foregoing stated fines are not paid or a plea of not guilty to the citation is entered subsequent to the fourteenth day and prior to the twenty-eighth day after date of violations, said fines shall be tripled.

(b) *Meiter violations.* Where ~~overtime parking the violation shall~~ occurs in a metered space it shall be a separate violation for vehicles remained parked in said space for each consecutive unit of time beyond the first unit of time, up to a maximum of two (2) violations.

SECTION 2. This ordinance shall take effect upon passage.

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

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN -14.

NAYES: NONE.

ABSENT: COUNCILMAN KEVIN JACKSON - 1.

The Motion for Passage of the Several Resolutions the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCILMAN HASSETT (By Request):

An Ordinance in Amendment of Chapter 2006-38, No. 331, Approved July 14, 2006, Entitled: "An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 2005-37, No. 345, Approved July 27, 2005, As Amended.

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Finance.

COUNCILMAN LOMBARDI (By Request):

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances.

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Finance.

An Ordinance Amending Providence Code of Ordinances, Chapter 2006-26, dated May 1, 2006.

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Ordinances.

COUNCILMAN NARDUCCI and COUNCILMAN HASSETT (By Request)

An Ordinance Amending Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic", Section 15-26.

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Finance.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Terrence M. Hassett on August 22, 2007.

RESOLVED, That the Members of the Providence City Council Extend Sincere Best Wishes for a Happy Birthday to Councilman Terrence M. Hassett on August 22, 2007.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

The Motion for Passage is Sustained.

COUNCIL PRESIDENT MANCINI, COUNCILMEN HASSETT, IGLIOZZI and WOOD:

Resolution Requesting and Authorizing the Providence Public Buildings Authority, independently or in conjunction with the Rhode Island Health and Educational Building Corporation, to finance a plan of finance consisting of certain Phase One School and School Facility Projects in the amount of Seventy Five Million (\$75,000,000.00) Dollars, and certain Phase Two School and School Facility Projects in the amount of Seventy Five Million (\$75,000,000.00) Dollars.

COUNCIL PRESIDENT MANCINI Refers the Ordinance to the Committee on Finance.

COUNCILMAN HASSETT, COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, WOOD, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Extending Sincere Gratitude and Congratulations to Sergeant Steven Courville for actions above and beyond the call of duty.

WHEREAS, In the early morning hours of May 13, 2006, Sergeant Steven Courville observed an automobile being operated with the front passenger door open; and

WHEREAS, Sergeant Courville further observed that the driver of the vehicle appeared to be striking the female passenger; and

WHEREAS, Sergeant Courville began pursuit of the vehicle, which was traveling approximately 70 mph as it turned onto Route 10; and

WHEREAS, Sergeant Courville, after the vehicle had stopped, removed the driver and subdued him; and

WHEREAS, Sergeant Courville then comforted the distraught female victim, who, visibly injured, claimed that the driver had threatened to kill her with a knife; and

WHEREAS, Sergeant Courville demonstrated professional skills and personal courage and sensitivity as he simultaneously arrested a violent suspect and comforted the suspect's victim.

NOW, THEREFORE, BE IT RESOLVED, That the City Council does hereby extend, on behalf of the entire City of Providence, their most heartfelt gratitude and congratulations to Sergeant Steven Courville for actions herein noted that are best described as rising above and beyond the call of duty.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

The Motion for Passage is Sustained.

Resolution Extending Sincere Gratitude and Congratulations to Patrolwoman Alyssa DeAndrade for actions above and beyond the call of duty.

WHEREAS, In the early morning hours of May 6, 2004, Patrolwoman Alyssa DeAndrade responded to a report of a sexual assault; and

WHEREAS, Patrolwoman DeAndrade encountered at the scene a physically violated and emotionally distraught female victim; and

WHEREAS, Through the simultaneous demonstrations of sensitivity, compassion and highly refined professional skills, Patrolwoman DeAndrade was able to comfort the victim while eliciting from her detailed information about the assault; and

WHEREAS, Patrolwoman DeAndrade, in the company of three additional officers and on the strength of the victim's statement, proceeded to identify a suspect, go to his home, question him, and then take him into custody; and

WHEREAS, The victim subsequently identified the suspect as her assailant; and

WHEREAS, The suspect pled guilty to five felonies, including breaking and entering with intent to commit a felony, two counts of sexual assault, robbery, and kidnapping; and

WHEREAS, The suspect, by accepting a 60-year sentence with 30 years to serve, and by being labeled a sexual predator, was eliminated as a threat to the people of Providence; and

WHEREAS, Patrolwoman DeAndrade demonstrated that, far from being mutually exclusive, what Abraham Lincoln termed the "better angels of our character" and the highest traditions of police work are deeply and profoundly intertwined.

