

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 86 City Council Regular Meeting, Thursday, December 2, 1993, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

COUNCIL PRESIDENT PRO TEMPORE

EVELYN V. FARGNOLI

IN CITY COUNCIL

JAN 6 1994

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

ROLL CALL

Michael R. Clement CLERK

Present: Council President Pro Tempore Fargnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliozi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—14.

Absent: Council President Petrosinelli—1.

INVOCATION

The Invocation is given by COUNCILWOMAN BALBINA A. YOUNG.

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

COUNCILMAN JOSEPH DeLUCA 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. 83 of the Regular Meeting of the City Council held November 4, 1993 and Journal of Proceedings No. 84 of the Regular Meeting of the City Council held November 18, 1993 and Posted November 29, 1993, on that Bulletin Board located on the Ground Floor Level of City Hall, are Severally Approved as Printed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

APPOINTMENT BY HIS HONOR THE MAYOR

Communication, dated November 24, 1993, Informing the Honorable City Council that Pursuant to Section 302 (b) of the Providence Home Rule Charter of 1980, and Section 8-17 of the Code of Ordinances of the City of Providence, He is this day Appointing Mr. Roberto Gonzalez of 21 Obediah Brown Road, Providence, Rhode Island 02909, as an Associate Justice of the Housing Court for a Term to Expire on the First Monday in January, 1995, and Respectfully Submits the Same for Approval. Mr. Gonzalez will

fill the Unexpired Term of Associate Justice Robyn Y. Davis, who has Resigned.

Communication Received and Appointment Referred to the Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

The motion to Refer, is Sustained.

ORDINANCES SECOND READING

The following Ordinances were in City Council November 18, 1993, Read and Passed the First Time, as Amended and are Severally Returned for Passage the Second Time, as Amended:

An Ordinance Adding Chapter 20.1 to the Code of Ordinances for a Providence Indian Housing Authority, as Amended.

Be it Ordained by the City of Providence:

Section 1. Chapter 20.1 of the Code of Ordinances of the City of Providence entitled "Indian Housing Authority" is hereby added to the Code of Ordinances as follows:

20.1-1. MEMBERSHIP AND TERM.

There shall be an Indian Housing Authority for the City of Providence consisting of five (5) commissioners, three (3) of whom shall be appointed by the mayor and two (2) of whom shall

be appointed by the city council. All commissioners shall serve for staggered five-year terms. At least three (3) commissioners shall be duly enrolled members of a state or federally recognized Indian Tribe. No person shall be barred from serving as a commissioner who is a tenant or homeowner in a dwelling directly or indirectly provided by the Indian Housing Authority. The mayor shall file with the city clerk a certificate of the appointment or reappointment of any commissioner and such certificate shall be conclusive evidence of the due and proper appointment of such commissioners.

The Indian Housing Authority created under the terms of this chapter shall be organized for the purpose of directly or indirectly providing

dwelling accommodations in the City of Providence for Indians of low income, within the meaning of and so as to qualify for funding under 24 Code of Federal Regulations Part 205.

20.1-2. POWERS OF THE AUTHORITY.

The authority:

(a) May act as a public housing agency within the meaning of the federal law and as an authority within the meaning of State law, except that the Authority must comply with all local zoning laws.

(b) For this purpose may:

(i) Enter into and perform a contract or agreement with the State, the United States, or a federal agency.

(ii) Develop or operate a housing project; and

(iii) Act as a public housing agency within the meaning of the federal law and as an authority within the meaning of State law;

20.1-3. GAMING FACILITIES.

Nothing in this chapter shall be construed to authorize the establishment of gaming facilities.

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

An Ordinance Amending the Appropriation Ordinance Chapter 1993-25, Approved July 30, 1993, by Transferring Various Sums of Money within Various Departments, as Amended.

