

# **CITY COUNCIL**

## **JOURNAL OF PROCEEDINGS**

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**No. 23 City Council Special Meeting, Wednesday, July 21, 2021, 5:00 o'clock P.M.**

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### **PRESIDING**

### **COUNCIL PRESIDENT**


### **JOHN J. IGLIOZZI**

### **CALL TO ORDER**

**PRESENT: COUNCIL PRESIDENT IGLIOZZI, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, ESPINAL, GONCALVES, COUNCILWOMAN HARRIS, COUNCILOR MILLER, COUNCILMAN NARDUCCI, COUNCILWOMAN RYAN, COUNCILMEN TAYLOR AND VARGAS – 11.**

**ABSENT: COUNCILWOMAN ANTHONY, COUNCILOR KERWIN, COUNCILWOMAN LAFORTUNE ND COUNCILOR SALVATORE – 4.**

**ALSO PRESENT: TINA L. MASTROIANNI, ACTING DEPUTY CITY CLERK, SHERI A. PETRONIO, FIRST DEPUTY CITY CLERK, ANGELA J. HARRIS, FIRST DEPUTY CITY CLERK AND JEFFREY DANA, CITY SOLICITOR**

**IN CITY COUNCIL**  
**SEP 02 2021**  
**APPROVED:**  
  
**CLERK**



## INVOCATION

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

"Heavenly Father, we place ourselves before You, for You are filled with beauty and light. Help us to do what is best for the City of Providence, help us to respect and understand the opinions of others, help us to value and appreciate everyone's thoughts and contributions. May Your light enfold us, Your spirit guide us and may Your grace abound in us. I offer this prayer along with a special intention of my council colleagues this evening through Christ our Lord. Amen."

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## PLEDGE OF ALLEGIANCE

**COUNCILMAN PEDRO J. ESPINAL** Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

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## CALL FOR SPECIAL MEETING

### COMMUNICATION FROM

### COUNCIL PRESIDENT JOHN J. IGLIOZZI

Request filed with the Acting City Clerk July 19, 2021, Requesting a Special Meeting to be called on the 21<sup>st</sup> day of July, 2021 at 5:00 o'clock P.M., Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join <https://providenceri-gov.zoom.us/j/97393493170> Or join by phone: Dial 1-646-876-9923 or 1-888-475-4499 (Toll Free) Webinar ID: 973 9349 3170 International numbers available: <https://providenceri-gov.zoom.us/j/97393493170>

**COUNCIL PRESIDENT IGLIOZZI Receives the foregoing Communication.**

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| <b>RESULT:      RECEIVED</b> |
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## **WARRANT FOR SPECIAL MEETING**

Warrant of the Acting City Clerk, to David Tassoni, City Sergeant, Certifying that he has notified each member of the City Council of the Special Meeting to be called on the 21<sup>st</sup> day of July, 2021 at 5:00 o'clock P.M., Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join <https://providenceri-gov.zoom.us/j/97393493170> Or join by phone: Dial 1-646-876-9923 or 1-888-475-4499 (Toll Free) Webinar ID: 973 9349 3170 International numbers available: <https://providenceri-gov.zoom.us/j/97393493170>

**COUNCIL PRESIDENT IGLIOZZI Receives the foregoing Warrant.**

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| <b>RESULT:      RECEIVED</b> |
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## **ORDINANCES SECOND READING**

**The Following Ordinances were in City Council July 15, 2021, Read and Passed the First Time and are Severally Returned for Passage the Second Time;**

**COUNCILOR SALVATORE, COUNCILWOMAN ANTHONY, COUNCILMEN ESPINAL, GONCALVES, COUNCILWOMAN LAFORTUNE, COUNCILOR KERWIN, COUNCILWOMAN CASTILLO, COUNCIL PRESIDENT IGLIOZZI, COUNCILMAN CORREIA, COUNCILWOMAN HARRIS, COUNCILOR MILLER, COUNCILMAN NARDUCCI, COUNCILWOMAN RYAN AND COUNCILMAN TAYLOR**

An Ordinance Amending Chapter 23 "Streets, Sidewalks And Public Places" of the Providence Code of Ordinances to add Article VII "Green and Complete Streets".

Section 1. Chapter 23, "Streets, Sidewalks and Public Places" is hereby amended to add Article VII, "Green and Complete Streets" as follows:

## ARTICLE VII. - GREEN AND COMPLETE STREETS

### Sec. 23-167. - Vision and purpose.

Streets and sidewalks in the City of Providence carry not only people and goods, but also various utilities, including stormwater runoff. City streets also represent a sizeable portion of the city's overall land use and its publicly managed trees, and serve as windows into the city for visitors and residents alike. City streets and sidewalks serve people of all ages and abilities, while creating more mobility and independence for young people, seniors, and people with disabilities. They serve motorists and non-motorists, residents in wheelchairs, parents pushing strollers, kids biking and walking to school, and people who can't afford or don't want motor vehicles.

The City of Providence shall develop a safe, reliable, equitable, efficient, inviting, integrated and connected multimodal transportation system that will promote access, mobility and health of all kinds for all users and abutters, including people with mobility aids, and that will improve environmental quality and reduce polluted stormwater runoff. The goal of the city is to create a connected network of right-of-way facilities accommodating all modes of travel to the maximum practical extent and to promote the walkability and bikeability of the city's streets and sidewalks, along with good access to public transportation, beautification and shade from right-of-way trees, parks, schools, healthy food retail establishments, and responsible reduction and treatment of polluted stormwater.

### Sec. 23-168. - Definition.

*Green and complete streets* means streets that are designed and operated to enable safe equitable access for all users, in that pedestrians, bicyclists, motorists and public transportation users of all ages and abilities are able to safely move along and across a street, provide for visual pleasure, including exposure to natural elements, promote cooling via robust tree canopy, and improve environmental quality by providing for reduction, accommodation, and on-site pretreatment of stormwater prior to eventual release into local waterways and the Narragansett Bay as part of a comprehensive stormwater management system.

