

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 86 City Council Regular Meeting, Thursday, March 5, 1998, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

COUNCIL PRESIDENT

EVELYN V. FARGNOLI

ROLL CALL

Present: Council President Fagnoli,
Councilmen Allen, Clarkin, DeLuca, Coun-
cilwoman DiRuzzo, Councilmen Hassett, Ig-
liozi, Lombardi, Mancini, Councilwomen
Nolan, Romano, Williams and Young—13.

Absent: Councilmen Jackson and Rol-
lins—2.

IN CITY COUNCIL

MAY 7 1998

APPROVED:

1873

Richard R. Clement CLERK

INVOCATION

The Invocation is given by COUNCILWOMAN RITA M. WILLIAMS.

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

COUNCILMAN JOHN J. IGLIOZZI leads the members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF RECORD

The Journal of Proceedings No. 83 of the Regular Meeting of the City Council held January 22, 1998, is approved, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS.

APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated January 26, 1998, Informing the Honorable Members of the City Council that pursuant to Section 302 (b) of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Mark Feinstein of 400 Laurel Avenue, Providence, Rhode Island, as a

Member of the Providence Economic Development Corporation for a term to expire in November, 1999.

Received.

ORDINANCE SECOND READING

The following Ordinance was in City Council February 19, 1998, Read and Passed the First Time, as amended, and is returned for Passage the Second Time.

An Ordinance establishing a Tax Stabilization Plan for the Smith Building, as amended.

Be it ordained by the City of Providence:

Whereas, Section 21-169 of the Ordinances 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, Smith-Keen has made application under, and has satisfied each condition of the above-mentioned Ordinance; and

Whereas, Smith-Keen is a commercial concern who intends to convert its building in the City of Providence at 57 Eddy Street to residential use, on Assessor's Plat 20, Lot 33 ("Project"); and

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

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

Be it ordained by the City of Providence:

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

Section 2. As long as Smith-Keen owns or operates the facility, it will continue to pay taxes on the facility. Smith-Keen, its successors and assigns, agrees that this property will be subject to taxation at the expiration of the tax treaty. Smith-Keen 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. Smith-Keen 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 or 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, Smith-Keen 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 Smith-Keen or any subsequent transferee of such property, Smith-Keen 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 Smith-Keen to award 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 Smith-Keen's further goal to award to women business enterprises (WBE) no less than 10% of the dollar value of 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 Smith-Keen to achieve a minimum level of 10% for minority and 10% for female employment.

Section 4. The City of Providence has entered this tax treaty as a result of increasing demand for apartments in the City's Arts and Entertainment District by artists interested in taking advantage of the tax incentives available in that district as well as other professionals seeking apartments in the center of the DownCity area. As required by state law, the Smith Building is a former commercial building being converted into apartment use. This treaty shall only be in effect as long as the property is utilized primarily for residential purposes and failure to use the building for primarily residential purposes would render this treaty null and void. The parties do not intend that this agreement would extend to use of the building as a "dormitory" or "apartment dormitory" use.¹ In fact, use of the building for "dormitory" or "apartment dormitory" purposes would also render the treaty null and void. The treaty being rendered null and void for any reason would require the owner to pay all taxes and fees as due and owing as if no treaty had been entered.

Section 5. The schedule listed below is based upon the information provided to the Tax Assessor by Smith-Keen including, but not limited to, estimated construction costs. In the event that any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information. This tax treaty is also conditioned upon the commencement of construction and the payment of all taxes due and owing on the property within sixty (60) days of this Ordinance going into effect. Failure to begin construction or to make full payment within that time frame renders the treaty null and void. The treaty being rendered null and void would require the owner of the property to pay all taxes as due and owing as if no treaty had been entered.

Section 6. That the real property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real property tax rates in effect for the City's 1997 fiscal year. This treaty is further conditioned upon Smith-Keen at all times owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence.

Section 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 Smith-Keen located at 57 Eddy Street in Providence, Rhode Island, on a portion of Assessor's Plat 20, Lot 33, 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.

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

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, Igliazzi, Lombardi, Councilwomen Nolan, Romano, Williams and Young—12.

