

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 77 City Council Regular Meeting, October 23, 1997, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

EVELYN V. FARGNOLI

ROLL CALL

IN CITY COUNCIL
DEC 4 1997

APPROVED:

Michael R. Crest
CLERK

Present: Council President Fargnoli,
Councilmen Allen, Clarkin, DeLuca, Coun-
cilwoman DiRuzzo, Councilmen Hassett,
Jackson, Lombardi, Rollins, Councilwomen
Romano, Williams and Young—12.

Absent: Councilman Mancini and Council-
woman Nolan—2.

INVOCATION

The Invocation is given by COUNCILWOMAN RITA M. WILLIAMS.

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

COUNCILWOMAN CAROL A. ROMANO leads the members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF RECORDS

The Journal of Proceedings No. 74 of the Regular Meeting of the City Council held September 4, 1997, and posted October 16, 1997; and No. 75 of the Regular Meeting of the City Council held September 18, 1997, and posted October 16, 1997, are severally approved as printed, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN YOUNG.

ORDINANCES SECOND READING

The following Ordinances were in City Council October 9, 1997, Read and Passed the First Time and are returned for Passage the Second Time:

An Ordinance in amendment of and in addition to Chapter 23 of the Code of Ordinances of the City of Providence.

Be it ordained by the City of Providence:

Section 1. Preamble. The public safety and convenience require both the installation and maintenance of utility services and the maintenance of safe and aesthetically pleasing roadways and sidewalks. These requirements, unfortunately are sometimes in tension. Safe streets and sidewalks are unquestionably necessary and aesthetically pleasing highways are highly desirable. The public, though, has the right to expect the availability and delivery of both existing and improved or new utility services. Such delivery and availability are to be provided; but must be provided in a safe and sound manner.

The City seeks to allow the delivery of the expected services yet ensure public safety and the quality of life to which the city's citizenry is entitled. That goal requires the balancing of two important dynamics. The City seeks to promote the prompt and safe delivery of old and new services without sacrificing the people's safety and convenience.

Section 2. No person, firm or corporation shall in any manner make any opening or excavation on, in, upon or under nor lay any pipe, wire, line or conduit, cable or the like, on, in, across or under any public roadway or sidewalk in the city nor upon any public lands (the jurisdiction of which is not legally preserved to another municipal department) without prior written consent of the Director of Public Works or his or her designee.

Section 3. No person, firm or corporation shall in any manner place or cause to be placed any sign, equipment, tables, chairs nor any structure, post or footing on, in, upon or under any roadway or sidewalk in the City, nor on, in, upon or under any public land (the jurisdiction of which is not legally reserved to another municipal department) without the prior written approval of the Director of Public Works or his or her designee.

Section 4. The Director shall promulgate such rules and regulations as may be necessary to effect the purpose of this ordinance. The Director shall also provide suitable documents to give effect to this ordinance.

Section 5. Sidewalk excavation permits shall be issued only to the record owner of that real estate abutting the sidewalk to be repaired or replaced. Permits required for such intrusion onto the sidewalk shall also be issued only in the name of the record owner of the real estate abutting the sidewalk at which the requested intrusion shall take place; provided, however that the occupant of the realty abutting said sidewalk may be issued such permit in the event that the record owner of the realty grants said abutter authority to apply for such permit.

Permits for the installation of any pipe, wire, line, conduit, cable or the like under any roadway or sidewalk shall be issued only to the owner of said wire, line, conduit, cable or the like. Said permits are distinct from roadway excavation permits. Permits for roadway excavation for the installation of any pipe, wire, line, conduit, cable or the like shall likewise be issued in the owner's name only.

Section 6. No permit shall be issued without payment of the following:

Administrative and Engineering Fee

\$40.00	50 Square feet or less excavations
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\$40.00+X (\$0.25/sq.ft.)	Over 50 foot excavations
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Where "X" is the total square feet above 50 feet.

\$40.00	Sidewalks only
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Pavement Degradation Index Fee

\$1.00/sq.ft.	Streets 1 year old or less
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\$0.75/sq.ft.	Streets 2 years old or less
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\$0.50/sq.ft.	Streets 3 years old or less
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\$0.25/sq.ft.	Streets over 3 years old.
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Note that each Administration and Engineering Fee and the Pavement Degradation fee shall be assessed for each pavement excavation permit while only the Administration and Engineering Fee will be assessed for sidewalk permits.