NOW, THEREFORE, BE IT RESOLVED, That the City Council does hereby extend, on behalf of the entire City of Providence, their most heartfelt gratitude and congratulations to Patrolwoman Alyssa DeAndrade for actions herein noted that are best described as rising above and beyond the call of duty.

Read and Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD.

The Motion for Passage is Sustained.

COUNCILMAN NARDUCCI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of "Four-Way Stop" Signs at the intersection of Alaska Street and Greeley Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "No Dumping" Sign at the end of Prosper Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" Signs on Greeley Street, running East and West from Opper Street to Hagan Street.

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

COUNCIL PRESIDENT MANCINI Refers the Several Resolutions to the Committee on Public Works.

COUNCILMAN WOOD, COUNCIL PRESIDENT MANCINI, COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMEN HASSETT, IGLIOZZI, JACKSON, LOMBARDI, LUNA, NARDUCCI, SOLOMON, TEJADA, COUNCILWOMAN YOUNG and COUNCILMAN YURDIN:

Resolution Supporting the creation of a Federal Department of Peace and Nonviolence.

WHEREAS, On February 5, 2007, House Bill 808 was introduced in the United States House of Representatives to create a United States Department of Peace and Nonviolence, which to date has garnered the sponsorship of sixty-six (66) members of the United States House of Representatives; and

WHEREAS, The proposed legislation to create a United States Department of Peace and Nonviolence will establish a cabinet-level department that will be headed by a Secretary of Peace and Nonviolence, who will advise the President on issues both domestic and international in scope, giving peace building a place, voice and budget at the highest levels of government;and

WHEREAS, The proposed federal legislation to create a United States Department of Peace and Nonviolence will benefit the City of Providence by holding peace as an organizing principle for American society, and by providing adequate funding for peace building initiatives which aim to change the tone of society from a culture of disrespect and violence towards a culture of respect and nonviolence; and

WHEREAS, The proposed federal legislation to create a United States Department of Peace and Nonviolence will benefit the City of Providence by supporting existing programs and developing new programs to address and reduce the number and frequency of incidents related to domestic violence, child and spousal abuse, school violence, gang violence, gun violence, and hate crimes which will assist members of our Police Department in experiencing fewer dangerous encounters especially while making routine runs;and

WHEREAS, The proposed federal legislation to create a United States Department of Peace and Nonviolence will benefit the City of Providence by developing and distributing to the states and their schools a peace and nonviolence curriculum with supportive materials for community building, communication, nonviolent conflict resolution, and mediation information, skills and resources; and

WHEREAS, The proposed federal legislation to create a United States Department of Peace and Nonviolence will benefit the City of Providence by encouraging and supporting development of conflict resolution and violence prevention initiatives from within the community, including its religious and non-governmental organizations, thus creating greater community involvement and thereby a strong, stable, cohesive civil society throughout the City of Providence; and

WHEREAS, Such support will enhance and build upon the considerable, award-winning and nationally-recognized violence prevention initiatives and successes in Providence, including programs that have proven the efficacy and promise of coordinated and community-based peace building initiatives such as the Community Policing initiative of the Providence Police Department, the Street Workers program of the Institute for the Study and Practice of Nonviolence, the Community Mediation Center and the Providence After School Alliance; and

WHEREAS, Many national and international organizations, including, but not limited to, Amnesty International, Center for Nonviolent Communications, Institute for Multi-Track Diplomacy, Physicians for Social Responsibility, September 11th Families for Peaceful Tomorrows, Fellowship of Reconciliation, Pax Christi USA, School Mediation Center, Veterans for Peace, and Youth for Environmental Sanity, have endorsed the legislation to establish a Department for Peace and Nonviolence; and

WHEREAS, Many local government agencies, including, but not limited to, Chicago, Illinois; San Francisco, California; Atlanta, Georgia; Detroit, Michigan; Minneapolis, Minnesota; Newark, New Jersey; and Cambridge, Massachusetts, have passed similar resolutions in support of the enactment of the proposed legislation.

