

CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL  
JOURNAL OF PROCEEDINGS

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No. 42 City Council Regular Meeting, Thursday, June 4, 1992, 7:30 o'clock P.M. (E.D.T.)

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PRESIDING

COUNCIL PRESIDENT PRO TEMPORE

EVELYN V. FARGNOLI

IN CITY COUNCIL

JUL 2 1992

READ AND APPROVED

*Michael R. Christ* CLERK

ROLL CALL

Present: Council President Pro Tempore Fagnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliozi, Mancini, Councilwomen Nolan, Williams and Young—12.

Absent: Council President Petrosinelli, Councilmen Lombardi and Rollins—3.

## INVOCATION

The Invocation is given by COUNCILMAN  
DAVID G. DILLON.

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

COUNCILWOMAN RITA WILLIAMS  
leads the members of the City Council and  
the Assemblage in the Pledge of Allegiance  
to the Flag of the United States of America.

## PERSONAL PRIVILEGE

COUNCILWOMAN WILLIAMS requests  
and is granted the Privilege of the Floor and  
introduces the following members of Troop  
28, Boy Scouts of America: Scout Master  
Walter Cotter, Assistant Scout Master David  
Whitman, and Scouts Damon Cotter,  
Matthew Whitman, Andrew M. Good,  
Colgate Searle, Daniel Wood, Brendan  
Marsello, Andy Qualls and Allen Cowett.

## APPROVAL OF RECORDS

The Journals of Proceedings No. 37 and 38 of the Regular Meetings of the City Council held April 2, 1992 and April 16, 1992, No. 39 of the Special Meeting of the City Council held May 1, 1992 and No. 40 of the Regular Meeting of the City Council held May 7, 1992 and Severally Posted May 22, 1992 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 May 18, 1992, Informing the Honorable City Council that pursuant to Section 21-142 (b) of the Code of Ordinances of the City of Providence, he is this day appointing Alan Chille of 102 Mount Pleasant Avenue, Providence, Rhode Island, as a Member of the Providence Review Commission for a term expiring on January 1, 1994. Mr. Chille will be filling the remaining term of Anna Minicucci.

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

The motion to Receive and Refer is Sustained.

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## WITHDRAWAL OF APPOINTMENT BY HIS HONOR THE MAYOR

Communication dated May 18, 1992 Informing the Honorable City Council that pursuant to Section 21-142 (b) of the Code of Ordinances of the City of Providence, he is this day withdrawing his appointment of Steven A Pitassi of 2 Robert Drive, North Providence, Rhode Island, to the

Providence Review Commission. Mr. Pitassi has chosen not to take this position.

Received. \_\_\_\_\_

## PRESENTATION OF RESOLUTIONS

### COUNCILMAN CLARKIN (By Request):

Resolution Requesting the Traffic Engineer to study the feasibility of charging a fee for parking overnight in those areas that consist of a hardship nature.

*Resolved*, That the Traffic Engineer is requested to study the feasibility of charging a fee for parking overnight in those areas that consist of a hardship nature.

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

**The motion for Passage is Sustained.**

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### COUNCILMAN DeLUCA (By Request):

Resolution Requesting the Traffic Engineer to order the installation of a Traffic Signal Light at the intersection of Fruit Hill Avenue and Woonasquatucket Avenue.

**Referred to Committee on Public Works, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.**

**The motion to Refer is Sustained.**

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### COUNCILMAN DeLUCA:

Resolution Requesting His Honor the Mayor to instruct all City Department Heads to respond to all Resolutions passed by the Providence City Council within thirty (30) days of receiving the Resolution from the City Clerk and all responses be sent in writing to the Sponsor or Sponsors of the Resolution.

*Resolved*, That His Honor the Mayor is requested to instruct all City Department Heads to respond to all Resolutions passed by the Providence City Council within thirty (30) days of receiving the Resolution from the City Clerk and all responses be sent in writing to the sponsor or sponsors of the Resolution.

**COUNCILMAN DILLON (By Request):**

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Park Lane and Access Road on Saturday, June 20, 1992 and Sunday, June 21, 1992, from 10:00 o'clock A.M. to 8:30 o'clock P.M. to accommodate the Mashapaug Pond Festival.

*Resolved*, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Park Lane and Access Road on Saturday, June 20, 1992 and Sunday, June 21, 1992, from 10:00 o'clock A.M. to 8:30 o'clock P.M. to accommodate the Mashapaug Pond Festival.