Section 7. Every applicant for a sidewalk or roadway opening permit or for the placement of any item or object on, in or under any sidewalk or roadway shall provide appropriate maps and/or sketches in the manner the director may designate, and shall in writing affirm his/her compliance with applicable federal, state and local law, ordinance rule and regulation.

Section 8. Any appreciable deviation from the plans approved by the Director or his designee shall operate to cancel said permit. In the event that such deviation occurs, the Director may issue an immediate cease and desist order. The Director

shall, upon issuance of such order, schedule a hearing, if one is sought by the permittee, within 48 hours. Such cease-and-desist order shall be deemed effective when the same is delivered to the "site foreman" or, there being no site foreman, to any individual engaged in the work at the site. The Director shall, by telephone or fax, notify the contact person listed as such on permittee's application. Any person who fails to comply immediately with such an order shall be in violation of this Code and if found guilty, shall be punished under Section 1-10.

Section 9. Every police officer detailed to an excavation under these ordinances shall, upon his/her arrival at such location, ascertain or confirm the existence of a roadway or sidewalk opening permit. In the event no such permit exists, the officer shall notify the Department of Public Works, Division of Engineering, and shall assist to effect any cease-and-desist order which may issue.

Section 10. Any excavation undertaken in or upon any public highway shall be designed and signed consistent with National Highway Traffic Safety rules and regulations. Each applicant shall, in his/her/its application, designate such precautions and any failure to meet said standards shall operate to terminate any permit. In such event, a hearing substantially similar to that required under Section 8 shall be provided upon request.

Section 11. No person shall be issued a road or sidewalk opening permit until such time as applicant or his/her/its contractor shall post a performance bond in an amount not less than \$100,000.00 or in such greater or lesser amount as the Director may require based upon all relevant circumstances.

Section 12. So-called "keyhole" cutting, while permitted, shall require reconstruction as if the same were a trench cut.

Section 13. No person shall be issued a road or sidewalk opening permit unless he or she or

his or her contractor has secured a general liability policy in an amount not less than \$500,000.00. Such policy shall contain an endorsement extending such coverage to the City of Providence, its officers, employees and servants.

Section 14. The Director or his/her designee shall review all applications for the installation or laying of any pipe, wire, line, conduit, cable or the like in or under any sidewalk or roadway. The Director shall, in the exercise of his judgment, allow or disallow such application. The Director's determination shall be based upon a consideration of the totality of the circumstances surrounding such proposal. He or she shall assign significant weight to the fact that such wire, pipe, conduit, etc. is already in place. The Director shall confirm that all rules, regulations, ordinances and laws are complied with. He or she shall also especially weigh and seek to ensure that:

- a. the public safety is met;
- b. inconvenience to the public is minimized in all reasonable manner;
- c. both the structural integrity of roadways and sidewalks is maximized; and
- d. installations are made in an orderly manner so as to allow the safe and ready maintenance of such installations.

Section 15. Whenever any sidewalk is repaired or replaced, it shall be repaired or replaced with in-kind material. Provided, however, that in the event that no paved sidewalk exists, the Director shall specify the "like" material to be used (depending upon the material excavated) and provided further that any sidewalk composed of asphalt, macadam or the like may be replaced by the applicant with cement or concrete.

Section 16. When the public safety convenience and convenience so requires, the Department of Public Works may institute moratoriums of limited duration on road excavation, cold and hot patching, installation of cables, conduit wire, etc. and the issuance of permits of any kind.

Section 17. This enactment shall operate to repeal or modify any ordinance or regulation inconsistent herewith. It shall not so operate when the enactments may be read harmoniously.

(a) Such repeal shall include, but not be limited to, the following sections under Chapter 23 of the Code of Ordinances:

Sections 6, 59, 62, 100, 101, 102, 103, 104, 105, 106.

Section 18. This Ordinance shall take effect upon its passage.

COUNCILMAN CLARKIN amends the Ordinance as follows:

Section 2, add the "across" to line 3.

Section 13, line 12, add the word "has" before the word "secured".

Section 14, add the words "Other than replacement of existing material", before the beginning of the first line. On line six add the language " . . . he or she shall assign significant weight to the fact that such wire, pipe, conduit, etc. is already in place . . . "

Delete Section 17 and Section 18 to become Section 17.

Add to Section 17:

(a) Such repeal shall include, but not be limited to, the following Sections under Chapter 23 of the Code of Ordinances:

Sections 6, 59, 62, 100, 101, 102, 103, 104, 105, 106.

Read and Passed, the Second Time, as amended, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwo-

man DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Rollins and Councilwomen Romano, Williams and Young—12.