NOW, THEREFORE, BE IT RESOLVED, That the Providence Council adopts this resolution in favor of enactment of House Bill 808 to create a United States Department of Peace and Nonviolence.

Read and Passed, on Motion of **COUNCILMAN HASSETT**, seconded by **COUNCILMAN WOOD**.

The Motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COMMITTEE ON FINANCE

COUNCILMAN JOHN J. IGLIOZZI, Chairman
AND COMMITTEE ON ORDINANCES, JOINTLY
COUNCILMAN MICHAEL A. SOLOMON, Chairman

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

An Ordinance Amending Chapter 5 of the Code of Ordinances Entitled: "Buildings and Structural Appurtenances", Section 5-7.

An Ordinance Amending Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic", Section 15-2.

An Ordinance Amending Chapter 9 of the Code of Ordinances Entitled: "Fire Prevention and Protection", Section 9-92.

An Ordinance Amending Chapter 9 of the Code of Ordinances Entitled: "Fire Prevention and Protection", Section 9-101.

An Ordinance Amending Section 5-6 in the Code of Ordinances Entitled: "Fire Safety Approvals".

Transmits the Following with Recommendation the Same be Severally Adopted:

An Ordinance Amending Chapter 14 of the Code of Ordinances Entitled: "Licenses", Section 14-95.

An Ordinance Amending Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic", Section 15-13.

COUNCILMAN HASSETT Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances, the First Time, seconded by **COUNCILMAN WOOD** and **COUNCILMAN TEJADA**, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI,
COUNCILMEN APONTE, DELUCA,
COUNCILWOMAN DIRUZZO, COUNCILMEN
HASSETT, IGLIOZZI, LOMBARDI, LUNA,
NARDUCCI, SOLOMON, TEJADA, WOOD,
COUNCILWOMAN YOUNG and COUNCILMAN
YURDIN -14.

NAYES: COUNCILWOMAN DIRUZZO and
COUNCILMAN LOMBARDI Request to be recorded as voting "NO" on "An Ordinance Amending Chapter 15

of the Code of Ordinances Entitled: "Motor Vehicles and Traffic", Section 15-2".

ABSENT: COUNCILMAN KEVIN JACKSON – 1.

The Motion for Passage of the Several Ordinances the First Time is Sustained.

PERSONAL EXPRESSION

COUNCILWOMAN YOUNG Requests the Privilege of the floor to speak on a Point of Personal Expression:

"I just rise to acknowledge that we have a couple of visitors here this evening. We have a young man from the Cabo Verde Islands and I wanted to acknowledge him. José Silva please stand up. He is from the Cabo Verde Islands, the Island of Brava and he wanted to see our government in action so I thought it was nice to invite José here tonight and welcome José. Besides him we have two other guests here. We have my beautiful daughter-in-law Silvana and my handsome, smart grandson Evan."

Transmits the Following with Recommendation the Same be Approved:

Communication dated June 5, 2007, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1008 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing Mr. Francisco Ramirez of 23 Sussex Street, Providence, Rhode Island 02908, as the Director of the Department of Inspections and Standards, and respectfully submits the same for your approval.

COUNCILMAN HASSETT Moves to Approve the foregoing Communication, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA.

COUNCILMAN DELUCA: Before I begin on what appears to be an inappropriate appointment, I would like to begin by asking a question of the Chairman of the Finance Committee through the Chair. The question is that I left a copy of two parts of the Charter that are relevant to the Department of Inspections and Standards and 1201 General Provisions.

Part (a) of a "General Provisions, Qualifications of Department Heads. It says: "...it shall be the responsibility of the Mayor in the making of all appointments of department heads pursuant to Section 302(b), to appoint, and shall be the responsibility of the City Council to approve, only persons who are qualified by training, education or previous experience..."