**COUNCILMAN DILLON:**

Resolution Congratulating Mr. and Mrs. John J. Lombardi upon the occasion of their recent marriage.

*Whereas*, Our esteemed colleague from the Thirteenth Ward, Councilman John J. Lombardi, and Denise Troccoli were married at Our Lady of Mt. Carmel on May 24, 1992, and

*Whereas*, This marriage unites two very talented people; John who is a graduate of Mount Pleasant High School, Rhode Island College and Suffolk University School of Law, has served the people of the Thirteenth Ward with great distinction since 1984. He serves as Deputy Majority Leader of the City Council and Chairman of the Committee on City Property. Denise is a graduate of Hope High School and serves as Assistant Supervisory Clerk for Providence Superior Court. While both John and Denise are involved in the legal profession, we note that Denise's family is involved in the restaurant business and we all suppose that John is a restaurateur at heart, and

*Whereas*, John and Denise have dated for some thirteen years; so it is obvious that they have

taken this step after careful consideration. It is our sincere hope that their marriage, like their courtship will be long, happy and fulfilling.

*Now, Therefore Be It Resolved*, That the City Council expresses its sincere hope that John and Denise will attain "the highest measure of earthly happiness" and

*Be It Further Reolved*, That a copy of this Resolution is to be transmitted to Councilman and Mrs. John J. Lombardi, that they be aware of the high esteem in which they are held by the Members of the City Council.

**COUNCILWOMAN FARGNOLI (By Request):**

Resolution Requesting the Chief Electrical Inspector to cause the Lumen to be increased on those Street Lights located along Funston Avenue.

*Resolved*, That the Chief Electrical Inspector is requested to cause the Lumen to be increased on those Street Lights located along Funston Avenue.

**COUNCILMAN GLAVIN (By Request):**

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Benefit Street, between College Street and Waterman Street on Saturday, May 30, 1992 from 7:00 o'clock A.M. to 4:00 o'clock P.M. in observance of Rhode Island School of Design's Graduation Activities.

*Resolved*, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Benefit Street, between College Street and Waterman Street on Saturday, May 30, 1992 from 7:00 o'clock

A.M. to 4:00 o'clock P.M. in observance of Rhode Island School of Design's Graduation Activities.

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

**The motion for Passage is Sustained.**

**COUNCILMAN IGLIOZZI (By Request):**

Resolution Endorsing Senate Bill 92-S 2245 entitled "An Act relating to penalty for purchase or procurement of alcoholic beverages for underage persons by adults".

*Resolved,* That the City Solicitor is requested to be introduced and urge passage of 92-S 2245 relating to the penalty for purchase or procurement of alcoholic beverages for underage persons by adults.

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

**COUNCILWOMEN YOUNG, NOLAN and COUNCILMAN FENTON desire to be recorded as voting "No".**

**The motion for Passage is Sustained.**

**COUNCILMAN MANCINI:**

Resolution Requesting Providence College, Brown University, Rhode Island School of Design and Johnson and Wales College to contribute financially to the Providence Public Library to allow six (6) Branch Offices to remain open.

**Referred to Committee on Finance, on motion of COUNCILMAN GALVIN, seconded by COUNCILMAN MANCINI.**

**The motion to Refer is Sustained.**

**COUNCILWOMAN YOUNG:**

Resolution Requesting the Traffic Engineer to cause the installation of a Traffic Signal Light at the intersection of Bridgham Street and Westminster Street.

**Referred to Committee on Public Works, on motion of COUNCILMAN GALVIN, seconded by COUNCILMAN DILLON.**

**The motion to Refer is Sustained.**

## REPORTS FROM COMMITTEES

### COUNCILMAN DAVID G. DILLON, Chairman COMMITTEE ON FINANCE

Transmits the following with recommenda-  
tion the same be Severally Adopted:

An Ordinance in Amendment of Chapter 1991-24 as approved July 24, 1991, entitled: "An Ordinance Establishing a Compensation Plan for the City of Providence and Repealing Ordinance Chapter 1990-13, approved July 3, 1990 as amended, relative to the Department of Law".

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, Mancini, Councilwomen Nolan, Williams and Young—12.

**Noes:** None.

**Absent:** Council Preseident Petrosinelli, Councilmen Lombardi and Rollins—3.

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

An Ordinance in Amendment of Section 3, Chapter 1991-25 as approved July, 24, 1991, 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 1990-14, approved July 3, 1990 as Amended relating to the Department of Law".