Noes: None.

Absent: Councilman Mancini and Councilwoman Nolan—2.

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

An Ordinance amending Providence 2000: The Comprehensive Plan, Chapter 1994-52, No. 798, adopted December 27, 1994. (Perkins, A Street, Central and Pearl Streets).

Be it ordained by the City of Providence:

That Chapter 1994-52, No. 78, approved December 27, 1994 also known as *Providence 2000: The Comprehensive Plan*, (hereinafter referred to as the "Plan") is hereby amended, pursuant to Rhode Island General Laws Sec. 45-22.2-12. The following sections shall be considered to be a single action to amend the Plan.

Section 1. Proposed "Land Use Map: Non-Residential" shall delete the designation Limited Commercial in that area generally bounded by Perkins, A Street, Booth, Central and Pearl Streets.

Section 2. Proposed "Land Use Map: Non-Residential" by inserting the Limited Manufacturing in that area generally bounded by Perkins, A Street, Booth, Central and Pearl Street.

Section 3. This Ordinance shall take effect upon passage.

Read and Passed the Second Time, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

The motion for Passage the Second Time is Sustained.

An Ordinance in amendment of and in addition to Chapter 1980-27 of the Ordinance of the City of Providence approved May 3, 1980 and entitled "An Ordinance approving and adopting the Official Redevelopment Plan for the Charles Street Renewal Project" for the deletion of Lots 153 and 154 Plat 99 from the Acquisition List.

Be it ordained by the City of Providence:

1. That Chapter 1980-27 of the Ordinances of the City of Providence, approved May 3, 1980 and entitled, "An Ordinance approving and adopting the Official Redevelopment Plan for the Charles Street Renewal Project" amended by the following: Chapter 1983-6, approved February 18, 1983; Chapter 1995-10, approved June 9, 1995; and Chapter 1997-12, approved February 26, 1997 of the Ordinances of the City of Providence is hereby further amended as follows:

A. Delete the following lots from the acquisition list in Section 2, entitled "Proposed Acquisition" under Chapter E entitled "Plan Proposals" as contained and set forth in Page 16 of that certain booklet entitled "Charles Street Renewal Project, Official Redevelopment Plan, 1980" which is part of the aforementioned Ordinance:

Plat/Lot

Address

99/153

506 Branch Ave.

99/154

498 Branch Ave.

B. Certain maps of the aforementioned Official Redevelopment Plan hereinafter identified are deleted:

1. Map No. 3 "Proposed Acquisition", dated February, 1997.

2. Map No. 4 "Disposition", dated February, 1995.

C. Insert the following maps in its stead:

1. Map No. 3 "Proposed Acquisition", dated July, 1997.

2. Map No. 4 "Disposition", dated July, 1997.

2. That said Chapter 1984-17 of the Ordinance of the City of Providence as adopted and as heretofore amended, is hereby ratified and reaffirmed in all other respects.

3. This Ordinance shall take effect upon passage and the City Clerk shall forward a certified copy to the Providence Redevelopment Agency.

Read and Passed the Second Time, on motion of COUNCILWOMAN DIRUZZO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

The motion for Passage the Second Time is Sustained.

An Ordinance establishing a Tax Stabilization Plan for Kilguss Realty Company, LLC.

Be it ordained by the City of Providence:

Whereas, Section 21-169 of the Ordinance of the City of Providence grants authority to the City Council, pursuant to Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, to exempt property used for industrial, commercial or residential purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Section of the Ordinance; and

Whereas, Kilguss Realty Co., LLC has made application under, and has satisfied each condition of the above mentioned Ordinance;

Whereas, Kilguss Realty Co., LLC is a commercial concern who intends to retain its facility in the City of Providence and agrees, as a condition of this tax treaty, to not reduce substantially its workforce in the City of Providence, on Royal Little Drive in the Silver Spring Industrial Park, in Providence, Rhode Island, on Assessor's Plat 72, Lots 544, 545, 546 and ("Project");

Whereas, The Project will cause an increase in the tax base of the City and will increase employment opportunity in the City; and

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

Be it ordained by the City of Providence:

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

Section 2. As long as Kilguss Realty Co., LLC owns or operates the facility, it will continue to pay taxes on the facility. Kilguss Realty Co., LLC its successors and assigns, agree that this

property will be subject to taxation at the expiration of the tax treaty. Kilguss Realty Co., LLC also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. Kilguss Realty Co., LLC is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax paying entity, as set forth herein in the Land Evidence Records of the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, Kilguss Realty Co., LLC will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by Kilguss Realty Co., LLC or any any subsequent transferee of such property, Kilguss Realty Co., LLC will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 2. shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

Section 3. It shall be the goal of Kilguss Realty Co., LLC to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE act). It shall be Kilguss Realty Co., LLC's further goal to award to woman business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). It shall be a further goal of Kilguss Realty Co.,

LLC to achieve a minimum level of 10% for minority and 10% for female employment.