There being that we have the responsibility to approve only "qualified" persons, we would then have to verify the qualifications of the individuals who were appointed.

My question to the Chair of Finance, or to anybody in this building, is what efforts did the Finance Committee make, or anyone in this building, to verify the qualifications of this individual?

COUNCILMAN IGLIOZZI: I actually took a step back before I went forward on this nomination. As you know Francisco Ramirez was nominated and what happened in this case there was some concerns by council members who broached the subject matter. They thought maybe he wasn't qualified and that he didn't have the credentials per the City Charter. So what I did was I looked back to the past. I looked back if you remember about four or some odd years ago the Mayor submitted an appointment of Sam Shamoan and at the time the issue with Sam Shamoan was the same thing. He didn't have the credentials. The Charter said one thing and there was questions on whether or not he could be appointed or approved by the Council. So what I did was I took the liberty of getting the record from the Finance Committee back then about 3½ years ago and reviewed what they did and what I found out was a similar circumstance. What happened there was there was a legal opinion issued which I have that one and the one that you have before you and it talked about the same issue. It talked about the qualifications; it talked about the language in the Charter. The situation was almost verbatim from three years ago to today which was whether or not the Charter would allow this individual to become the Director and at that time and I looked back in the file and in the record. The Finance Committee at that time reviewed it, looked at Sam Shamoan's credentials and the Finance Committee unanimously approved Sam Shamoan's approval. Then that recommendation went to the full Council and the full Council unanimously approved Sam Shamoan's approval. What they based it on, and I had the record pulled from the Finance Committee, was the legal opinion dealing with and as you can see, I think you can see it in front of you and what they said was it was their opinion that Section 1008 of the Charter was written to set forth specific credentials for the Chief Building Inspector rather than generally for the Director of the Department applied uniquely to the Chief Building Inspector. The Charter required credentials as appropriated. So what they did at that time was they said that Sam Shamoan could serve as Director of the department and at that time it was Mr. Paxson who had the P.E. who would be the Chief Building Inspector. So you were covered in both situations. The legal opinion that was submitted to the Finance Committee three years ago was identical to the one that it's being submitted to the Finance Committee this time. So what I did is I looked to the past on what was done by my colleagues at that time and they understood and they agreed

and actually everybody here today voted to support Sam Shamoon based on that and the idea was that Paxson would be the P.E. and Sam Shamoon would be the Director. In this case they have, the gentleman's name is, I don't have it in front of me but there is a gentleman who is the P.E. in the department, acting as the P.E. and Mr. Ramirez would be the Director.

So he came in, he testified and he talked about his background. Actually what is pretty impressive is his education. I didn't even know half the things that Francisco did and I was pretty impressed by it. So that's the process I went through. It seemed to fit three years ago, it fit this time as well as Mr. Ramirez seems to clearly have, I felt, the management skills and credentials to handle this office. They have the P.E. to handle the plans and the legal opinion was an opinion that clarified the issue on the Charter. So I made the recommendation to accept it as they did three years ago and I would just recommend this time that the Council members who accepted that position back then it's the same issue today would accept the same recommendation for approval.

COUNCILMAN DELUCA: First of all whether the Council was right or wrong in the past in none of our business, okay. I think the case of Sam Shamoon was certainly utterly different in that his twenty years in the Department of Planning and his experience in that trade qualified him by the second definition of qualification. Nonetheless, whether they were right or wrong is immaterial. We're here to verify each and every appointment and I haven't heard the word verifying of qualifications. I looked in the past, they did it before so we're doing it again isn't good enough for me. With regards to the legal opinion either that one or this one it doesn't hold any of the water that's raining out there today. An opinion is simply an opinion, okay, and we should not act on that opinion alone without reading the Charter very carefully. Let me do that one more time quickly in the way that it was mentioned.

"...there shall be a Department of Inspection and Standards, the head of which shall be the Director of Inspections and Standards..."