Noes: None.

Absent: Councilmen Jackson, Mancini, Rollins—3.

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

PRESENTATION OF ORDINANCES

COUNCILWOMAN NOLAN (By Request):

An Ordinance in amendment of and in addition to Chapter 1986-53 of the Ordinances of the City of Providence, approved October 23, 1986 and entitled: "An Ordinance approving and adopting the Official Redevelopment Plan for the Special Vacant Lot Project" for the acquisition of additional properties.

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

The motion to Refer is Unanimously Sustained.

COUNCILWOMAN YOUNG (By Request):

An Ordinance in amendment of Chapter 1987-10 of the Ordinances of the City of Providence, as approved May 11, 1987, as amended in Chapter 1988-45, November 23, 1988, entitled: "An Ordinance creating and establishing an Economic Development Zone within the City of Providence pursuant to 3-7-16.4 of the General Laws of the State of Rhode Island", as amended.

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

The motion to Refer is Unanimously Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT FARGNOLI:

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

COUNCILMAN ALLEN moves the Resolution be amended to add . . . "to include

\$250,000.00 from the Ward 8 Allocation for the Neighborhood Loan Program".

This motion being seconded by COUNCILWOMAN DiRUZZO, is put to vote and passed.

The motion to Amend is Unanimously Sustained.

COUNCIL PRESIDENT FARNOLI then Jointly Refers the Resolution, as amended, to the Committee on Urban Redevelopment, Renewal and Planning and the Committee on Finance.

The motion to Refer is Unanimously Sustained.

Resolution Requesting a Special Committee be appointed to study the current Peddlers and Hawkers Ordinance.

Resolved, That the Council President immediately appoint a small Committee made up of two (2) Council Persons; Director of Planning and Development or his designee; the Law Department; the Chair of the License Bureau, two (2) peddlers; Member of the Planning Commission and a Business Owner to study the current Peddlers and Hawkers Ordinance and make changes, if necessary. Said Committee to complete their work and submit a report or amendment to the Committee on Ordinances no later than June 1, 1998.

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

The motion for Passage is Unanimously Sustained.

Resolution in support of legislation being introduced regarding a realty stamp tax.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 8199) and Senate Bill (98-S 2612) relating to distressed cities.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7867) and Senate Bill (98-S 2622) relating to the percentage of the PILOT formula.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7936) and Senate Bill (98-S 2621) relating to the base of PILOT formula.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 8208) and Senate Bill (98-S 2623) relating to the use aspect of the PILOT formula.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7965) and Senate Bill (98-S 2610) relating to recording fees.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7830) and Senate Bill (98-S 2617) relating to franchise fees.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7931) and Senate Bill (98-S 2625) relating to film production tax credits.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 8204) and Senate Bill (98-S 2624) relating to the hurricane barrier.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 8225) and Senate Bill (98-S 2618) relating to residential neighborhoods.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7838) and Senate Bill (98-S 2791) relating to school mandates.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7786) and Senate Bill (98-S 2611) relating to mid year increase in school aid.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H

8203) and Senate Bill (98-S 2630) relating to the Convention and Visitors' Bureau.

Resolution endorsing and urging passage by the General Assembly of An Act relating to a bed and breakfast tax.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 8212) and Senate Bill (98-S 2627) relating to the Convention Center Authority.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7988) and Senate Bill (98-S 2628) relating to PRA condemnation rates.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 8201), House Bill (98-H 8207) and Senate Bill (98-S 2615) relating to enterprise zones in the City of Providence.

Resolution endorsing and urging passage by the General Assembly of An Act relating to a Study Commission for PRA Legislation.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 8131) and Senate Bill (98-S 2629) relating to the repeal of the public service corporation tax.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7864) and Senate Bill (98-S 2746) relating to state affairs and government — Rhode Island tourism and development.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 8217) and Senate Bill (98-S 2605) relating to noise from motor vehicles.

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7955) An Act relating to Rhode Island tourism and development.