Section 4. In making employment decisions for the facility located at Royal Little Drive in the Silver Spring Industrial Park, Kilguss Realty Co., LLC shall give preferential consideration to qualified employees/applicants who reside in Providence.

Section 5. The schedule listed below is based upon information provided to the Tax Assessor by Kilguss Realty Co., LLC including, but not limited, to estimated construction costs. In the event any of this information is inaccurate or proves to erroneous, this treaty shall be modified to reflect that accurate information.

Section 6. That the real and personal property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real and personal property tax rates in effect for the City's 1997 fiscal year.

Section 7. That the City, in accordance with Section 44-3-9 of the Rhode Island General Laws and Section 21-169 of the Code or Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 1997 up to and including December 31, 2006 to Kilguss Realty Co., LLC located on Royal Little Drive in the Silver Spring Industrial Park in Providence, Rhode Island, on a portion of Assessor's Plat 72, Lots 544, 545, 546 as provided in the above mentioned Ordinance, in accordance with the schedule in Exhibit A.

Section 8. This Ordinance shall take effect upon its passage.

Read and Passed the Second Time, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Fargnoli, Councilmen Allen, Clarkin, DeLuca, Councilwo-

man DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

The motion for Passage the Second Time is Sustained.

An Ordinance establishing a Tax Stabilization Plan for Bake US, Inc.

Be it ordained by the City of Providence:

Whereas, Section 21-169 of the Ordinances of Providence grants authority to the City Council, pursuant to Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, to exempt property used for industrial, commercial or residential purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Section of the Ordinance; and

Whereas, Bake Us, Inc., has made application under, and has satisfied each condition of the above-mentioned Ordinance; and

Whereas, Bake Us, Inc., is a commercial concern who intends to retain its facility in the City of Providence and agrees, as a condition of this tax treaty, to not reduce substantially its workforce in the City of Providence, at the Silver Spring Industrial Park in Providence, Rhode Island, on Assessor's Plat 1, Lot 88 and ("Project"); and

Whereas, The Project will cause an increase in the tax base of the City and will increase employment opportunity in the City; and

Whereas, It is in the interest of the residents of the City of Providence to grant such an

exemption to induce the development and construction of the Project in the City, and such exemption will inure to the benefit of the City;

Be it ordained by the City of Providence:

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

Section 2. As long as Bake Us, Inc., owns or operates the facility, it will continue to pay taxes on the facility. Bake Us, Inc., its successors and assigns, agree that this property will be subject to taxation at the expiration of the tax treaty. Bake Us, Inc., also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. Bake Us, Inc., agrees to ensure that any transfer or successor will be able to make payments under the tax treaty. Bake Us, Inc., is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax-paying entity, as set forth herein; in the Land Evidence Records of the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, Bake Us, Inc. will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by Bake Us, Inc., or any subsequent transferee of such property, Bake Us, Inc. will be responsible to make payments in lieu of taxes to the City of Providence equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 2 shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

Section 3. It shall be the goal of Bake Us, Inc. to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE act). It shall be Bake Us, Inc.'s further goal to award to women business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). It shall be a further goal of Bake Us, Inc. to achieve a minimum level of 10% for minority and 10% for female employment.

Section 4. In making employment decisions for the facility located at the Silver Spring Industrial Park, Bake Us, Inc. shall give preferential consideration to qualified employees/applicants who reside in Providence.

Section 5. The schedule listed below is based upon information provided to the Tax Assessor by Bake Us, Inc., including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information.

Section 6. That the real and personal property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real and personal property tax rates in effect for the City's 1997 fiscal year.

Section 7. That the City, in accordance with Section 44-3-9 of the Rhode Island General Laws and Section 21-169 of the Code of Ordinances for the City of Providence, is hereby authorized to grant an exemption from the assessed valuation for tax purposes as of December 31, 1997 up to and including December 31, 2006 to Bake Us, Inc., located at the Silver Spring Industrial Park on a portion of Assessor's Plat 1, Lot 88, in Providence, Rhode Island, as provided in the above-mentioned Ordinance, in accordance with the schedule in Exhibit A.