That's referring to one individual who shall be a person who is now let me get this right the Director of Inspections and Standards and the Chief Building Inspector. The Director of Inspections and Standards is the Chief Building Inspector. That's why it doesn't mention heads and it doesn't mention two people and it doesn't mention any different qualifications. To suggest that this opinion is okay to not have a Graduate's Degree and you can be the head of the department, but to be a subordinate you need to be a qualified engineer is ridiculous. These qualifications are for the department head, period. And he is the Chief Building Inspector in that role. If my plans are not approved I can appeal to the department head. How can I appeal to a department head when he doesn't know how to read a blueprint?

COUNCILMAN APONTE: I just want to clarify a couple of matters for the record as they were expressed earlier. In 2005 I believe it was the Council voted to approve the appointment of Sam Shamoon. It was expressed earlier that that appointment was based on the legal opinion. I had the privilege of serving on the Finance Committee at that time and can say to you that the legal opinion played a small part in the decision. What did play a large part in the discussion, and what I would suggest to you very strongly this evening was the more persuasive document, which was the resume of Mr. Shamoon himself. His years in public service, his years in the Planning Department, his knowledge of local zoning and construction code was much more what prevailed upon the members to approve his appointment than the opinion of the Solicitor. There were questions then of the opinion and there are questions today and I will suggest to you that if the true measure of the comparison is not the opinion of the Solicitor rather the resume of the candidates and I would agree with my colleague from the 6th Ward that the language of the Charter in this case is clear and unambiguous. It does not suggest that there are two positions. Look not to the opinion of the Solicitor. Look to the resumes to determine whether or not the candidate has the qualifications and meets the minimal qualifications of the Charter. I will suggest to you strongly that that is the true measure of whether or not you should vote to approve this candidate this evening.

COUNCILMAN IGLIOZZI: It seems to be two competing issues right not. First Councilman DeLuca in the 6th Ward is questioning the City Charter provisions and Councilman Aponte mentioned that they based the decision on Sam Shamoon based on the qualifications. I have the record I'll get copy and give it to you. First of all on the City Charter issue what I'll do is I'm going to defer to the Law Department and my impression was that the Finance Committee had the same similar issues back then but if they didn't so be it but they did seem to have the gumption to request the legal opinion concerning your very particular issue. What that legal issue or opinion was it's on your desk everybody and Adrienne Southgate will express what she thought was the interpretation of the Charter. That's the first thing. The second thing is the resume of Francisco Ramirez should be in your packet, it's not but as for Sam Shamoon he's not a P.E. He wasn't a P.E. and if you go by the letter of the law then Sam Shamoon shouldn't have been approved back then because it says you have to be a P.E., it that right? Does it say that? Well I don't know. I guess when I looked at the record there really wasn't anything. If that's what got him over the hurdle then so be it. All I can say is this. You're particular issue, you're going to have to make your own position on it, on the City Charter and that's the position you made. I guess when you did vote for Sam Shamoon you must have based it not on the City Charter or maybe you based it on the qualifications that Councilman Aponte mentioned and Councilman Aponte didn't base it on the City Charter. He based it on the qualifications of Sam Shamoon

as he said, so be it. All I can say is at this point Francisco Ramirez has qualifications and I will read them very quick but then I would like to ask the City Solicitor to at least explain her opinion per the City Charter then you will make a valued decision. You don't have to vote for this, you don't have to support it. That's fine it's your prerogative and I'm fine with that. It's up to you, your absolutely right. You don't have to support him. If he does get appointed you don't have to call him up, you don't have to talk to him or anything.

His education comes from North Eastern University, College of Business. He was an Internal Auditor for the North Eastern University. He worked for Gilbane Building Company. He worked at Bass Pro Shops, Construction Project Account Manager. He worked at the Office of the General Treasurer, State of Rhode Island, Senior Financial Officer and then of course he was the City of Providence, Deputy Chief of Operations and then he became the Deputy Director of Public Works. Your right, maybe that's not enough. All I can ask it that you review it and then you make your determination. I would like to ask the City Solicitor to explain the Charter provision because your issue Councilman DeLuca was that it doesn't say or make two different hats. Solicitor, could you explain for the Council members.