*Significant construction or repair projects* shall mean any project that changes the curb line, curb cuts, or traffic geometry, any project that includes restriping of traffic geometry, or any new construction or improvement of off-road bicycle paths or multi-use trails, that is located on any streets, paths, or intersections designated as needing improvements in the City's Great Streets Plan, any street categorized as an arterial or collector road, or any such construction or repair project within 300 feet of a school or City recreation center.

*Environmental justice areas* shall mean any areas of the city identified through a current local, state, or federal mapping effort and validated by residents of those areas to prioritize improvements to environmental sustainability and health such that no group of people bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or the execution of federal, state, and local programs and policies.



*Vulnerable road users* shall mean any person walking; person bicycling; police officer or emergency worker on duty when outside of a vehicle; road worker performing duties outside of a vehicle; person riding on or driving a wheelchair, motorized or not; person riding on a scooter, motorized or not; person using a skateboard, inline skate, or roller skates

Sec. 23-169. - Scope of applicability.

- a) All publicly-owned transportation facilities in the public right-of-way including, but not limited to, streets and all other connecting pathways, as well as parking lots on publicly-owned land, shall be designed and constructed in conformance with the policy that users of all ages and abilities can travel safely and independently, residents and visitors experience pleasantly-designed urban streetscapes that incorporate greenery and shade trees, and stormwater is both reduced and treated on-site prior to entering the city's combined stormwater and wastewater conveyance system.
- b) The city shall make good faith efforts to foster partnerships with the State of Rhode Island and neighboring communities to develop facilities and accommodations that further the goals presented in both the Providence Great Streets Master Plan as well as the city's green and complete streets policy, as set forth in this Article, and continue such infrastructure beyond the city's borders.
- c) The city shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible, and more equitable streets for all users that are more attractive and that better manage stormwater. The design of new, rehabilitated, restored, resurfaced, or reconstructed facilities shall prioritize the safety and wellbeing of vulnerable road users and those living in environmental justice areas, and should anticipate likely future demand for bicycling, walking, transit, and motorist use, beautification elements, mitigation of urban heat island effect and stormwater runoff through increased tree canopy and other green infrastructure, and should not preclude the provision of future improvements. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation and maintenance. Other changes to transportation facilities on streets and rights-of-way, including capital improvements, re-channelization projects and major maintenance, must also be included.
- d) This Article shall apply to all persons and entities that apply for and receive permits from the Department of Public Works to perform construction, improvements and/or repairs on public roadways in the City, in accordance with Rules and Regulations promulgated by the Department of Public Works.
- e) The city shall utilize the performance measures as described in Section 23-173 to identify improvement projects to be included in the city's capital improvement plan and/or street pavement plan. The projects shall be identified based on their ability to address design issues on city-owned transportation facilities, such as improved safety and ease of use.
- f) All transportation infrastructure and street design projects in the city shall adhere to the requirements of this Article and Rhode Island General Law §24-16-2 titled "Complete Street Design."
- g) All projects initiated by the City Council through the use of Neighborhood Infrastructure Funds (NIF) and Community Development Block Grant (CDBG) funding shall be exempt from the requirements of this Article.

Sec. 23-170. - Green and Complete Streets Advisory Council.

- a) There is hereby created a Green and Complete Streets Advisory Council. The Advisory Council shall be comprised of the following members:
  - 1) The Director of Public Works or his/her designee who shall serve as a non-voting ex-officio member,
  - 2) the Director of Planning and Development or his/her designee who shall serve as a non-voting ex-officio member,
  - 3) the Commissioner of Public Safety or his/her designee who shall serve as a non-voting ex-officio member,
  - 4) the Director of the Office of Sustainability or his/her designee who shall serve as a non-voting ex-officio member,
  - 5) the City Forester or his/her designee who shall serve as a non-voting ex-officio member,
  - 6) three members appointed by the Mayor, and
  - 7) four members appointed by the City Council.
- b) All appointed members shall be residents or domiciliaries of the city and shall each serve for terms of two years. None of the appointed members shall be an elected officer or employee of the city. Vacancies shall be filled for the unexpired term. No member shall serve beyond the date of expiration of said term unless reappointed. At the first meeting of the Advisory Council the voting members shall elect a chairperson by simple majority vote.
- c) In appointing members to the Green and Complete Streets Advisory Council, the Mayor and City Council shall give due consideration to appointing members with expertise in the following areas: civil engineering, architecture, city planning, and environmental sustainability. In addition to the above described areas of expertise, the Mayor and City Council shall also give due consideration to appoint members who represent the diverse communities of the City.
- d) The Green and Complete Streets Advisory Council shall include at least one representative of the aging community and a minimum of one member representing the disability community.
- e) All meetings of the Green and Complete Streets Advisory Council shall be subject to the provisions of the Rhode Island Open Meetings Act.

Sec. 23-171. - Implementation.

- a) The city shall follow accepted or adopted design standards and use the best and latest design standards available. These standards include, but are not limited to Designing Walkable Urban Thoroughfares: A Context Sensitive Approach, NACTO's Urban Street Design Guide, and the Rhode Island Department of Environmental Management's Low Impact Design (LID) standards as reflected in its Stormwater Design Manual (2015) and LID Guide (2011). Links to these design standards shall be made publicly available on the city's website. In recognition of context sensitivity, public input and the needs of many users, a flexible, innovative and balanced approach that follows other appropriate design standards may be considered, provided that it provides a comparable level of safety for all users.