Severally Read and Collectively Passed,

Transmits the following with recommenda-  
tion the same be Adopted:

An Ordinance in Amendment of the "Capital Equipment Budget" so-called.

**Noes:** None.

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

**Not Voting:** Councilman DeLuca and Councilwoman Young—2

**Absent:** Council President Petrosinelli, Councilmen Lombardi and Rollins—3.

**Ayes:** Council President Pro Tempore Fagnoli, Councilmen Clarkin and Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Iglizzo, Mancini, Councilwomen Nolan and Williams — 10.

The motion for Passage the First Time is Sustained.

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

**Transmits the following with recommenda-  
tion the same be Severally Adopted:**

Resolution Authorizing the City Council of the City of Providence, Rhode Island, to request the United States Bureau of the Census Tracts 1, 2, 5, 6, and 15 be nominated by the Mayor to the Enterprise Zone Council of the State of Rhode Island, for the designation as an Enterprise Zone and when and if such tracts are designated, use his best efforts to ensure Federal and Municipal Resources are targeted for and allocated to said zone.

*Whereas.* The neighborhoods of Upper and Lower South Providence, Washington Park, Elmwood, South Elmwood and Reservoir have lost their competitive edge in attracting business investment; and

*Whereas.* The City of Providence is interested in fostering economic growth and development within these neighborhoods; and

*Whereas.* Within these neighborhoods lies the entirety of United States Bureau of the Census Tracts 1, 2, 5, 6, and 15; and

*Whereas.* The economic and demographic conditions existing within these neighborhoods qualify them for nomination as an Enterprise Zone pursuant to Chapter 64.3 of the General Laws of Rhode Island; and

*Whereas.* The Mayor as the chief signatory of the City of Providence must be authorized to submit the nominating application to the Enterprise Zone Council of the State of Rhode Island,

*Now. Therefore, Be It Resolved.* That the City Council of the City of Providence, County of

Providence, State of Rhode Island, hereby authorizes the City of Providence, through its representative, the Mayor, to nominate United States Census Tracts 1, 2, 5, 6, and 15 to the Enterprise Zone Council of the State of Rhode Island, for designation as an enterprise zone, and, if such nomination is favorably accepted, to request the Mayor to allocate Federal and municipal resources for the betterment of the economic and social fabric within said zone. These resources shall include, but not be limited to, 1) the establishment and implementation of a program of police protection within the enterprise zone; 2) the priority use of federal funds available from the U.S. Department of Housing and Urban Development, the Economic Development Administration, and the U.S. Department of Labor for the purposes of job training, housing or economic development assistance; 3) the amendment, when necessary and applicable, of local zoning ordinances or regulations; 4) the granting of certain reductions in the local tax liability as allowable under Chapters 3 through 9 of Title 44; and finally 5) the full cooperation of all municipal offices in the administration of and record keeping related to, the operation of the Enterprise Zone.

Resolution Authorizing the City Council of the City of Providence, Rhode Island to request United States Bureau of the Census Tracts 3, 14, 16, 18 and 19 be nominated by the Mayor, to the Enterprise Zone Council of the State of Rhode Island for designation as an Enterprise Zone and when and if such tracts are designated, use the best efforts to ensure Federal

and Municipal Resources are targeted for and allocated to said Zone.

*Whereas*, The neighborhoods encompassing the West End, Silver Lake, Hartford and Olneyville have lost their competitive edge in attracting business investment; and

*Whereas*, The City of Providence is interested in fostering economic growth and development within these neighborhoods; and

*Whereas*, Within these neighborhoods lies the entirety of United States Bureau of the Census Tracts 3, 14, 16, 18, and 19; and

*Whereas*, The economic and demographic conditions existing within these neighborhoods qualify them for nomination as an Enterprise Zone pursuant to Chapter 64.3 of the General Laws of Rhode Island; and

*Whereas*, The Mayor as the chief signatory of the City of Providence must be authorized to submit the nominating application to the Enterprise Zone Council of the State of Rhode Island,