ADRIENNE G. SOUTHGATE: I was originally asked to write this opinion when Mr. Shamoon was appointed by or when it was proposed by the Mayor to be the Director of the Department of Inspection and Standards. At the time it was clear to everyone that Mr. Shamoon did not have a professional engineer credential. He was not a registered professional architect. He did not have twelve years experience as the Charter provision goes on to outline which were the credentials that normally would have been associated. If you read straight through that provision of the Charter with the person who in and of himself was both the Director of the Department and the Chief Building Inspector. However, when Mr. Shamoon was nominated for that position we had in place a Chief Building Inspector and that was Ed Paxson who was a P.E. So it was an easy thing to take a look at the Charter and take a look at the comp and classification ordinances of the City of Providence to say how has this been handled within the structure of the city and it was quite clear that the Council had endorsed an organizational structure that had a head of the department and a Chief Building Official. Those were two separate individuals and at the time Mr. Shamoon was coming in the appeal would not have been to him. An appeal would have been to the Chief Building Official who was Mr. Paxson. So when I was asked three years later to revisit the question of whether the Charter had changed or anything else had changed that would cause me to alter my opinion that two individuals could fill the role. One as Director of the department and two as the Chief Building Inspector. I was unable to distinguish between those two situations and Councilman Igliazzi has phrased it as sauce for the goose,

sauce for the gander. I think that that's a little colloquial but nevertheless it does express the fact that the Council did approve him unanimously and for whatever reasons. Nevertheless is enshrined that decision in four successive comp and classification ordinances providing for a separate Chief Building Inspector at the Department. So you're certainly within your rights to question whether Mr. Ramirez has the credentials. Your Finance Committee has voted unanimously that he does though.

COUNCILWOMAN DIRUZZO: Mr. President, I'm going to have a real problem with this one because I have the greatest respect for this gentleman. He has a fine background. He had done an outstanding job with the rodent problem in the City of Providence. He was given the job of distributing the garbage containers throughout the city and he did an outstanding job along with the head of Environmental Control. He's a gentleman. He's had a good financial background and I'm really struggling to support him. I was here when we appointed Sam Shamoon. You really can't compare the two. They are two entirely different individuals. Mr. Shamoon was an outstanding employee of the Department of Planning and Development who worked there multi years and he worked a lot with the Director of Inspections and Standards at the time. He was there a lot and he worked hand and hand with him. So he had a lot of experience with that department and at that time we were really struggling through some problems we had. He met a lot more of the criteria that we needed in that department. This is an immense job. You have to read plans and review plans for permits and work with the City Plan Commission. Well, there is a lot to it. I don't know all of the details to it but I know how important the job is. Besides that we need a lot off help with the Department of Code Enforcement and the Department of Environmental Control. One doesn't have anything to do with the other but I know. I've seen his work and he does a fine job but this position is greater than that and to violate the City Charter even with the Deputy City Solicitor's opinion I am having a problem with it. I don't want to hurt this individual and I would like to give him the opportunity to try but if I had something more to base my decision on then my admiration for him verses the amenity of the job of this position I would have an easier time. So unless you can convince me of something different I'm really going to struggle through this.

COUNCILMAN LUNA: I think that with my experience on looking at Mr. Ramirez at Public Works, I think he will do a wonderful job. In terms of the Charter I just wanted to say that if we really want to enforce the Charter and we really want to look at the Charter then we need to start going back sixteen, eighteen years ago. Let's start back then and let's move forward but to pick and choose in applying the Charter I don't agree with that and I find it insulting that we're talking about and looking at the Charter for a specific person when we all know that there has been violation of the Charter

all the time. I am willing to look at the Charter and correct violations but I'm not going to do it based on one person. If you want to look at the whole thing then we will look at the whole thing. Then if heads have to role then heads will have to role but to pick and choose who we are going to apply the Charter to I'm not going for that. That will never happen. So if we are serious about that then you let me know. In the meantime I'm supporting this nomination. I'm going to vote for Mr. Ramirez and I hope my colleagues do the same. When the time comes that we're going to correct the past and what has been going on as of today then let me know and I'll be right beside you. Thank you.