**COUNCIL PRESIDENT FARNOLI
Severally Refers the Resolutions to the
Special Committee on State Legislation.**

Resolution endorsing and urging passage by the General Assembly of House Bill (98-H 7927) and Senate Bill (98-S 2614) relating to an upgrade of graffiti violations.

**The motion to Refer is Unanimously
Sustained.**

PERSONAL EXPRESSION

COUNCILWOMAN YOUNG requests the privilege of the floor to speak on a point of personal expression and states:

"I am talking tonight about this Executive Order, 98-1. I am not sure you have a copy of this. Please don't read it before you go to bed, you will never go to sleep. This order came from

the Mayor, dated February 11, 1998 and it has to do with City Construction projects. Basically, in my opinion, I am not a lawyer, but think its unconstitutional, I think it's immoral. I think this Executive Order is almost illegal. What you have here is you are saying all of our construction projects from the 11th of February hereon in will be union projects. I hope you

understand what that means in terms of our bond money that the cost of those projects that we are doing right now will increase by about 30 percent, which means that we will not have enough money to complete the things we wanted to do based on this Executive Order. I have not seen this until the 16th Council person, Gregory Smith, called it to my attention the other week. He made me aware of this Executive Order. I am not sure who has seen this document, but this basically says that all of the construction projects for this city has to be done by union people. I find that scandalous. I can tell you what it is going to do my community the minority community and to women. It's going to put them out of business. If that's what the Mayor of this city is all about, then the people need to know that right now. I am opposed to this Executive Order. I have asked our Council President to contact our legal counsel to see how we can challenge this in court and anyplace else. But this is a scary document. As you read this document, it has a monopoly on construction projects. It says that we cannot enter into fair trade with anybody else but union people. That may be fine for some people, but union people have not always been the best friend for women and minority construction companies. Right now the people in my community are practically starving and recently with the Providence Place Mall, the Carpenter's Union is standing in the way of several contractor's getting some contract work because they are refusing to sign some sort of document.

So unions are not necessarily the best friend for the small business person and I have nothing against unions, but I think when you make a blank check that all city construction

projects have to be union people, then I think what you have created is a monopoly and that is a scary prospect. I think you need to read this document, see the attached exhibits, be prepared to spend more money of your bond money on projects that you anticipated and we probably will have to do another bond to finish some of the things that we want to do if this document is valid and we have to go by this. Thank you very much."

COUNCILMAN CLARKIN requests the privilege of the floor to speak on a point of personal expression and states:

"In Sunday's newspaper, I noticed that the Mayor wants to cut the bloated benefits of the Civic Center employees. He also said that he believed that there were too many full time workers at the Civic Center. I believe that it was two years ago that this council said the same thing. We asked to have the Civic Center privatized and have the payroll cut back. I am glad that the Mayor has finally agreed with us.

He said the benefits at the Civic Center need to be cut. He also said that the staff must be reduced through negotiations. And he said I have every confidence that we will be able to do something reasonable. When they gave the life-time Blue Cross to lifetime workers, I think it irritated a lot of us and something had to be done. Thank you."

PRESENTATION OF RESOLUTIONS

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

Resolution that the City Council supports this 28th Year of Earth Day activities at Roger Williams Park, the theme being "Our Hope — A Clean and Green RI".

Whereas, The City Council of the City of Providence recognizes that the first Earth Day in 1970 was the beginning of the modern environmental movement which helped shape the values and priorities of a whole generation, and

Whereas, As a result of Citizen demand, Congress passed the Clean Air Act, the Clean Water Act, the Endangered Species Act, and Superfund Legislation, putting a lasting framework for the future into place, and

Whereas, Rhode Islanders in general, and Providence residents in particular, have demonstrated leadership in environmental action and awareness and have also expected environmental action from their leaders, and

Whereas, It is our common responsibility to clean up our environment and protect it from harm, and

Whereas, In 1998, Earth Day is on April 22, 1998 and in Rhode Island, Earth Day activities will take place in the days and weeks around that date, and

Whereas, The City Council of the City of Providence supports this 28th year of Earth Day Activities in Providence and on a Statewide, National and Global Level, and

Whereas, That we support the theme of this Year's Rhode Island Earth Day Celebration, "Our Hope — A Clean and Green RI!",

Now, therefore, be it Resolved, That we encourage youths and adults alike to take the Pledge to Keep Rhode Island Clean and Green that is part of this year's theme, and

Be it further Resolved, That we encourage Providence Residents to participate in Neighborhood Cleanups, Educational Activities and Celebrations connected with Rhode Island Earth Day.