Section 8. This Ordinance shall take effect upon its passage.

Read and Passed the Second Time, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

The motion for Passage the Second Time is Sustained.

The following Ordinances were in City Council October 9, 1997, Read and Passed the First Time, and are severally returned for Passage the Second Time, as amended:

An Ordinance in amendment of and in addition to Section 17-59(c) of the Code of Ordinances of the City of Providence, entitled: "Overtime Pay", as amended.

Be it ordained by the City of Providence:

Section 1. No employee of the City of Providence, or any municipal department, board,

bureau or agency (except those employees of the Department of Public Safety) shall receive overtime compensation except:

(a) Bargaining unit members in the event the payment of such overtime is required under the terms and conditions of any collective bargaining agreement;

(b) The personnel listed in this sub-section when those individuals meet either circumstances specified in subsections (i) or (ii) below:

Parks Department

Director — Grounds Maintenance Services

Assistant Director — Grounds

Deputy Director — Grounds

Cultural Affairs Coordinator

Facilities Coordinator

Public Works Department

Highway Superintendent

Deputy Superintendent

Operations Manager

Assistant Director, General Services

Superintendent, Sewer Construction

Supervisor, Environmental Services

Maintenance Planner

Rodent Vermin Control Officer

City Recycling Coordinator

Emergency Management Department

Operation, Planning, Training & Publicity Officer

Recreation Department

Recreation Center Directors

(i) In the event that an emergency such as, but not limited to, a snow storm, a hurricane, a major fire, or chemical spill requires a response from the City of Providence; and an *immediate* response is necessary.

(ii) In the event of a planned public gathering such as, but not limited to, a public festival or outing which requires individuals with supervisory responsibilities to participate in either:

a. the preparation for, or

b. the monitoring during, or

c. the closure subsequent to such gathering.

(c) Upon the occurrence of either (i) or (ii) above, payment of overtime shall be limited to above-referenced personnel who participated and who have direct supervisory responsibilities for bargaining unit employees or who have specifically defined duties and responsibilities that are necessary for City-directed efforts.

(d) Payment at an overtime rate shall be at one and one-half the hourly rate for any hours in excess of regularly scheduled work week.

(e) Time paid (i.e., vacation and sick time) shall be considered "time worked" for the purposes of overtime compensation.

(f) Department Directors and Deputy Directors are specifically excluded from these provisions and are not eligible for overtime payments. Each department director shall implement this policy.

(g) Each department director or department head shall forward to the Council Committee on Finance a report containing a listing of any and all payments made hereunder on a quarterly basis.

(h) It shall be the responsibility of each department director or department head to implement this ordinance.

Section 2. In the event of the creation or reorganization of any department, by the City Council, so as to create, add or rename supervisory personnel in that department, the director of that department, prior to the payment of any overtime monies to said supervisory, personnel shall, in writing, notify the Director of Personnel of such creation, addition or renaming.

Section 3. This ordinance shall take effect upon its passage.

Read and Passed the Second Time, as amended, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano and Young—11.

Noes: Councilman Allen and Councilwoman Williams—2.

Absent: Councilwoman Nolan—1.

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

An Ordinance appropriating \$50 million and authorizing the issuance of \$50 million in bonds for the Neighborhood Improvement Program: A Plan to Revitalize Providence's Neighborhoods, as amended.

Be it ordained by the City of Providence:

Section 1. On April 14, 1997, Ordinance Number 170, Chapter 1997-27 was adopted,

whereby, the sum of \$50,000,000 was appropriated for "*The Neighborhood Improvement Program: A Plan to Revitalize Providence's Neighborhoods*". Said ordinance requires that the details of each component of said plan will be developed and approved by the city council prior to the expenditure of any funds. This shall include specifics of the projects/programs to be completed and lead city department responsible for directing the project/program. The categories to be funded and the amounts to be funded is hereby amended as follows:

A. Neighborhood Improvement Projects — \$40.3 million

1. Housing Programs

- Elimination of Blight (\$2.2 million)
- Housing Assistance (\$5.1 million)

2. Improvement Projects (\$33 million)

(NOTE: Funds to be divided evenly among the City's 15 wards. Each ward shall specify the dollar amount allocated to each project and identify the expected work to be completed.)