COUNCILMAN HASSETT: Mr. President, first of all I support this nomination and I recognize that there is a debate going on relative to qualifications and so forth but Councilman Igliazzi who is Chair of the Finance reported to us that there is some history and on December 15, 2003 there was an exchange with Councilman Aponte and Mr. Shamoon. "... Councilman Aponte: my assumption is and I may be incorrect assuming this. The Charter envisions the Director to be the person that can sign off on plans that requires the engineer and architect. If that is the correct line of reason how many folks in your department have the ability to sign off. I know there was Ed Paxson but is there anyone else. In my recollection of the decision on that particular frame was that is was well known that Sam Shamoon did not have the requisite degree but someone in the office did, Mr. Paxson. Mr. Shamoon: Yes, there is Jack Lee who also is an alternate building official..."

Both of them, their positions in addition to the Charter also define the State Building Code. The Building Code requires for a city of our size to have a building official and an alternate building official. That is what we have now. They can both sign CO's. There was a struggle at that time to try to determine whether or not Sam Shamoon met the requirements as a building official. The fact that the combination of both folks who are going to be at Inspections and Standards now both have the requisite engineering degrees that can sign off for it and what they have is Francisco Ramirez who is proven his management skills and proven that he can lead a troubled department and I think he should be given the opportunity to do that. This has been done before and there was a written opinion and certainly the feeling at that time was the same concerns about whether or not they had the requisite requirements. So I think it's very similar if not identical but we seem to be applying a different standard to Mr. Ramirez and that troubles me. I support this. I think he can do the job. I wouldn't vote for it if I didn't think that and I think that the department will be in good hands with those people who have the proper education and their respective degrees to be able to sign off on CO's and to work as a triage at the Department of Building and Standards and raise that department to the level that it should be at and it's the high efficiency and it's return on good services to the people of this city and state. So I urge you to support it. I

think we're well in our right to do that and we're all founded in our decision.

COUNCILWOMAN YOUNG: I'm just as concerned about this appointment myself. I know as Deputy Director of Public Works I can tell you about the garbage cans. In my opinion there was politics involved in that because my ward was one of the last neighborhoods to receive the trash cans and it was after the November election, remember last year? So in my opinion politics played a major role in that. The South Side was the last one to get their trash cans. So I'm hoping that if Mr. Ramirez does get this position he is going to keep politics out of the running of that office. I don't think he has the experience that Sam Shamoon had and there is a big difference. I think it was a little too political for my feelings. I'm going to be watching him in his new position and seeing if he gets political there so I can come back to this Council and say to you I told you so. He was very political I thought as a Deputy, the trash cans every neighborhood needs it. Mine wasn't the only neighborhood but I know my neighborhood was one of the last neighborhoods to receive the trash cans and we're always the last. How does that always happen that the South Side is always at the end? The 11th Ward got their trash cans almost a year later then the rest of the city. They started in December, I believe it was 2005 and we got ours after the November election of 2006. So I'm just hoping that if he does get this appointment he's going to recognize that he's here to serve the people of the City of Providence, not special interests, not an individual person and not a group of people or a gang but he is here to serve everyone. I really don't think I'm going to support this because I don't think he has the credentials. He's a smart young man, he's a bright young man and I have nothing personally against him but I just think that we need somebody a little more seasoned around there for that department which is in trouble right now. It needs a lot of overhauling; it needs a lot of upgrading, technology and a lot of other things. I just don't think he's the right person at this particular time.

COUNCILMAN IGLIOZZI: Motion to call the vote.

COUNCILMAN IGLIOZZI Calls the Vote, seconded by COUNCILMAN TEJADA to End Debate, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI, COUNCILMEN HASSETT, IGLIOZZI, LUNA, NARDUCCI, SOLOMON, TEJADA and WOOD – 8.

NAYES: COUNCILMEN APONTE, DELUCA, COUNCILWOMAN DIRUZZO, COUNCILMAN LOMBARDI and COUNCILWOMAN YOUNG – 5.

ABSENT: COUNCILMEN JACKSON and YURDIN – 2.

COUNCILMAN HASSETT Moves Approval of the foregoing Communication, seconded by **COUNCILMAN TEJADA**, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT MANCINI,
COUNCILWOMAN DIRUZZO, COUNCILMEN
HASSETT, IGLIOZZI, LUNA, NARDUCCI,
SOLOMON, TEJADA and WOOD – 9.