- b) All significant construction or repair projects subject to this Article shall be presented to the Green and Complete Streets Advisory Council by the sponsoring public agency for review during both the project's initial scoping phase and preliminary design phase.
  - 1) The Advisory Council's role in reviewing projects shall be advisory only.
  - 2) As part of its review, the Advisory Council members shall consider the project's level of compliance with this Article, and whether it implements the elements of the City's Great Streets Plan and other planning and policy documents adopted by the city, where applicable.
  - 3) The sponsoring public agency shall supply the Green and Complete Streets Advisory Council with all documents and plans at least fourteen (14) calendar days in advance of the regularly scheduled Advisory Council meeting at which the project is intended to be reviewed. Documents and plans shall be submitted to the staff of the Advisory Council in an electronic format and all submissions shall be accompanied by all documentation reasonably necessary to evaluate the project.
  - 4) Once documents and plans for a project have been received by the Advisory Council, the Advisory Council shall either review the project or decline to review the project within forty-five (45) calendar days of receipt of the documents and plans. Failure of the Advisory Council to act within the prescribed period shall constitute a declination to review the project and a letter documenting this decline shall be issued from the staff of the Advisory Council to the Director of the Department of Public Works.
  - 5) All decisions relating to recommendations regarding projects by the Advisory Council shall be made available in writing to the Director of Department of Public Works and the Director of Planning and Development no more than twenty-one (21) calendar days from the date of the Advisory Council meeting at which the decision was made.
  - 6) The Director of Public Works shall document and communicate to staff for the Advisory Council the reasons that a project will deviate from the Advisory Council's written recommendations.
- c) Traffic calming improvements shall be evaluated as follows:
  - 1) The Traffic Engineer shall conduct traffic studies each month, prioritizing obtaining traffic data on:
    - i) Streets with the most collisions in the preceding three 3 years that have not yet been studied by the Traffic Engineer, especially those with high levels of collisions involving people walking or bicycling,
    - ii) Streets included in the Great Streets Plan,
    - iii) Streets with at least two individuals requesting for traffic calming improvements,
    - iv) Streets the city plans to resurface within the next twelve months,
    - v) Streets throughout the city, such that each Ward contains at least one street studied for traffic calming improvements every six months.



- 2) Based on the conducted studies, streets that are found to exceed at least one of the following quantitative thresholds shall automatically and immediately be granted preliminary approval by the Traffic Engineer for traffic calming improvements:
  - i) 15% of motor vehicles traveling faster than 30 mph over the study period,
  - ii) 20% of motor vehicles traveling faster than 35 mph for consecutive two hour periods on two days within the study period,
  - iii) 10% of motor vehicles traveling faster than 20 mph over the study period on a street narrower than 18 feet,
  - iv) 3,000 motor vehicles average daily traffic on a local road,
  - v) 50 collisions per million vehicle miles over a 3 year period,
  - vi) 20 persons injured per million vehicle miles over a 3 year period.
- 3) The Green and Complete Streets Advisory Council may recommend that additional streets be granted preliminary approval for traffic calming improvements by the Traffic Engineer. Streets that are eligible for this discussion must meet one of the following quantitative thresholds:
  - i) 5% of motor vehicles traveling faster than 30 mph over the study period on a local or collector road
  - ii) 2000 motor vehicles average daily traffic on a local or collector road
  - iii) 10 collisions per million vehicle miles over a 3 year period
  - iv) 10 persons injured per million vehicle miles over a 3 year period
- 4) All streets recommended by the Advisory Council for traffic calming improvements shall be prioritized for installation first by the number of injuries recorded over a three year period and then by their 95th percentile speeds.
- 5) In consultation with staff from the Police Department, Fire Department, Department of Planning and Development, and the City Council, the Traffic Engineer shall evaluate the most appropriate design for improvement. This design must be completed within six months of the Advisory Council's recommendation, unless the Advisory Council shall issue a waiver of the six month period.
- 6) The Director of Planning and Development shall review for final approval plans prepared by the Traffic Engineer for streets preliminarily approved for traffic calming improvements.
- 7) The Department of Public Works shall install traffic calming improvements upon final approval in the prioritized order determined in subsection (5).
- 8) During the three (3) months following installation of traffic calming improvements, the Traffic Engineer shall conduct a second traffic study for each installed location to evaluate the effectiveness of the improvements. If this traffic study still qualifies the location for preliminary approval under subsections (2) or (3), additional improvements shall be evaluated by the Traffic Engineer according to the above process.

- 9) All Advisory Opinions rendered by the Advisory Council shall be published on the City's website within fourteen (14) calendar days of issuance.
- d) The Green and Complete Streets Advisory Council shall review on an annual basis all existing plans, manuals, checklists, decision-trees, rules, regulations, and programs of city departments as appropriate (including, but not limited to any short-term, medium-term, and long-term capital plans) for compliance with green and complete streets principles. The Advisory Council shall annually provide a written report to the City Council and Administration outlining all suggested changes to such land use policies, zoning ordinances, etc. that will better align with green and complete streets principals.
  - e) The Green and Complete Streets Advisory Council shall review all current street and sidewalk design standards to ensure that they reflect the best available design standards and guidelines, and effectively implement green and complete streets, where feasible.
  - f) The Green and Complete Streets Advisory Council shall ensure equitable and inclusive community engagement for all project phases from planning to implementation.
  - g) When available, the city shall make good faith efforts to encourage staff professional development and training on non-motorized transportation issues and best practices of right-of-way green infrastructure through attending conferences, classes, seminars, and workshops.
  - h) City staff shall make good faith efforts to identify all current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support the green and complete streets projects.
  - i) The city shall create plans and set goals to ensure the successful implementation of this Article in environmental justice areas and shall prioritize environmental justice areas for improvements.
  - j) Projects developed under this Article shall improve ease of travel, comfort and safety for people with disabilities and the elderly.
  - k) The city shall promote inter-departmental project coordination among city departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.
  - l) The city shall make good faith efforts to include an educational component to ensure that all users of the transportation system understand and can safely utilize green and complete streets project elements.
  - m) The city shall make good faith efforts to encourage improved access to public transit, parks, schools, and healthy food retail establishments, in all development plans reviewed and approved by the city.

Sec. 23-172. - Exceptions.