- Street Pavement
- Sidewalk Improvement
- Commercial Districts
- Park Rehabilitation
- Community and Recreation Center Renovation/Development of New Centers

- Housing Programs

B. Special Projects — \$4.7 million

- Downtown Sidewalk Improvement Program (\$0.02 million)
- Street, Traffic and School Zone Lights (\$0.3 million)

- Street Tree Maintenance (\$0.2 million)
- Pavement Management Study and Plan (\$0.1 million)
- Woonasquatucket Greenway (\$2.9 million)
- Gorham Industrial Park (\$1.0 million)

C. Issuance Cost and Capitalized Interest — \$5 million

Section 2. To meet this appropriation the City Treasurer, with the approval of the Mayor and the Committee on Finance, is authorized to issue bonds in the principal amount of \$50,000,000, pursuant to Rhode Island Public Law 1996-426.

Section 3. The estimated maximum cost of the capital project is \$50,000,000.

Section 4. The expected period of usefulness of the project is hereby determined to be at least 25 years.

Section 5. The net debt of the City after the issuance of the bonds hereby authorized will not be more than \$181,000,000, and the bonds hereby authorized will be within all debt and other limitations prescribed by the constitution and laws of the State of Rhode Island.

Section 6. The City Council of the City of Providence, Rhode Island recognizes that the following question was submitted to the Electors of the City of Providence at that General Election held on Tuesday, November 6, 1996: "Authorizing the City of Providence to issue bonds and notes in an amount not exceeding \$50,000,000 for the purpose of redevelopment and for capital improvements".

Section 7. This ordinance shall take effect upon its passage.

Read and Passed the Second Time, as amended, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

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

An Ordinance amending Section 21-131 of Article VI, entitled "Tax Abatement on Rehabilitated Property", as amended.

Be it ordained by the City of Providence:

Section 1. Section 21-131 of Article VI, entitled "Tax Abatement on Rehabilitated Property" of the Code of Ordinances is hereby amended as follows:

Section 21-131. Requirements for Qualifications. The category of property which qualify for abatement shall be:

1.) Abandoned buildings with back taxes owing that are required to be paid by qualifying homesteaders;

2.) Vacant property which formerly was the situs of an abandoned building; and

3.) Upon which back taxes are owed; provided said back taxes are owed at least in part from the above-referenced building and for which a rehabilitation plan has been proposed and is deemed for the property.

The City Council shall determine the eligibility of each applicant.

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

Read and Passed the Second Time, as amended, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and

Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

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

PRESENTATION OF ORDINANCE

COUNCILWOMAN YOUNG (By Request):

An Ordinance establishing a Tax Stabilization Plan for the Fletcher Building on Weybosset Street.

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

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT FARGNOLI (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of a "Stop" sign at the intersection of Webb Street at Whitford Avenue.

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

The motion to Refer is Sustained.

Resolution Requesting approval for certain expenditures of funds from the Neighborhood Program, as amended.

COUNCIL PRESIDENT FARGNOLI Jointly Refers the Resolution to the Committee on Finance and the Committee on Urban Redevelopment, Renewal and Planning.

The motion to Refer is Sustained.

Resolution Renaming the Isidor Leviton School the "Isidor Leviton School Complex".

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

The motion to Refer is Sustained.

COUNCIL PRESIDENT FARGNOLI, COUNCILMAN ALLEN, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMAN HASSETT, COUNCILMAN JACKSON, COUNCILMAN LOMBARDI, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILMAN ROLLINS, COUNCILWOMAN ROMANO, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution Recognizing the First Annual America/Rhode Island Recycles Day, November 15, 1997.

Read and Passed, on motion of COUNCILWOMAN DIRUZZO, seconded by COUNCILWOMAN YOUNG.

The motion for Passage is Unanimously Sustained.

COUNCILMAN CLARKIN (By Request):

Resolution Requesting the Traffic Engineer to install "No Parking" signs in Goulding Lane.

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

The motion to Refer is Sustained.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Benefit Street between College Street and Waterman Avenue between the hours of 7:00 o'clock A.M. to 5:00 o'clock P.M. on Saturday, October 18, 1997 for the Rhode Island School of Design Student/Alumni Reunion — Parents' Weekend.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Benefit Street between College Street and Waterman Avenue between the hours of 7:00 o'clock A.M. to 5:00 o'clock P.M. on Saturday, October 18, 1997 for the Rhode Island School of Design Student/Alumni Reunion — Parents' Weekend.

COUNCILMAN HASSETT (By Request):

Resolution Requesting the Chief Electrical Inspector to upgrade the street lighting along Health Avenue to 250 watts.

Resolved, That the Chief Electrical Inspector is requested to upgrade the street lighting along Health Avenue to 250 watts.