Be it Ordained by the City of Providence:

Section 1. Chapter 1993-25 of the Ordinances of the City of Providence, as approved July 30, 1993, entitled: "An Ordinance Making an Appro-

priation of Two Hundred Ninety-One Million, Three Hundred Seventy-Five Thousand, Eleven Dollars (\$291,375,011.00) for the fiscal year ending June 30, 1994, as Amended" is hereby further amended by Transferring Various Sums of Money within Various Departments. This transfer would be effected as follows:

TRANSFERS

<i>From</i>	
101-5-00506-1680	\$26,000.00
<i>To</i>	
101-5-00204-0010	\$26,000.00

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

An Ordinance in Amendment of Chapter 1993-23, as Approved July 30, 1993 entitled: "An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 1992-31, Approved August 7, 1992, as Amended" Relative to Data Processing, as Amended.

Be it Ordained by the City of Providence:

Section 1. Chapter 1993-23 of the Ordinances of the City of Providence, as approved July 30, 1993, is hereby amended as follows:

<i>Position</i>	<i>Grade/Rate</i>
<i>Add</i>	
1 Assistant Data Processing Coordinator	\$26,000.00

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

An Ordinance in Amendment of Chapter 1993-24, as Approved July 30, 1993 entitled: "An Ordinance Establishing the Classes of Positions, the Maximum Number of Employees and the Number of Employees in Certain Classes in the City Departments and Repealing Ordinance Chapter 1992-32, Approved August 7, 1992, as Amended" Relative to Data Processing, as Amended.

Be it Ordained by the City of Providence:

Section 1. Section 10 of Chapter 1992-24 of the Ordinances of the City of Providence, as approved July 30, 1993, is hereby amended as follows:

Delete:

- 1 Data Processing Director
- 1 Data Processing Technician
- 1 Systems Analyst
- 1 Systems Programmer

Add:

- 1 Assistant Coordinator Data Processing

Department Total: (2)

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

Severally Read and Collectively Passed, the Second Time, as Amended, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, by the following Roll Call Vote:

Ayes: Council President Pro Tempore Fagnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Iglizzo, Lombardi, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—13.

Noes: None.

Not Voting: Councilman Mancini—1

Absent: Council President Petrosinelli—1.

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

The following Ordinances were in City Council November 18, 1993, Read and Passed the First Time, and are Severally Returned for Passage the Second Time:

An Ordinance in Amendment of and in Addition to Chapter 1982-54 of the Ordinances of the City of Providence, Approved September 10, 1982, as Amended by Chapter 1989-10, Ordinance No. 219, Approved and Entitled: "An Ordinance Establishing a Special Development District in the City of Providence and Designating the Capital Center Commission, a Commission Created by the Rhode Island General Assembly as a Public Body of the City of Providence to Adopt, Implement and Administer a Plan of Development for such Special Development District Pursuant to Sections 45-24.4 et. seq.

'Rhode Island Special Development District Enabling Act'."

Be it Ordained by the City of Providence:

Section 1. That Chapter 1982-54, Ordinance No. 493, approved September 10, 1982, and entitled: "An Ordinance Establishing a Special Development District in the City of Providence and Designating the Capital Center Commission, a Commission Created by the Rhode Island General Assembly as a Public Body of the City of Providence to Adopt, Implement and Admin-

ister a Plan of Development for such Special Development District Pursuant to Sections 45-24.4 et. seq. 'Rhode Island Special Development District Enabling Act', as amended by Chapter 1989-10, Ordinance No. 219, approved on May 15, 1989 adding the contiguous area generally bounded by Hayes Street, Francis Street, Gaspee Street, Promenade Street and Interstate 95 to the Special Development District, be and the same is further amended as follows:

A. The Description of the Special Development District set forth in Article II of Chapter 1982-54, Ordinance No. 493, approved September 10, 1982 and as amended by Section 1 A. of Chapter 1989-10, Ordinance No. 219, approved May 15, 1989 is hereby amended to add the contiguous area generally bounded by Hayes Street, Francis Street, Smith Street and Interstate Route 95 as more particularly described in Exhibits A and B attached hereto (see files of City Council).