- a) Applications for waivers or exceptions shall be reviewed and approved by the Green and Complete Streets Advisory Council based on the following criteria:
  - 1) An affected roadway prohibits, by law, use by specified users, in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross, run parallel to, or otherwise intersect with the affected roadway;

- 2) The activities are ordinary maintenance activities designed to keep assets in serviceable condition (including, but not limited to, mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal or interim measures);
- 3) The Director of Planning and Development issues a recommendation that the application of this article is unnecessary or unduly cost prohibitive, based upon all reasonable alternatives commensurate to the project scope of work being exhausted and documented, in which case a greater effort shall be made to accommodate those specified users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway.
- 4) Other available means or factors indicate an absence of need, including future need.
- b) Notwithstanding the provisions of subsection (a), the Commissioner of Public Safety may issue a waiver or an exception in the form of an executive order if application of this Article would be contrary to public safety, with notice given to the Green and Complete Streets Advisory Council within two business days from the date of the Commissioner's decision regarding said application.
- c) All documentation regarding any waiver or exception application shall be publicly available.
- d) All proposed exceptions must be mode-specific, specifying which Complete Streets principles should be exempted. Infeasibility of one mode of transportation should not exempt a project from incorporating other Complete Streets principles.

Sec. 23-173. - Performance measures and reporting.

A report shall be submitted annually to the City Council and placed on the city's website by the Director of Public Works and the Director of Planning. The annual report shall document the annual increase or decrease for each of the following.

- 1) Assessment of linear feet of sidewalk in need of repair or construction to be performed on an annual basis;
- 2) Replacement of non-ADA compliant curb ramps;
- 3) Number of intersection legs without crosswalks
- 4) Total miles of bike lanes;
- 5) Number of street trees;
- 6) Maintenance activities of existing green and complete streets facilities;
- 7) Number of traffic complaints and calming requests by street name;
- 8) Number and severity of traffic violations and crashes by mode;
- 9) Total dollar amount spent on green and complete streets activities;
- 10) Number of new stormwater management improvements in the city;
- 11) Number of traffic calming devices installed, as well as those evaluated and approved for installation;
- 12) Number of crosswalk and intersection improvements installed;
- 13) Number of people biking on a representative sample of streets and trails;
- 14) Number of people riding Rhode Island Public Transit Authority buses within the City;

- 15) Number of applications and waivers requested and granted, along with the justification for any waivers granted;
- 16) Opportunities for community stakeholders in environmental justice areas to influence how these improvements are prioritized;
- 17) Number of Green and Complete Streets improvements made in environmental justice areas.

Section 2. Chapter 15, “Motor Vehicles and Traffic” is hereby amended as follows:

Sec. 15-2. - Penalties for traffic violations.

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

*Offense fine*

Parking from 2:00 a.m. to 5:00 a.m.\* ..... \$20.00

Overtime parking from 5:00 a.m. to 2:00 a.m. .... 20.00

Parking without permit in a residential zone ..... 15.00

Parking at expired meter ..... 25.00

Parking during an emergency ..... 100.00

Parking so as to obstruct the flow of traffic ..... 75.00

Parking in prohibited area (no parking) ..... 30.00

Parking within eight (8) feet of fire hydrant ..... 100.00

Parking in loading zone ..... 30.00

Parking in taxi stand ..... 30.00

Parking within twenty-five (25) feet of corner ..... 30.00

Parking to obstruct driveway ..... 30.00

Parking within twelve (12) inches of a driveway as measured by a line running along the curb in either direction ..... 30.00

Parking on sidewalk ..... 100.00

Parking in a bicycle lane ..... 100.00\*\*

Standing in prohibited areas ..... 30.00

Double parking (more than three (3) feet from curb) ..... 30.00

Parking in marked bus stop ..... 100.00\*\*

Parking in excess of one (1) foot, but not more than three (3) feet from curb ..... 30.00

Parking with left wheels to curb ..... 30.00

Angle parking ..... 30.00

Parking on marked crosswalk or within intersection ..... 100.00\*\*

Stopping bus away from curb ..... 30.00

Parking in a tow zone ..... 100.00

Violation of moving vehicle traffic regulation ..... 75.00

\* Except in those areas designated as resident permit parking areas (which allow for residential permit parking only between the hours of 2:00 a.m. and 5:00 a.m.).

\*\* The city shall contribute any increase in revenue generated from the increase in fine amounts to smart growth initiatives.

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

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

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

Section 3. This ordinance shall take effect upon passage.

**COUNCILMAN GONCALVES, COUNCILWOMAN ANTHONY, COUNCIL  
PRESIDENT IGLIOZZI, COUNCILMAN ESPINAL, COUNCILWOMAN  
HARRIS, COUNCILOR KERWIN, COUNCILWOMAN LAFORTUNE,  
COUNCILOR MILLER, COUNCILWOMAN RYAN, COUNCILOR  
SALVATORE AND COUNCILMAN TAYLOR**

An Ordinance Amending Chapter 5 "Building and Structural Appurtenances", Article I "In General" of the Providence Code of Ordinances, to add Section 5-8, "Notice of Demolition Permit Issuance".

Section 1. Chapter 5, "Buildings and Structural Appurtenances", Article I "In General" is hereby amended to add Section 5-8, "Notice of Demolition Permit Issuance" as follows:

**Sec. 5-8 - Notice of Demolition Permit Issuance**

- a. Upon the issuance of a demolition permit for the complete removal of an existing structure, the building official shall provide written notice to the City Council representative of the ward in which the property is located. Said notice shall be delivered to the City Council representative either by the City Sergeant or through electronic communication.
- b. Any applicant who obtains a demolition permit for the complete removal of an existing structure through the building official, shall post at the property a notice alerting the public of the pending demolition for seven days prior to the commencement of said demolition.
- c. The building official shall have the authority to exempt an applicant from the requirements of subsection (b) upon a finding that the existing structure poses a threat to the public health and safety and must be removed immediately.
- d. Any applicant found to be in violation of subsection (b) shall be subject to a penalty not to exceed five hundred dollars (\$500).

Section 2. This Ordinance shall take effect upon passage.