*Now, Therefore, Be It Resolved*, That the City Council of the City of Providence, County of Providence, State of Rhode Island, hereby authorizes the City of Providence, through its

representative, the Mayor, to nominate United States Census Tracts 3, 14, 16, 18, and 19 to the Enterprise Zone Council of the State of Rhode Island, for designation as an enterprise zone, and, if such nomination is favorably accepted, to request the Mayor to allocate Federal and municipal resources for the betterment of the economic and social fabric within said zone. These resources shall include, but not be limited to, 1) the establishment and implementation of a program of police protection within the enterprise zone; 2) the priority use of federal funds available from the U.S. Department of Housing and Urban Development, the Economic Development Administration, and the U.S. Department of Labor for the purposes of job training, housing or economic development assistance; 3) the amendment, when necessary and applicable, of local zoning ordinances or regulations; 4) the granting of certain reductions in the local tax liability as allowable under Chapters 3 through 9 of Title 44; and finally 5) the full cooperation of all municipal offices in the administration of and record keeping related to, the operation of the Enterprise Zone.

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

**The motion for Passage is Sustained.**

**Transmits the following with recommendation the same be Severally Adopted:**

An Ordinance Amending Chapter 1375 of the Ordinances of the City of Providence approved December 2, 1960 entitled: "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Mashapaug Pond Redevelopment Project" for an inclusion of a Commercial Use.

*Be It Ordained By The City Of Providence:*

A) That Chapter 1375 of the Ordinances of the City of Providence, approved December 2, 1960, entitled, "An Ordinance Approving and Adopting the Official Redevelopment Plan for the Mashapaug Pond Redevelopment Project" as amended by Chapters 1434, 1728, 1979-33, 1987-12 and 1988-11 of the Ordinances of the City of Providence, approved October 20, 1961; October 26, 1965; August 12, 1979; March 27, 1987 and

March 23, 1988 respectfully, be and the same is hereby amended as follows:

1) In paragraph 2.c entitled "Permitted Uses" of Section C entitled "Proposed Land Use Plan" on page C3 of the Official Redevelopment Plan which is part of the aforementioned Ordinance, add the following Paragraph c.(4) after Paragraph c.(3).

c.(4) Only retail trade as defined under Use Code 57 of the Zoning Ordinance of the City of Providence, shall be located on part(s) or whole of Lots 709 and 731 on Assessor's Plat 50 as assessed and dated December 31, 1990 and designed the same as disposition Parcel C, provided however that drinking establishments serving alcoholic beverages, eating, and/or drinking establishments places, jewelry retail, liquor stores, and second-hand merchandise shall not be permitted.

2) In paragraph 2.b(3) entitled "Minimum Off-Street Parking" of Section D entitled "Proposed Standard for Land Coverage and Building Intensities" on page D2 of the Official Redevelopment Plan which is part of the aforementioned Ordinance, add the following Paragraph (3) (c) after Paragraph (3) (b).

(3) (c) for retail use pursuant to C-4: parking shall be governed by the applicable provisions of the Zoning Ordinance as amended.

3) In paragraph 5 entitled "Miscellaneous Provisions" of Section C entitled "Proposed Land Use Plan" on pages C6 and C7 of the Official Redevelopment Plan which is part of the aforementioned Ordinance, add the following Paragraph j. after Paragraph i.

j. After the date of approval of this Redevelopment Plan each and all plan amendments of this Redevelopment Plan relative

to all conditions, restrictions and covenants running with the land shall be in full force and effect for a period of forty (40) years commencing on the date of each amendment of its adoption by the City Council.

B. The within amendment is subject to traffic improvements deemed necessary by the PRA and the Traffic Engineer of the City of Providence to be paid for by the developer.

C. The major retail trade, on the day the building opens for business, shall be supermarket.

D. That said Ordinance, as adopted and amended, be and the same is hereby ratified and confirmed in all other respects.

E. That said Ordinance shall take effect upon its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy of the same to the Providence Redevelopment Agency.

**Read and 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, Igliazzi, Mancini, Councilwomen Nolan, Williams and Young--12.**

**Noes: None.**

**Absent: Council President Petrosinelli, Councilmen Lombardi and Rollins--3.**

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

**COUNCILMAN JOHN J. LOMBARDI, Chairman  
COMMITTEE ON CITY PROPERTY**

**Transmits the following with recommenda-  
tion the same be Severally Adopted:**

Resolution Authorizing His Honor the Mayor to execute the Second Amendment to the Lease made and entered into by and between the City of Providence, a Municipal Corporation created under the Laws of the State of Rhode Island acting by and through the Providence Port Commission and Texas Eastern Products Pipeline Company, Limited Partnership, a Delaware Limited Partnership of which Texas Eastern Product Pipeline is the General Partner.