Section 2. That said Chapter 1982-54 of the Ordinances of the City of Providence as adopted and as heretofore amended, be and the same is hereby ratified and affirmed in all other respects.

Section 3. That this Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy thereof to the Capital Center Commission.

An Ordinance in Amendment of Chapter 3, Entitled: "Keeping Swine" Section 4 of the Code of Ordinances.

Be it Ordained by the City of Providence:

Section 1. No swine shall be kept within the limits of the City.

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

Severally Read and Collectively Passed, the Second Time, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, by the following Roll Call Vote:

Ayes: Council President Pro Tempore Fagnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Iglizzo, Lombardi, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—13.

Noes: None.

Not Voting: Councilman Mancini—1

Absent: Council President Petrosinelli—1.

COUNCILMAN FENTON Desires to be Recorded as Voting "No" relative to "An Ordinance in Amendment of Chapter 3, Entitled: "Keeping Swine" Section 4 of the Code of Ordinances".

Recapitulation of Vote:

Ayes: 12.

Noes: 1.

Not Voting: 1.

Absent: 1.

The motion for Passage the Second Time, is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCILWOMAN NOLAN:

Resolution requesting the Director of Inspection and Standards to Cause that Vacant Structure to be Demolished, located at 25 Farragut Street, Due to the Loitering and Drug Activity at said Location.

Resolved, That the Director of Inspection and Standards is requested to Cause that Vacant Structure to be Demolished, located at 25 Farragut Street, Due to the Loitering and Drug Activity at said Location.

Read and Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

The motion for Passage, is Sustained.

Action of the Mayor to Turn Over certain Fire Trucks and Rescue Vehicles and Medical Supplies to the Dominican Republic.

Referred to the Committee on City Property, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

The motion to Refer, is Sustained.

Resolution requesting that all Pending and Future Appointments to Judgeships, Boards, Commissions and Authorities have a Bureau of Criminal Identification (BCI) Check before Confirmation.

Referred to the Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

The motion to Refer, is Sustained.

COUNCILWOMAN WILLIAMS:

Resolution requesting an Investigation of the

REPORTS FROM COMMITTEES

COUNCILMAN DAVID G. DILLON, Chairman COMMITTEE ON FINANCE

Transmits the following with Recommendation the Same be Approved:

Resolution Authorizing an Adjustment to the Taxes for a Portion of Plat 19, Lot 128 for Parcel

One Development Association, Pursuant to Resolution No. 758, Approved October 29, 1993.

Whereas, As part of the River Relocation Project, the State of Rhode Island and the City of Providence are desirous of building a boulevard, under which a pedestrian passage would run to Water Place; and

Whereas, Parcel One Development Associates owns the property adjacent to the above property which is needed in order to construct a stairway or walkway, etc., to connect the boulevard to Water Place (more particularly described in Exhibit A, attached hereto); and

Whereas, The City Council of the City of Providence has agreed to the transfer of said property from Parcel One Associates, at no cost to the City, pursuant to Resolution No. 758, Approved October 29, 1993, conditioned upon the resolution of an outstanding tax issue on the property; and

Whereas, Construction began on this project in 1991, depriving the owner of the use of the property, and the procedure to transfer the property was commenced but not completed; and

Whereas, The tax assessor for the City of Providence has determined that the assessed size of Plat 19, Lot 128 should be decreased by 6,645 square feet, effective 12/31/92, for fiscal year 1993-94, and this adjustment will result in a value

decrease of \$299,000 and a tax credit of \$8,422.83 for this period of time; and

Whereas, R.I.G.L. 44-7-14 allows for an adjustment in taxes for various reasons, including said reasons above;

Now, therefore, be it Resolved, That the tax assessor shall adjust the taxes of Plat 19, Lot 128 in the manner described above which shall result in a credit of \$8,422.83 to Parcel One Associates for the period up to and including fiscal year 1993-94.