## **COUNCIL PRESIDENT IGLIOZZI**

An Ordinance Amending Chapter 2 "Administration", Article XXIV "Juvenile Hearing Board" of the Providence Code of Ordinances.

Section 1. Chapter 2, "Administration", Article XXIV "Juvenile Hearing Board" is hereby amended as follows:

### **ARTICLE XXIV. - JUVENILE HEARING BOARD**

#### **Sec. 2-371. - Establishment.**

There is hereby established within the City of Providence a juvenile hearing board with the powers set forth in this article for the purpose of hearing all cases referred to such board by the chief of the police department, with respect to persons resident in the City of Providence, under the age of eighteen (18) years, who are charged with violating the criminal laws of the State of Rhode Island of the City of Providence.

#### **Sec. 2-372. - Referral.**

Any person who is a resident of the City of Providence and under the age of eighteen (18) years who allegedly shall have committed a juvenile offense which if committed by an adult would be a misdemeanor, may request a hearing before the juvenile hearing board rather than being referred to the family court; provided, however, that said referral to the juvenile hearing board is made with the approval of the Chief of Police of the City of Providence, or his or her designee, and further provided, however, that referral to said juvenile hearing board shall not be offered to any juvenile:

- (1) Who has been charged with the crime of assault or battery, except that in the case of simple assault, the chief, or assigned designee, may use his or her discretion in determining a referral; or
- (2) Who shall have been twice previously referred to the board or who shall have been once previously referred to the board and refused or failed to abide by the sanctions imposed or to make the restitution recommended by the board; or
- (3) Who at the time of commission of such juvenile offense was within the custody and control of the family court, not to include guardianship matters.

The chief of police, or assigned designee, may offer referral to the juvenile hearing board to any other juvenile where, in the opinion of the chief of police, or assigned designee, such referral would be beneficial to the juvenile concerned and the community at large. No referral to the board shall be made until such person, together with his/her legal guardians, shall have, in writing, waived such person's right to a hearing in the family court with respect to the offense charged, shall have admitted guilt to the offense charged, and shall have agreed to abide by the decision of the board; provided, however, that failure to comply with the decision of the board may result in the referral of said juvenile to the family court by the chief of police, or assigned designee.

#### Sec. 2-373. - Refusal of referral.

During a hearing as described in Section 2-376, the board, after investigation, may refuse to hear any case in which it appears that a juvenile was wrongfully referred in violation of section 2-372 above. In addition, the board may refuse to hear any case in which the juvenile refuses to supply the board with requested information, fails to appear when requested or refuses to cooperate with the proceedings of the board. The board shall immediately notify the chief of police, in writing, of any case which it refuses to hear, and the chief of police shall take whatever further action that is deemed necessary, including referral to the family court.

#### Sec. 2-374. - Duties.

- (a) The board shall hear all cases referred to it by the chief of police or assigned designee and shall recommend sanctions (other than incarceration), and shall direct restitution for any injuries resulting from the commission of such offense.
- (b) Sanctions imposed by the board shall be for a period of time not to exceed six (6) months and may consist of, but not be limited to, public service, referral to counseling, curfews, restrictions on association with other juvenile's with cases before the board, or restrictions on employment.
- (c) In those cases in which the board shall order restitution, it shall attempt to assist the juvenile and his/her parents in providing a means whereby the juvenile may make such restitution. In ordering restitution, the board shall take into account the juvenile's ability to pay and the amount of actual damages caused as a result of the commission of such offense.
- (d) In any such proceeding, the board, prior to imposing sanctions, shall request the juvenile and his/her parents to agree to the sanctions imposed and to agree to the amount of restitution and manner of making the same. In imposing sanctions or ordering restitution, the board shall consider the nature of the offense, the prior record of the juvenile, and any mitigating circumstances involved.
- (e) Every member of the board, as well as the juvenile hearing board coordinator, the Providence Police Department, and any other individuals involved in the operation of the board shall sign confidentiality agreements prepared by the city solicitor's office prior to handling any materials associated with juvenile cases.

#### Sec. 2-375. - Meetings.

- (a) At the beginning of each calendar year, the board shall conduct an organizational meeting. For purposes of any organizational meeting of the board, a majority of the members of the board shall constitute a quorum. The board shall elect by simple majority one (1) from its members as its chairperson and one (1) as its vice-chairperson. In the absence of the chairperson, the vice-chairperson shall be the presiding officer. A majority of the members present shall be required to take any action. The board shall have the power from time to time to convene an organizational meeting to draft rules governing its proceedings or to amend or repeal any rules theretofore adopted, with the approval of the chief of police, and not inconsistent with this article.

#### Sec. 2-376. - Hearings

- (a) The board shall meet not less than once each month for purposes of hearing cases referred to the board pursuant to Section 2-372. The board shall give written notice of the matters to be heard before it to the chief of police, and/or assigned designee, the juvenile officer, and the juvenile and his/her parents, not less than ten (10) days prior to the date of the hearing. Said notice shall set forth the nature of the offense, the time and place of the hearing, and the juvenile's right to be represented by counsel at the juvenile's expense. Said ten (10) day notice requirement may be waived by the express written consent of the juvenile.
- (b) For purposes of conducting hearings, or multiple hearings on a given day, as described in this section, a maximum of five (5) board members may be present and a total of three (3) members shall constitute a quorum. All hearings shall be conducted pursuant to Section 2-374 and shall be closed to the public.
- (c) The chairperson, and in their absence the vice-chairperson, shall have the discretion to assign members to conduct hearings as described in this Section.
- (d) Hearings conducted pursuant to this Section shall be limited to a maximum of thirty (30) minutes per case. In the event the members determine that a particular case requires additional time for consideration, this time limit may be extended for an additional fifteen (15) minutes by affirmative vote of the members present for the hearing.
- (e) During the course of a hearing, members shall limit the scope of their questions to those areas that are directly pertinent to the case file before them.