COUNCILMAN ALLEN (By Request):

Resolution Requesting the Chief Electrical Inspector to replace the street light located on pole no. 1 located along Salem Street and to also increase the lumen.

Resolved, That the Chief Electrical Inspector is requested to replace the street light located on pole no. 1 located along Salem Street and to also increase the lumen.

Severally Read and Collectively Passed, on motion of COUNCILWOMAN DIRUZZO, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Unanimously Sustained.

COUNCILMAN ALLEN and COUNCILMAN ROLLINS (By Request):

Resolution Requesting that the City Council accept that parcel of land and buildings located at 246 Magnolia Street, Assessor's Plat 108, Lot 460, same to be used for a Community Police Sub Station as requested by the Providence Redevelopment Agency.

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

The motion to Refer is Unanimously Sustained.

COUNCILMAN CLARKIN (By Request):

Resolution Requesting the Traffic Engineer to cause the installation of Four-Way "Stop" Signs at the intersections of Brook Street and George Street; Brook Street and Charlesfield Street and Thayer Street and Power Street.

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

The motion to Refer is Unanimously Sustained.

COUNCILMAN CLARKIN:

Resolution Requesting the City Treasurer not to pay union dues for the 27 Supervisors recently approved for membership into Local Union 1033 pending City Council approval.

COUNCILMAN CLARKIN moves that the Resolution be amended by adding "...and the City Controller are directed..." after the words "City Treasurer".

This motion is seconded by COUNCILWOMAN YOUNG.

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

The motion to Refer is Unanimously Sustained.

COUNCILMAN IGLIOZZI (By Request):

Resolution Requesting the Chief Electrical Inspector to cause the street lighting to be increased to 27,500 lumen along Whittier Avenue and Heath Street.

Resolved, That the Chief Electrical Inspector is requested to cause the street lighting to be increased to 27,500 lumen along Whittier Avenue and Heath Street.

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

The motion for Passage is Unanimously Sustained.

COUNCILMAN LOMBARDI:

Resolution Requesting the City Solicitor submit an explanation of Resolution No. 559, approved September 10, 1987, relative to the City of Providence and Public Service Employees' Local Union 1033 and under what circumstances occurred which lists some positions as being removed from the Contract which are now reinstated.

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

The motion to Refer is Unanimously Sustained.

COUNCILWOMAN NOLAN (By Request):

Resolution Requesting that all retired or current employees running for election to the Retirement Board be legitimate residents of the City of Providence.

COUNCIL PRESIDENT FARGNOLI Jointly Refers the Resolution to the Committee on Finance and the Committee on Residency.

The motion to Refer is Unanimously Sustained.

COUNCILMAN ROLLINS (By Request):

Resolution Requesting the Traffic Engineer to establish Sayles Street, from Ocean Street to Harriet Street as a One-Way Street, from east to west, during school hours.

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

The motion to Refer is Unanimously Sustained.

Resolution Requesting the Traffic Engineer to establish Oxford Street, from Harriet Street to Ocean Street as a One-Way Street, from west to east, during school hours.

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

The motion to Refer is Unanimously Sustained.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Brown

Street, from Angell Street to Olive Street on Thursday, April 30, 1998, between the hours of 11:00 o'clock A.M. to 6:00 o'clock P.M. for the Celebration of Israel's 50th Birthday.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Brown Street, from Angell Street to Olive Street on Thursday, April 30, 1998, between the hours of 11:00 o'clock A.M. to 6:00 o'clock P.M. for the Celebration of Israel's 50th Birthday.

COUNCILWOMAN YOUNG (By Request):

Resolution Authorizing transfer to the Providence Redevelopment Agency, that property located at 113-115 Comstock Avenue on Assessor's Plat 45, Lot 551, and that His Honor, the Mayor, is hereby authorized to execute any and all documents including the deed, relative to conveyance of said parcel.