Read and Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, by the following Roll Call Vote:

Ayes: Council President Pro Tempore Fagnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliazzi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—14.

Noes: None.

Absent: Council President Petrosinelli—1.

The motion for Passage, is Sustained.

COUNCILWOMAN EVELYN V. FARGNOLI, Chairwoman COMMITTEE ON CLAIMS AND PENDING SUITS

Transmits the following with Recommendation the Same be Severally Approved for Cancellation:

Certificates from the City Assessor (Nos. 6X through 11X) Recommending the Same be Severally Cancelled, Pursuant to the Provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of the State of Rhode Island, 1956, as Amended.

Severally Approved for Cancellation, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, by the following Roll Call Vote:

Ayes: Council President Pro Tempore

Fargnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliazzi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—14.

Absent: Council President Petrosinelli—1.

The motion to Approve for Cancellation, is Sustained.

Noes: None.

**COUNCILMAN DAVID V. IGLIOZZI, Chairman
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 October 24, 1991, by Amending Providence Zoning District Map Number 10 by Changing the Zoning District Designation of Lot 391 from Open Space District Zone (O.S.) to "Two Family District Zone" (R-2).

An Ordinance Regulating the Disposal of Leaf and Yard Debris.

Severally Read and Collectively Passed, the First Time, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, by the following Roll Call Vote:

Ayes: Council President Pro Tempore Fargnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliazzi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—14.

An Ordinance in Amendment of Chapter 24, Article 1, Section 24-7, Entitled: "License Fees".

Noes: None.

Absent: Council President Petrosinelli—1.

An Ordinance in Amendment of Chapter 15, Article 1, Section 15-2, Entitled: "Penalties for Traffic Violations".

The motion for Passage, the First Time, is Sustained.

An Ordinance Regulating Graffiti.

COMMUNICATIONS AND REPORTS

FROM DR. ARTHUR ZARRELLA, SUPER-INTENDENT OF SCHOOLS:

Communication Requesting a Waiver of the Residency Requirement for Two (2) Hispanic Bilingual Teachers.

Communication Not Received and Referred Back to Dr. Arthur Zarrella, Superintendent of Schools, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

The motion for Disapproval, is Sustained.

FROM THE PROVIDENCE HISTORIC DISTRICT COMMISSION:

Annual Report for October 1, 1992 through September 30, 1993.

Received.

FROM THE PORT DIRECTOR:

Monthly Statistical Reports for April and October, 1993.

Severally Received.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

American Investcorp and Development Company

Paula Avarista

Jeffrey Butler

Cambridge Mutual Fire Insurance Co.

Linda Dewh

John C. Kaya

Dorothy L. Liddell

Paulette Marzini

Willie McWilliams

Francis H. Murray and Linda Murray

Luz Z. Rosario

Vsevolod Sadovnikoff, M.D.

Erwin Strasmich

Pauline Strasmich

Severally Referred to the Committee on Claims and Pending Suits, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLOZZI.

The motion to Refer, is Sustained.

PRESENTATION OF RESOLUTIONS

“In Congratulations”

COUNCIL PRESIDENT PETROSINELLI and the MEMBERS of the CITY COUNCIL:

Citations extending Congratulations.

Resolved, That the Congratulations of the Members of the City Council are hereby extended to the following:

Mr. and Mrs. Danilo Lizarda, upon the Celebration of their recent Marriage.

Mr. and Mrs. Frank Place, upon the Celebration of their 50th Wedding Anniversary.

Ken Richardson, upon his Appointment to the Providence Review Commission.

Arthur Rossi, upon the Celebration of his 60th Birthday on November 27, 1993.

Vincent and Patricia McWilliams, upon the Celebration of their 30th Wedding Anniversary on November 20, 1993.