#### Sec. 2-377. - Composition.

- (a) The membership of the board shall consist of fifteen (15) members to be appointed by the city council president, none of whom shall run for elected office at the municipal, state, or federal level, hold an elected office in any capacity, or belong to or be appointed to any partisan organization in any city or town during their term as a member of the board. The composition of the board shall consist of citizens of Providence who have background in and of the related fields of education, probation and parole, human services community youth programs, members of the clergy, former law enforcement or judicial officials, or any citizen who the council deems has the credentials that would be an asset to the board.
- (b) Terms. Members shall be appointed by the City Council President and shall serve for a term of three (3) years. Upon expiration of these initial terms, members shall continue to serve on the board until a new member is appointed to replace them. All three-year terms shall expire at the end of their respective third calendar year (December 31) notwithstanding the actual date of appointment. Vacancies shall be filled as necessary. Members serve at the pleasure of the City Council President and may be removed at any time.
- (c) No member of the board shall be entitled to receive any compensation by reason of his or her service on the board. An attorney from the city solicitor's office shall be assigned as necessary in an advisory role to the board.

- (d) Any proposed appointee shall first obtain a BCI background check conducted by the Rhode Island Attorney General's office. Prior conviction(s) shall not result in automatic disqualification from appointment to the board unless the underlying crime or crimes directly relate to the work to be performed as a member of the board. All board members shall have an affirmative obligation to immediately inform the City Council President and the chairperson of the board in the event they are arrested during their term as a board member, and the failure to do so shall result in automatic removal from the board.

Sec. 2-378. - Juvenile hearing board coordinator.

- (a) *Purpose.* The purpose of the juvenile hearing board coordinator is to organize meetings, locate available services and provide follow up assistance for juveniles seen by the board.

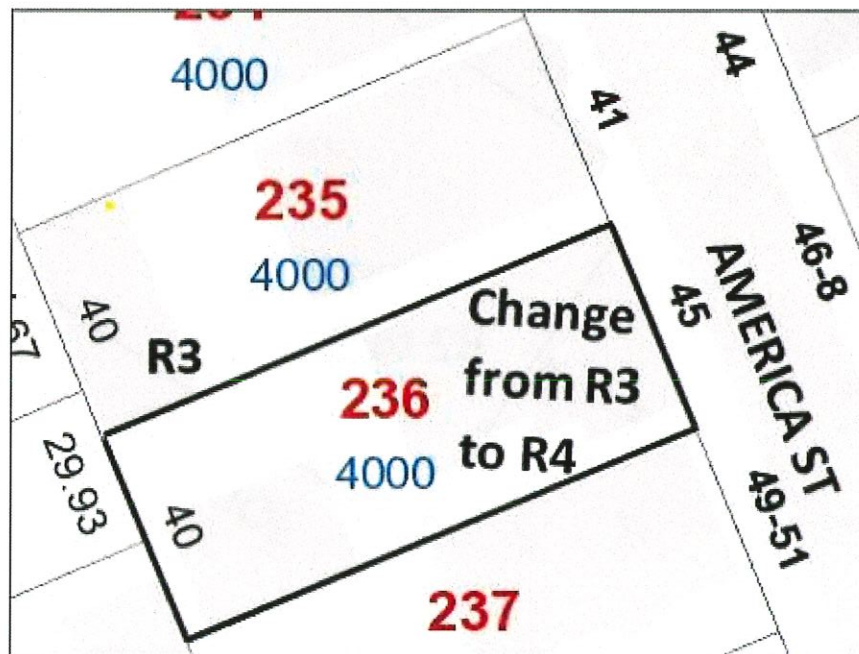
The coordinator:

- (1) Acts as the link to service agencies that can provide needed mental health/social service evaluations and services to juveniles.
  - (2) Serves as the link between the board and the police, receiving notifications about referrals and scheduling appropriate meetings.
  - (3) Reports vacancies to the city council.
  - (4) Assists the Board with the process of assigning sanctions as may be determined pursuant to Section 2-374, and monitors each case file to ensure compliance with any and all sanctions imposed by the Board.
- (b) *Appointment.* The city council president shall appoint a coordinator, and may consider recommendations from the board. The coordinator shall be an employee of the City Council with extensive knowledge of social services, community services, counseling and mental health resources, management, or equivalent training or experience in one or more of those areas.
- (c) *Eligibility.* The coordinator must meet eligibility requirements prescribed in this Section.
- (d) *Relationship to board.* The coordinator is not a voting member of the board and may not be counted for establishing a quorum.
- (e) *Reporting.* The coordinator shall file an annual report with the City Clerk detailing:
1. The number of cases handled by the board for the prior calendar year;
  2. The outcomes for the cases handled by the board;
  3. Recommendations for any improvements to the ordinance, by-laws, or practices and procedures that may improve the work of the board; and
  4. Such other relevant statistics and information as may be required by the City Council that assist the review and improvement of the juvenile hearing board process.

Section 2. The terms of any existing Juvenile Hearing Board members shall be terminated upon passage of this Ordinance.

Section 3. This Ordinance shall take effect upon passage.

SECTION 1. Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, is hereby further amended by changing the Zoning District on the Official Zoning Map for the Property located on Assessor's Plat 28, Lot 236 (45-47 America Street), from R-3 Residential District to an R-4 Residential District; said lot is not subject to Article 4, Table 4-1 Residential District Dimensional Standards, R-4 Bulk Standards, Minimum Lot area: said lot is compliant with Article 14, Section 1410 (B) (8) existing structure parking exemptions; said lot is subject to the condition that there be no more than Fourteen (14) efficiency dwelling units with a minimum square footage of 340 per dwelling unit.