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

The motion to Refer is Unanimously Sustained.

COUNCILWOMAN YOUNG:

Resolution Authorizing the City Collector to transfer tax title for property located at 70 Peace Street, Plat 44, Lot 412, to the Providence Redevelopment Agency for the purpose of foreclosing the right of redemption of any and all interested parties, and further that the City Collector recommends that taxes assessed as of December 31, 1997 and prior be abated, and there be a Moratorium set for any future taxes until such time as the foreclosure proceedings are completed. The Providence Redevelopment Agency shall be directed to forthwith foreclose the right of redemption.

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

The motion to Refer is Unanimously Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN ROBERT M. CLARKIN, Chairman
COMMITTEE ON PUBLIC WORKS

Transmits the following with recommendation the same be severally Approved:

Resolution Requesting the Traffic Engineer to cause the installation of four-way "Stop" signs at the intersection of Potters Avenue and Ocean Street.

Resolved, That the Traffic Engineer is requested to cause the installation of four-way "Stop" signs at the intersection of Potters Avenue and Ocean Street.

Resolution Requesting the Traffic Engineer to remove the "No Parking" sign located along 69 Coggeshall Street.

Resolved, That the Traffic Engineer is requested to remove the "No Parking" sign located along 69 Coggeshall Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Slow Children" signs on Alabama Avenue, from Narragansett Boulevard to Michigan Avenue.

Resolved, That the Traffic Engineer is requested to cause the installation of "Slow Children" signs on Alabama Avenue, from Narragansett Boulevard to Michigan Avenue.

Resolution Requesting the Traffic Engineer to cause the installation of "25 Miles Per Hour" speed limit signs on Rill Street and Dorr Street in the Valley Neighborhood.

Resolved, That the Traffic Engineer is requested to cause the installation of "25 Miles Per Hour" speed limit signs on Rill Street and Dorr Street in the Valley Neighborhood.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking to Corner" signs on both sides of Bancroft Street, at its intersection with Pocasset Avenue in front of Lupita's Market.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking to Corner" signs on both sides of Bancroft Street, at its intersection with Pocasset Avenue in front of Lupita's Market.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking" signs along 527 Eaton Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking" signs along 527 Eaton Street.

Resolution Requesting the Traffic Engineer to cause the installation of "Slow/Children" signs at the intersection of Stansbury Street and Grand Broadway, in the immediate vicinity of the Veazie Street Park.

Resolved, That the Traffic Engineer is requested to cause the installation of "Slow/Children" signs at the intersection of Stansbury Street and Grand Broadway, in the immediate vicinity of the Veazie Street Park.

Resolution Requesting the Traffic Engineer to replace all missing "Stop" signs on Atlantic Avenue and Niagara Street.

Resolved, That the Traffic Engineer is requested to replace all missing "Stop" signs on Atlantic Avenue and Niagara Street.

Resolution Requesting the Traffic Engineer to replace all missing "Stop" signs on Atlantic Avenue and Hamilton Street.

Resolved, That the Traffic Engineer is requested to replace all missing "Stop" signs on Atlantic Avenue and Hamilton Street.

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking to Corner" signs on Elmwood Avenue and Gallatin Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "No Parking to Corner" signs on Elmwood Avenue and Gallatin Street.

Resolution Requesting the Traffic Engineer to install three-way "Stop" signs on Holden Street and West Park Street to control speed and traffic associated with detoured traffic from the construction site of the Providence Place Mall.

Resolved, That the Traffic Engineer is requested to install three-way "Stop" signs on Holden Street and West Park Street to control speed and traffic associated with detoured traffic from the construction site of the Providence Place Mall.

Resolution Authorizing a utility easement along Plain Street and Willard Avenue.

It is hereby Resolved, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Plain Street and Willard Avenue in the City of Providence to Rhode Island Hospital. Said easement shall be granted specifically upon the following conditions and within the following provisions:

1. Said easement shall be utilized only for the installation of underground conduits for a security and communications system for parking facilities at Rhode Island Hospital. Said easement shall not exceed the area indicated by the cross-hatched area on the accompanying map marked as Exhibit "A".