Debbie Courtemanche, upon your commitment to save Steuben Street. Thanks to your tireless efforts, Steuben Street now stands as a Model Street for all Providence residents.

Lisa Falino, upon your commitment to save Steuben Street. Thanks to your tireless efforts, Steuben Street now stands as a Model Street for all Providence residents.

Joan O'Keefe, upon your commitment to save Steuben Street. Thanks to your tireless efforts, Steuben Street now stands as a Model Street for all Providence residents.

Everitt Downing, upon your commitment to save Steuben Street. Thanks to your tireless efforts, Steuben Street now stands as a Model Street for all Providence residents.

Evelyn Neri, upon your commitment to save Steuben Street. Thanks to your tireless efforts, Steuben Street now stands as a Model Street for all Providence residents.

Pauline Rego, upon your commitment to save Steuben Street. Thanks to your tireless efforts, Steuben Street now stands as a Model Street for all Providence residents.

Mr. and Mrs. Jose Estrella, upon the Celebration of their recent Marriage.

Mr. and Mrs. Roy Marsh, upon the Celebration of their recent Marriage.

Mr. and Mrs. Pedro Espinal, upon the Celebration of their recent Marriage.

Mr. and Mrs. Michael Gonzalez, upon the Celebration of their recent Marriage.

Mr. and Mrs. Francisco Carrasco, upon the Celebration of their recent Marriage.

Mr. and Mrs. Jean Dure, upon the Celebration of their recent Marriage.

Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

The motion for Passage, is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

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

Resolution extending Sympathy.

Resolved, That the Sympathy of the Members of the City Council is hereby expressed to the families of the following:

Genoveffa Ricci

George Sarantakos

Filomena DiPalma

Richard E. Loebenberg

Carole A. Hammond-Karpovitz

Maria Avarista

Richard K. Gehrenbeck

Mary Marietta Mandarino

Alisa S.A. Brown

Mary "Tutu" Pereira-Ramos

Patrick B. Adams

Evelyn Angelotti

Carmine Mastroguiseppe

Anna Sarracino

William Peczynski

Ethel B. Thornley

Anna Gaito

Anthony Grieco

Virgilio B. Rufo

Edward A. Razza

Anna DiCarlo

Ceasar D'Ambra

COUNCILMAN GLAVIN, seconded by
COUNCILMAN IGLIOZZI.

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

The motion for Passage, is Sustained.

MATTERS NOT APPEARING ON THE PRINTED DOCKET

On motion of COUNCILMAN GLAVIN,
seconded by COUNCILMAN IGLIOZZI, it is
Voted to Suspend Rule 16 of the Rules of the
City Council in Order to Allow the Introduc-
tion of the following Matter Not Appearing
on the Printed Docket.

PRESENTATION OF ORDINANCE

COUNCIL PRESIDENT PETROSINELLI,
COUNCILMAN CLARKIN, COUNCIL-
MAN DILLON, COUNCILWOMAN FARG-
NOLI, COUNCILMAN GLAVIN, COUN-
CILMAN IGLIOZZI, COUNCILMAN
LOMBARDI, COUNCILMAN MANCINI,
COUNCILWOMAN NOLAN, COUNCIL-
WOMAN WILLIAMS and COUNCILWO-
MAN YOUNG:

Cost of Living Adjustments (COLA) and Other
Benefits for Retirees.

Referred to the Committee on Finance, on
motion of COUNCILMAN GLAVIN, sec-
onded by COUNCILMAN IGLIOZZI.

The motion to Refer, is Sustained.

An Ordinance Ordering Termination of Certain

ADJOURNMENT

There being no further business, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLOZZI, the City Council adjourns at 8:30 o'clock P.M. (E.S.T.) to meet again on THURSDAY, DECEMBER 16, 1993 at 7:30 o'clock P.M. (E.S.T.).

Michael R. Clement

City Clerk