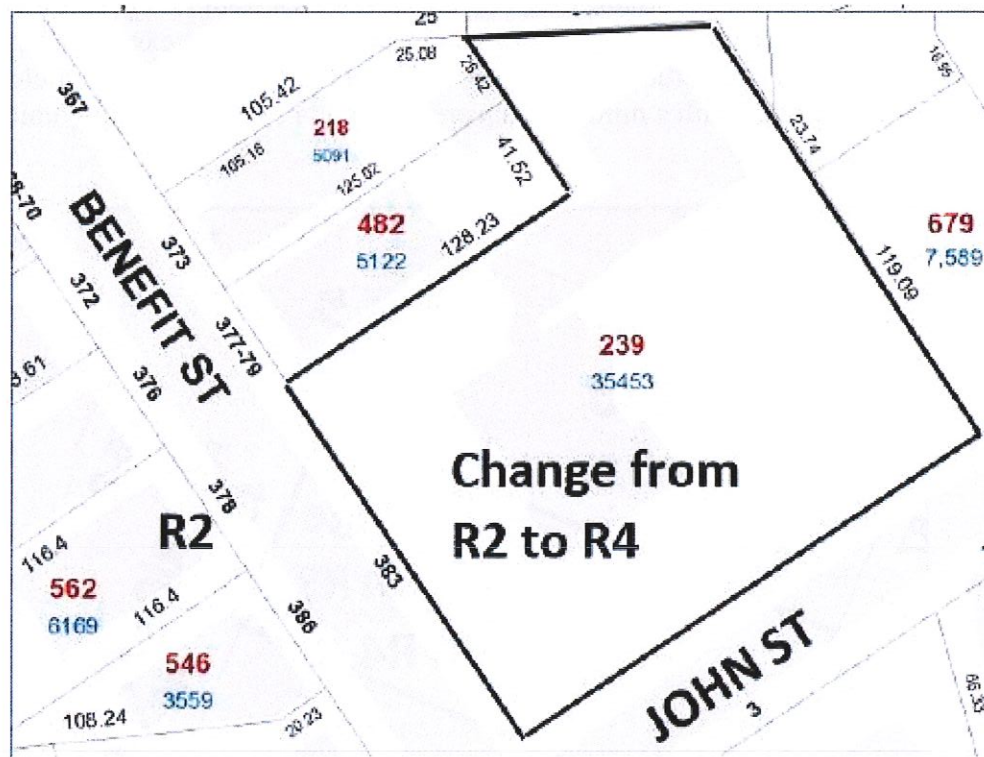


July 21, 2021



An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to change the Zoning District on the Official Zoning Map for the Property located on Assessor's Plat 16, Lot 239 (383 Benefit Street), from R-2 to R-4 with a footnote that "Use on said lot shall be limited to multi-family with no more than eight (8) dwelling units".

SECTION 1. Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, is hereby further amended by changing the Zoning District on the Official Zoning Map for the Property located on Assessor's Plat 16, Lot 239 (383 Benefit Street), from R-2 to R-4 with a footnote that states, "Use on said lot shall be limited to multi-family with no more than eight (8) dwelling units. College student rental housing shall be prohibited, except that college students may live in owner-occupied dwelling units."

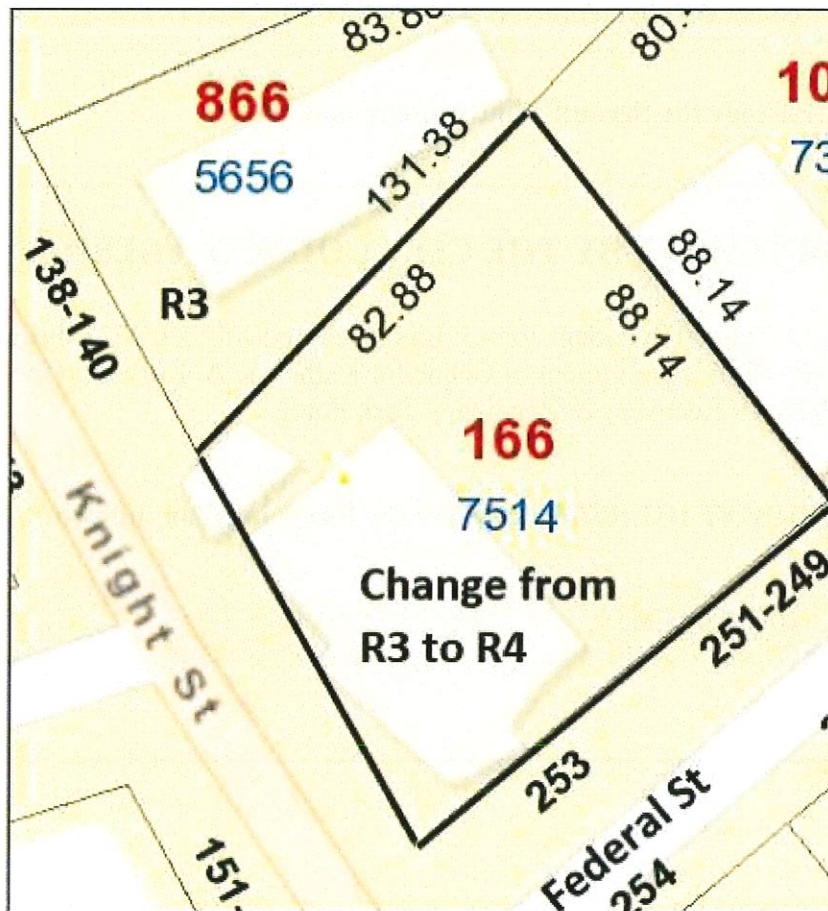


SECTION 2. This ordinance shall take effect upon passage.



An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to change the Zoning District on the Official Zoning Map for the Property located on Assessor's Plat 28, Lot 166 (253 Federal Street), from R-3 to R-4.

SECTION 1. Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, is hereby further amended by changing the Zoning District on the Official Zoning Map for the Property located on Assessor's Plat 28, Lot 166 (253 Federal Street), from R-3 to R-4.



SECTION 2. This ordinance shall take effect upon passage.