2. Said easement shall be deemed to run with the land and shall operate against any successors in title and easement or a memorandum of same shall be recorded in the Office of Land Records for the City of Providence.

3. Said easement shall be subject to a right of reverter/ right of reversion in the event that the situs of the easement is no longer utilized for the aforestated purposes. In any event, it shall be for a term of not more than fifteen (15) years.

4. Any breakout necessary for installation and/or repair or replacement shall be resurfaced/rehabilitated to the approval of the Director of the Department of Public Works.

5. Any installation of utilities or utility lines shall be underground so as to preserve fully the public right-of-way.

6. Any installation of electrical mechanism shall be to the approval of the Director of the Department of Inspections & Standards.

7. Petitioner shall convey an easement acceptable to the Narragansett Electric Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same with twenty-four (24) hour access to said facilities, or in the alternative, should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

8. Petitioner shall convey an easement acceptable to NYNEX which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same with twenty-four (24) hour access to said facilities, or in the alternative, should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

9. Petitioner shall convey an easement acceptable to the Providence Water Supply Board which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same with twenty-four (24) hour access to said facilities, or in the alternative, should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation.

10. Petitioner shall convey an easement acceptable to the Providence Gas Company which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same with twenty-four (24) hour access to said facilities, or in the alternative, should it be determined by the Petitioner that any such facilities need to be relocated in order to comply with an intended use, the Petitioner shall assume all costs of relocation. The Petitioner shall also provide that the facilities are adequately protected during construction and proper notification of "Dig-Safe" takes place. All conduits installed must maintain a minimum of one foot (1') clearance at any perpendicular crossing of Providence Gas lines and a three-foot (3') separation if installed parallel to Providence Gas lines.

11. Petitioner shall supply the City of Providence with an insurance policy naming said City of Providence, its agents, officers, servants and employees as additional-named insureds in a sum not less than one hundred thousand dollars (\$100,000.00), which policy shall be approved by the Department of Law of the City of Providence.

12. Petitioner shall obtain all necessary permits from the Department of Public Works.

13. Petitioner shall agree, in writing, to forward any fees, instituted in the next two (2) years, relating to the grant of such easement.

14. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Property and/or as may be deemed appropriate by the Mayor or the Department of Law of the City of Providence.

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

The motion for Passage is Unanimously Sustained.

COUNCILMAN JOHN J. LOMBARDI, Chairman COMMITTEE ON CLAIMS AND PENDING SUITS

Transmits the following with recommendation the same be severally Approved for Cancellation:

Certificate from the City Assessor (13G) recommending the same be severally canceled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of the State of Rhode Island, 1956 as amended.

Certificates from the City Collector (Nos. 32 and 33) recommending cancellation of excise taxes pursuant to the provisions of Section 44-7-14 of the General Laws of the State of Rhode Island, 1956 as amended, as the same are determined to be uncollectable.

Severally Approved for Cancellation, 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, Igliazzi, Lombardi, Mancini, Councilwomen Nolan, Romano, Williams and Young—13.

Noes: None.

Absent: Councilmen Jackson and Rollins—2.

The motion to Approve for Cancellation is Sustained.

**COUNCILWOMAN PATRICIA K. NOLAN, Chairwoman
COMMITTEE ON FINANCE**

Transmits the following with recommendation the same be Approved:

Resolution transferring appropriations within the Department of Law.

Now, therefore, be it Resolved, That pursuant to Section 810 of the Home Rule Charter, the Finance Director is hereby authorized to transfer appropriations within the Department of Law as follows:

\$75,000 from Item 101-5-00105-3310 (Claims) to Item 101-5-00105-1090 (Fees not Classified).

\$25,000 from Item 101-5-00105-3310 (Claims) to Item 101-5-00105-1660 (Rent).

Read and Passed, 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, Igliozi, Lombardi, Mancini, Councilwomen Nolan, Romano, Williams and Young—13.

Noes: None.

Absent: Councilmen Jackson and Rollins—2.

The motion for Passage is Unanimously Sustained.