COUNCILWOMAN NOLAN (By Request):

Resolution Requesting the Director of Public Works to cause the sewers to be baited on various streets within the 9th Ward.

Resolved, That the Director of Public Works is requested to cause the sewers to be baited on various streets within the 9th Ward:

Lenox Avenue and Hamilton Street

Sumter Avenue and Ruskin Street

Sumter Street and Emerson Street

All sewers on Sumter Street.

Severally Read and Collectively Passed, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN YOUNG.

The motion for Passage is Unanimously Sustained.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Director of Public Works to replace the sidewalk on Morris Avenue between Alumni Avenue and Olney Street as soon as possible for safety reasons. (This is the path that Moses Brown students take to get to cars before and after school).

Resolved, That the Director of Public Works is requested to replace the sidewalk on Morris Avenue between Alumni Avenue and Olney Street as soon as possible for safety reasons. (This is the path that Moses Brown students take to get to cars before and after school).

Resolution Requesting the Traffic Engineer to cause the installation of a "Two Hour Parking between the hours of 7:00 A.M. and 9:00 P.M." sign on the south side of Alumni Street.

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

The motion to Refer is Sustained.

REPORTS FROM COMMITTEES

COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman COMMITTEE ON URBAN REDEVELOPMENT, RENEWAL AND PLANNING

Transmits the following with recommendation the same be Approved:

Resolution Requesting the Providence School Department to name the Leviton II School after Alfred Lima, Sr., the first black police officer for the City of Providence.

Resolved, That the Providence School Department is requested to name the Leviton II School after Alfred Lima, Sr., the first black police officer for the City of Providence.

**Read and Passed, on motion of COUNCIL-
WOMAN DiRUZZO, seconded by COUNCIL-
WOMAN YOUNG.**

**The motion for Passage is Unanimously
Sustained.**

**COUNCILMAN KEVIN JACKSON, Chairman
COMMITTEE ON CITY PROPERTY**

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

Resolution Authorizing His Honor, the Mayor, to transfer that certain parcel of land known as Assessor's Plat 44, Lot 456, 44 Woodman Street to the Providence Redevelopment Agency and that any and all documents be executed, including the deed, relative to conveyance of said parcel.

Whereas, On June 18, 1993, the Providence City Council, by and through Resolution 427, memorialized their intention to convey certain foreclosed properties from the City of Providence to the Providence Redevelopment Agency; and

Whereas, It is still the intention of the Providence City Council to convey property located at 44 Woodman Street on Assessor's Plat 44, Lot 456 to the Providence Redevelopment Agency in that it is no longer useful for municipal purposes and it has been found to be in the best interest of the City of Providence and its' respective neighborhoods;

Now, therefore, be it Resolved, That it remains and always was the intention of the City Council that deeds not be executed transferring said

properties listed in Resolution 427, approved June 18, 1993, until a project or a property owner had been identified by the Providence Redevelopment Agency,

Be it further Resolved, That the Providence Redevelopment Agency shall see that said property is developed in accordance with the City's comprehensive Plan and Zoning Ordinance; and that all proceeds from the sale of this property, minus any administrative management, insurance or development costs shall be returned to the City of Providence, and

Be it further Resolved, That a use has been identified for property located at 44 Woodman Street, Plat 44, Lot 456, and that His Honor, the Mayor is hereby authorized to execute any and all documents, including the deed, relative to conveyance of said parcel.

**Read and Passed, on motion of COUNCIL-
WOMAN DiRUZZO, seconded by COUNCIL-
WOMAN YOUNG.**

**The motion for Passage is Unanimously
Sustained.**

Resolution Authorizing His Honor, the Mayor to transfer to the Providence Redevelopment Agency that certain parcel of land situated on Assessor's Plat 107, Lots 229 and 230 located within the Hartford Avenue Renewal Project for the sum of One Dollar (\$1.00), as requested by the Providence School Department.

Resolved, That His Honor, Mayor Vincent A. Cianci is hereby authorized and empowered on behalf of the City of Providence to transfer to the Providence Redevelopment Agency (PRA) for the sum of One Dollar and 00/100 (\$1.00). That certain parcel of land situated in the City of Providence known as AP 107, Lots 229 and 230 within the Hartford Avenue Renewal Project, as per the attached map. These sites are to be transferred from the Providence School Department to PRA as requested by the Providence School Department. The parcels will be kept in tax exempt status

until sold by the PRA.

Read and Passed, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN YOUNG, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

The motion for Passage is Unanimously Sustained.