**COUNCILMAN TAYLOR Moves to Waive the reading of items 3 through 8 and Moves Passage of the Several Ordinances the Second Time, Seconded by COUNCILWOMAN HARRIS, by the following Roll Call Vote:**

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>READ/PASSED SECOND TIME [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Councilman Taylor  |
| <b>SECONDER:</b> | Councilwoman Harris  |
| <b>AYES:</b>     | Council President Igliazzi, Councilwoman Castillo, Councilmen Correia, Espinal, Goncalves, Councilwoman Harris, Councilor Miller, Councilman Narducci, Councilwoman Ryan, Councilmen Taylor and Vargas – 11. |
| <b>ABSENT:</b>   | Councilwoman Anthony, Councilor Kerwin, Councilwoman LaFortune and Councilor Salvatore – 4.  |

**The Motion for Passage the Second Time is Sustained.**

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### **APPOINTMENT BY THE CITY COUNCIL PRESIDENT**

Communication from Council President John J. Igliazzi, dated July 19, 2021, Informing the Acting City Clerk of his appointment of Councilor Katherine A. Kerwin to the City of Providence COVID-19 Recovery & Resiliency Task Force.

**COUNCIL PRESIDENT IGLIAZZI Receives the foregoing Communication.**

|                |                 |
|----------------|-----------------|
| <b>RESULT:</b> | <b>RECEIVED</b> |
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## PRESENTATION OF RESOLUTIONS

**COUNCILMAN ESPINAL, COUNCILWOMAN HARRIS, COUNCIL PRESIDENT IGLIOZZI, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, GONCALVES, COUNCILOR MILLER, COUNCILMAN NARDUCCI, COUNCILWOMAN RYAN, COUNCILMEN TAYLOR AND VARGAS**

Resolution Expanding the Rosa Parks Drive Ceremonial Designation for the entirety of Prairie Avenue.

**COUNCILMAN TAYLOR Refers the Resolution to the Committee on Urban Redevelopment, Renewal and Planning, Seconded by COUNCILWOMAN HARRIS.**

|                |  |
|----------------|--|
| <b>RESULT:</b> | <b>REFERRED</b>  |
| <b>TO:</b>     | Committee on Urban Redevelopment, Renewal and Planning |

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**COUNCILWOMEN HARRIS, RYAN, COUNCILMAN ESPINAL, COUNCIL PRESIDENT IGLIOZZI, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, GONCALVES, COUNCILOR MILLER, COUNCILMEN NARDUCCI, TAYLOR AND VARGAS**

Resolution Establishing a Housing Crisis Task Force.

**WHEREAS**, The American Community Survey conducted by the U.S Census Bureau found that 46.81% of the Providence population are housing cost-burdened; and

**WHEREAS**, Homelessness has been a growing issue in the City of Providence heightened by the onset of the COVID-19 pandemic; and

**WHEREAS**, The significant increase of unsheltered people and the lack of shelter exemplified by the surge of homeless encampments throughout our city call for a coordinated approach to address the housing crisis in Providence; and

**WHEREAS**, Over the years there has been a concerning decline in the production of housing units resulting in a chronic imbalance between supply and demand; and

**WHEREAS**, The preservation of public and affordable housing units is also crucial to retrofitting our City and ensuring that our residents have decent and affordable places to live; and

**WHEREAS**, This task force will enable the City of Providence to have a targeted approach to the housing crisis by focusing on the creation of emergency shelters, the production of housing units, and the overall affordability of the city.

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Providence does hereby establish the City of Providence Housing Crisis Task Force the purpose of which shall be to provide guidance and make recommendations to the city government which are collaborative and complementary with the efforts at the State level to improve housing resources for everyone.

***BE IT FURTHER RESOLVED***, That the City of Providence Housing Crisis Task Force shall be comprised of 30 members. Members may include:

- Voting Members:
  - The Mayor or his designee
  - (3) Council Members
  - Brenda Clement from Housing Works
- Ex-Officio Non-Voting Members:
  - The Director of the Planning Department
  - The Chief of Police
  - The Fire Chief
  - The State Fire Marshall
  - The Director of DIS
  - Representative from the Department of Health
  - Representative from the Attorney General's office
  - Representative from the Governor's office
  - Representative from the Speakers office
  - Individual who has experienced homelessness
  - Representative from RI Housing
  - Representative from the Providence Housing Authority
  - Representative from each of the community-based organizations selected

**COUNCILMAN TAYLOR Moves to substitute 11 with 11(a) and the change will be “no more than 30 members”, Seconded by COUNCILWOMAN HARRIS.**

**COUNCILMAN TAYLOR Moves Passage of the Resolution, As Amended, Seconded by COUNCILWOMAN HARRIS.**

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>READ AND PASSED, AS AMENDED [UNANIMOUS]</b>   |
| <b>MOVER:</b>    | Councilman Taylor  |
| <b>SECONDER:</b> | Councilwoman Harris  |
| <b>AYES:</b>     | Council President Igliazzi, Councilwoman Castillo, Councilmen Correia, Espinal, Goncalves, Councilwoman Harris, Councilor Miller, Councilman Narducci, Councilwoman Ryan, Councilmen Taylor and Vargas – 11. |
| <b>ABSENT:</b>   | Councilwoman Anthony, Councilor Kerwin, Councilwoman LaFortune and Councilor Salvatore – 4.  |

**The Motion for Passage is Sustained.**

## COMMUNICATION

Communication from Councilor Rachel M. Miller, dated July 16, 2021, submitting her resignation as a member of the City of Providence COVID-19 Recovery and Resiliency Task Force effective immediately.

**COUNCIL PRESIDENT IGLIOZZI** Receives the foregoing Communication.

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|----------------|-----------------|
| <b>RESULT:</b> | <b>RECEIVED</b> |
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## CONVENTION

There being no further business, on Motion of **COUNCILMAN TAYLOR**, Seconded by **COUNCILWOMAN HARRIS**, it is voted to adjourn in memory of Peter Alviti, Sr. at 5:13 o'clock P.M., to meet again **THURSDAY, SEPTEMBER 2, 2021 at 6:00 o'clock P.M.**



**TINA L. MASTROIANNI**  
**ACTING CITY CLERK**



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