NAYES: COUNCILMEN APONTE, DELUCA,
LOMBARDI and COUNCILWOMAN YOUNG – 4.

ABSENT: COUNCILMEN JACKSON and YURDIN – 2.

The Motion for Passage is Sustained.

PERSONAL EXPRESSION

COUNCILMAN DELUCA Requests the Privilege of the floor to speak on a Point of Personal Expression:

“This has got to be a Kodak moment. The longest wind pipe in the joint asked to close discussion.”

COMMUNICATIONS AND REPORTS

Communication from Kevin E. Deary, Executive Director, Providence External Review Authority, dated July 9, 2007, submitting the 2007 Bi-Annual Report.

Communication from Pamela M. Marchand, P.E., Chief Engineer and General Manager, Providence Water Supply Board, dated July 11, 2007, submitting the 2006 Providence Water Supply Board Annual Report.

Report from Anna M. Stetson, City Clerk, dated July 2, 2007, of all monies received, transmitted to and credited by the City Collector for fiscal quarter of April 1, 2007 to and including June 30, 2007.

Report from Anna M. Stetson, City Clerk, dated July 2, 2007, of all monies received and credited to the City Collector for fiscal year ending June 30, 2007.

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

COUNCIL PRESIDENT MANCINI Receives the Several Communications.

FROM THE CLERK'S DESK

Petition from Kari Nel Lang, Executive Director, West Broadway Neighborhood Association, 1560 Westminster Street, Providence, Rhode Island 02909, requesting approval for the installation a permanent three-foot canopy over the twelve-foot sidewalk at 1577 Westminster Street.

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

Petitions for Compensation for Injuries and Damages, viz:

MetLife Auto & Home
a/s/o Deborah Notarianni
Diane Yee
Yocaira Sosa
(Joseph J. Voccola, Esquire)
Felix Rosales
(Christopher E. Fay, Esquire)
Ninfa Leigue
(Christopher E. Fay, Esquire)
Thomas Watts and Ellis Penn
(Joseph J. Voccola, Esquire)
Zurich Insurance
a/s/o We Dispose LLC & Biowaste Atima
Claire E. Azar
Elizabeth Machado
Neki Fernandez
(Richard P. Brederson, Esquire)

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

PRESENTATION OF RESOLUTIONS “IN CONGRATULATIONS”

COUNCIL PRESIDENT MANCINI and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Congratulations.

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

Nohemy Rodriguez and Jorge Garcia, (La Arepa Restaurant), in recognition of congratulations on the opening of their restaurant and wishing them much success.

Mr. and Mrs. Alfred Andrade, in recognition of their marriage on Sunday, July 1, 2007.

Mr. and Mrs. David DeFalco, in recognition of their marriage on Tuesday, July 10, 2007.

Officer Kenneth Pike, Providence Police Department, in recognition of his excellent work in rescuing a small child in the Mt. Pleasant neighborhood.

Richard Anthony Califano, in recognition of the celebration of his fiftieth birthday, born July 13, 1957.

Evelyn and Marino Mignanelli, in recognition of the celebration of their sixtieth wedding anniversary on July 19, 2007.

Severally Read and Collectively Passed, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA.

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS "IN MEMORIAM"

COUNCIL PRESIDENT MANCINI and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Sympathy.

RESOLVED, That the Members of the City Council hereby extend their sincere sympathy to the families of the following:

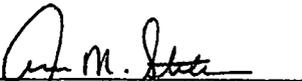
Luigi Ferrante, Sr.
Marlene Russo
Michael J. Lancelloti
Mary L. Jones
Matthew DeMoranville
Darren P. "Dee" Reagans, Jr.
Sarah L. Nazarian
Dr. Eduardo Salabert
Joseph Terino, Sr.
Esther J. Fiyod

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA.

The Motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN HASSETT, seconded by COUNCILMAN WOOD and COUNCILMAN TEJADA, it is voted to adjourn at 8:00 o'clock P.M. (E.D.T.), to meet again THURSDAY, JULY 25, 2007 at 7:00 o'clock P.M. (E.D.T.)


Anna M. Stetson
City Clerk