COUNCILWOMAN PATRICIA K. NOLAN, Chairwoman
COMMITTEE ON FINANCE
and
COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman
COMMITTEE ON
URBAN REDEVELOPMENT, RENEWAL AND PLANNING

Jointly transmit the following with recommendation the same be Approved, as amended:

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

Whereas, 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 was adopted (1997-27); and;

Whereas, Said Ordinance requires that "each component of said plan will be developed and approved by the city council prior to the expenditures of any funds"; and;

Whereas, \$12,382,235.00 million has been appropriated by Council Resolution Number 375 dated June 30, 1997, Council Resolution 474 dated August 22, 1997, Council Resolution numbered 610 dated October 19, 1997 and Council Resolution Numbers 702 & 703 dated December 19, 1997 for various projects; and;

Whereas, Plans have been developed for additional components of the Neighborhood Improvement Plan;

Now, therefore, The following expenditures of funds are approved:

1. *Neighborhood Improvement Projects:*

A. Ward 6 Park Improvements —

- | | |
|-----------------------|-------------|
| 1. George West Park — | \$45,000.00 |
| 2. Viscolosi Park — | \$30,000.00 |

B. Ward 7 Park Improvements —

- | | |
|--|------------|
| 1. Daniel Avenue Playground
(additional work) — | \$8,700.00 |
| 2. Laurel Hill Playground
(additional work) — | \$2,000.00 |

C. Ward 8

- | | |
|---|--------------|
| 1. Property appraisal and acquisition —
West End Project — | \$100,000.00 |
|---|--------------|

D. Ward 9 Park Improvements —

- | | |
|--------------------------------|--------------|
| 1. Locust Grove Cemetery — | \$106,572.00 |
| 2. Sackett Street Playground — | \$4,200.00 |
| 3. Melrose Community Park — | \$4,633.00 |

E. Ward 10

- | | |
|------------------------------------|--------------|
| 1. Home Repair
Revolving Fund — | \$300,000.00 |
|------------------------------------|--------------|

- F. Ward 12 Park Improvements —
1. Candace Street Playground — \$40,000.00

- G. Ward 11
1. Blackstone on the Southside — \$60,000.00
2. Center to Advance Minority Participation in the Building Trades, Inc. — \$50,000.00
3. City Arts — Assist in Renovation of Building — \$25,000.00
4. Renovation & Rehabilitation of 242-244 Broad Street — \$50,000.00

Read and Passed, 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, Igliozi, Lombardi, Mancini, Councilwomen Nolan, Romano, Williams and Young—13.

Noes: None.

Absent: Councilmen Jackson and Rollins—2.

The motion for Passage, as amended, is Sustained.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Mr. & Mrs. Harguittini

Westminster Motors Limited, Inc.

James Meeks

Allstate Ins. Co., a/s/o Chad W. Lewis

Alan Finkelman

State Farm Ins. Co., a/s/o Joseph DiIorio

Ryan Garnette

Philip Vaidyan, MD

Jason Bessett

Marshall Votto

Peter A. Castriotta

Tiffany E. Walsh

Joseph & Margaret Kaminski

Donis Vargas

Robert Pecunioso

Amica Ins. Co., a/s/o Nancy J. Conti

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

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:

Tony Vecchio, in recognition of wishing him
success in his new position as Metro
Washington Park Zoo Director.

The Village at Elmhurst, in recognition of the
celebration of the expansion of the Village at
Elmhurst.

John and Cheryl Igliozi, in recognition of the
celebration of the birth of their son, Gian
Vincent Igliozi, born on February 19, 1998,
weighing 6 lbs. 1 oz.

Jack and Fran Keough, in recognition of the
celebration of their retirement and settling in
Hilton Head, South Carolina.

Severally Read and Collectively Passed,
on motion of COUNCILWOMAN Di-
RUZZO, seconded by COUNCILWOMAN
WILLIAMS.

The motion for Passage is Unanimously
Sustained.