COUNCILWOMAN RITA M. WILLIAMS, Chairwoman COMMITTEE ON ORDINANCES

Transmits the following with recommendation the same be severally Adopted:

An Ordinance in amendment of Chapter 564 of the Ordinances of the City of Providence entitled "The City of Providence Zoning Ordinance", approved June 27, 1994 and amended May 26, 1995, by amending Providence Zoning District Map Number 13 of the Official Zoning Map by changing Zoning District Designation of Lot 6 from R-3 to C-2.

Read and Passed the First Time, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN YOUNG, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

The motion for Passage the First Time is Unanimously Sustained.

An Ordinance in amendment of Chapter 564 of the Ordinances of the City of Providence entitled "The City of Providence Zoning Ordinance" approved June 27, 1997, as amended, by amending Providence Zoning District Map Number 29 of the Official Zoning Map by changing the Zoning District Designation of a portion of Lot 409 from P.S. Public Spaces Areas to M-1 Industrial District and Providence Zoning District Map Number 30, Lots 22, 63, 64, 66, 67, 73, 89, 143, and 629 from C-2 General Commercial District to M-1 Industrial District.

Read and Passed the First Time, on motion of COUNCILWOMAN DiRUZZO, seconded

by COUNCILWOMAN YOUNG, by the following Roll Call Vote:

Ayes: Council President Fagnoli, Councilmen Allen, Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Hassett, Jackson, Lombardi, Mancini, Rollins and Councilwomen Romano, Williams and Young—13.

Noes: None.

Absent: Councilwoman Nolan—1.

The motion for Passage the First Time is Unanimously Sustained.

COMMUNICATIONS AND REPORTS

Report from Raymond Dettore, Jr., Chairman and Secretary of the Board of Licenses, of all moneys received for licenses, etc., issued during the quarter ending September 30, 1997.

Received.

Communication from Virginia Bernal-Price, dated October 1, 1997, requesting an extension

of the Residency Requirement of the Home Rule Charter, Section 1210, as an employee of the Providence School Department.

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

The motion to Refer is Unanimously Sustained.

PRESENTATION OF CITATIONS

"In Congratulations"

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

Citations Extending Congratulations.

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

Gavriel Berman, in recognition of the occasion of his Bar Mitzvah.

John and Kerri Ferri, in recognition of the celebration of the birth of their daughter, Olivia Isabelle Ferri, born on September 17, 1997.

Mr. and Mrs. Donald DiPaolo, in recognition of the celebration of their 50th Wedding Anniversary.

John T. Campanini, Jr., in recognition of being the recipient of the Robert M. Goodrich Distinguished Public Service Award.

Mr. and Mrs. Thomas Natale, in recognition of the celebration of their 50th Wedding Anniversary on September 6, 1997.

Mary Kay Schnare, in recognition of being the recipient of the \$25,000 Milken Family Foundation Education Excellence Award.

Mr. and Mrs. Abel Torres, in recognition of the celebration of the birth of their son, born on September 1, 1997.

Mr. and Mrs. Due Vang, in recognition of the celebration of the birth of their son, born on September 3, 1997.

Mr. and Mrs. Joseph Dinis, in recognition of the celebration of the birth of their son, born on September 5, 1997.

Mr. and Mrs. Robert Bomosee, in recognition of the celebration of the birth of their son, born on August 1, 1997.

**Severally Read and Collectively Passed,
on motion of COUNCILWOMAN DiRUZZO,
seconded by COUNCILWOMAN YOUNG.**

The motion for Passage is Unanimously Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

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

Resolutions Extending Sympathy.

Resolved, That the Members of the City Council

extend their sincere sympathy to the families of the following:

Gerald Jacobs

Angelina Cerullo

Dorothy A. D'Amore

Terri L. Dailey

Manuel D. Rodriques

Dorothy L. Maynard.

John De Fontes

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

Margaret Rossi

Gloria M. Pesaturo

**The motion for Passage is Unanimously
Sustained.**

Virginia C. Miletta

Deinora Rezza

ADJOURNMENT

**There being no further business, on
motion of COUNCILWOMAN DiRUZZO,
seconded by COUNCILWOMAN WILLIAMS,
it is voted to adjourn at 8:00 o'clock P.M.
(E.D.T.) to meet again on THURSDAY,
NOVEMBER 6, 1997 at 7:30 o'clock P.M.
(E.S.T.).**

Michael R. Clement

City Clerk

October 23]

1682

[1997

October 23]

1683

[1997

October 23]

1684

[1997