PRESENTATION OF RESOLUTIONS

"In Memorium"

**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:

Dr. Charles A. Spacagna

Louise Guido

Charles A. Potter

Thomas F. Russell

Theresa M. D'Agostino

Joseph V. Cesario

John DeLuca

Anthony Mancini

Philip J. Spremulli

Sarah Ricci

Sebastiana "Bessie" Masciarelli

Anna Daniels

Olive F. "Ollie" Zinowich-Walmsley

Pasco B. "Bake" Fargnoli

Benjamin "Benny" Starziano

Joseph Petruccillo, Jr.

Esther D'Iorio

Francis M. Barry, Jr.

Margaret M. "Rita" Carberry

Sylvio J. Morin

Eileen M. Creedon

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

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

PERSONAL EXPRESSION

COUNCILMAN ALLEN requests the privilege of the floor to speak on a point of personal expression and states:

"A couple of days ago in the paper we read an article about Gilbert Stuart school and you all know a few months ago, or last year I guess it was, we passed a Resolution asking that the air quality of the school be checked. In addition we asked that the air quality of all schools be checked. To the best of my knowledge, that has not been done. In fact from what happened the other day, I would think, not only do we need to check out the air quality of the schools, we need to check out the heating systems throughout the schools, because there are some antiquated pipes. We say that our kids are our valued asset, but we don't treat them valuable when we let conditions that would harm them be permeated and nothing done.

So I would ask that the School Department tonight not only live up to their word that they gave us on two occasions, this council, and that is to complete the air quality testing of all the schools, but in addition to that I would like to ask them to also look at the heating systems throughout the schools so we don't have relapse or another occurrence of what happened at Gilbert Stuart where kids were rushed into the hospital, teachers were rushed to the hospital and kids were put on oxygen. Mr granddaughter being one of them, so I know first hand that this is the case, and I would hope the School Department would take the corrective actions necessary."

COUNCILWOMAN NOLAN requests the privilege of the floor to speak on a point of personal expression and states:

"The other day Councilwoman Young, Councilwoman Fagnoli and I attended a meeting at Central High School where some young people came to us and told us about some of the problems that they have at Central High School and Hanley Vocational. We were told about the gymnasium where the floor is warped, the no lights on one end of the gym, peeling paint in classrooms and poor Pasquarella was there and I thought he was going to have a heart attack because he was trying to explain on his limited budget why these things were not done. One of the things that was very clear and somebody mentioned that the maintenance budget, and I hope I heard wrong, I hope I heard the wrong figure, but the number I heard for the maintenance budget for the school department as of now is \$200,000. Now I am hoping that it should have been \$2 million because \$200,000 just doesn't seem feasible, but if that isn't the case, we can understand why Gilbert Stuart hasn't been taken care of, the stuff at Central High hasn't been taken care of. And I would like to know why they aren't putting more money into maintaining these classrooms and these schools. The new schools are great. Veazie Street, the new Leviton School, the Feinstein School, they are all in great shape but you have to walk into some of these old schools. Even though some of them are meticulously kept like Sackett Street School, what they lack in maintenance is deplorable and I know we hired the Marriott and I am sure there is some kind of contract that says they

don't paint. I am saying that \$200,000 is exclusive of the Marriott Contract, whatever that is. I just don't understand why these things just go undone in the school department when we have our children there and they should be who we are trying to protect and bring up so they are going to be accomplished people in the world tomorrow. How can they do that when

there is paint chipping of the walls of the classroom, when they have basketball games and there is no light on one of the gym. I think it's deplorable and I think something needs to be done."

MATTER NOT APPEARING ON THE PRINTED DOCKET

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

PRESENTATION OF RESOLUTION

Resolution Authorizing the City of Providence,
Rhode Island, to file an Annual Program
Description and Budget under the Housing
and Community Development Act.

COUNCIL PRESIDENT FARGNOLI
Refers the Resolution to the Committee on

Urban Redevelopment, Renewal and
Planning.

The motion to Refer is Unanimously
Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILWOMAN DiRUZZO, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:35 o'clock P.M. (E.S.T.) to meet again on THURSDAY, MARCH 19, 1998 at 7:30 o'clock P.M. (E.S.T.).

Michael R. Clement

City Clerk

March 5]

1899

[1998

March 5]

1900

[1998