*Resolved.* That His Honor the Mayor is hereby authorized to execute the Second Amendment to the Lease made and entered into by and between the City of Providence, a Municipal Corporation created under the Laws of the State of Rhode Island acting by and through the Providence Port Commission and Texas Eastern Products Pipeline Company, Limited Partnership, a Delaware

Limited Partnership of which Texas Eastern Product Pipeline is the General Partner.

**Read and Passed, 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, Council-  
men Fenton, Glavin, Igliazzi, Mancini,  
Councilwomen Nolan, Williams and  
Young—12.**

**Noes: None.**

**Absent: Council President Petrosinelli,  
Councilmen Lombardi and Rollins—3.**

**The motion for Passage is Sustained.**

## COMMUNICATIONS AND REPORTS

**FROM ERNST AND YOUNG:**

Communication relative to the General Purpose  
Financial Statements, Individual Fund  
Statements and other Financial Information,  
year ending June 30, 1991.

Received.

## FROM THE CLERK'S DESK

Petition of Johnson and Wales University for permission to construct steps and a ramp at the front entrance to McNulty Hall on City Property, located at 208 Weybosset Street.

**Referred to Committee on Public Works, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.**

**The motion to Refer is Sustained.**

**Petitions for Compensation for Injuries and Damages, viz:**

Helen Brisson

Nathan Brown

Citicorp National Services

Robin Dawkins

Joseph Depena

Miriam Dondique

Tawanna Edwards

Louis A. Iannotti

Sam Jannetta

Antonio Johnson

Benedicto Oropeza

Catherine Palombo

Louis Ricci, III

Wilfredo Vasquez

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

**The motion to Refer is Sustained.**

## PRESENTATION OF CITATIONS

*“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 is hereby extended to the following:

Shannon Fimmerman, Upon Winning First Place in the 5th Grade Science Fair at Esek Hopkins Middle School.

Michele Coto, Upon Winning Second Place in the 5th Grade Science Fair at Esek Hopkins Middle School.

Chloe Make, Upon Winning Second Place in the 5th Grade Science Fair at Esek Hopkins Middle School.

Jennifer Barlow, Upon Winning Third Place in the 5th Grade Science Fair at Esek Hopkins Middle School.

Crystal Zickendrath, Upon Winning Third Place in the 5th Grade Science Fair at Esek Hopkins Middle School.

Joan Hoyle, Upon Winning Third Place in the 5th Grade Science Fair at Esek Hopkins Middle School.

Syroya Tillman, Upon Winning Third Place in the 5th Grade Science Fair at Esek Hopkins Middle School.

Chantal Martin, Upon Winning First Place in the 6th Grade Science Fair at Esek Hopkins Middle School.

Rachel Inman, Upon Winning First Place in

the 6th Grade Science Fair at Esek Hopkins Middle School.

Kim Cagno, Upon Winning Second Place in the 6th Grade Science Fair at Esek Hopkins Middle School.

Richard Dorgan, Upon Winning Third Place in the 6th Grade Science Fair at Esek Hopkins Middle School.

Andre Tillman, Upon Winning Third Place in the 6th Grade Science Fair at Esek Hopkins Middle School.

Mr. and Mrs. Capobianco, Upon the birth of their daughter Sara Marie Capobianco born on May 25, 1992.

John Luke and Jane Driver, Upon the birth of their daughter, Rachel Elizabeth Driver.

James (Jimbo) Feeney, Upon Winning the Jimmy Fund Sports Trivia Contest.

Mr. and Mrs. Santo LaFazia, Jr., Upon the celebration of their recent marriage.

Received.

## PRESENTATION OF RESOLUTIONS

### "In Memoriam"

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

Resolutions extending Sympathy.

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

Agostino R. Porreca

Dorothy E. Miranda

Mary Barnes

Henrietta Sill

John Celona

Stella Mento

Philip Garofolini

Frank Cotoia

Alvin F. Bell

Louise C. Calcagni

Louis Marchetti

Kathleen M. Bathgate

Thomas Thomasian

Lucy DiOrio

Pasquale M. Rizzi

Basil Temkin

John M. Verardo

Barbara A. Buonanno

Pasco J. Petrella

Frank C. Rossi

**Severally Read and Collectively Passed,  
by a Unanimous Rising Vote, on motion of  
COUNCILMAN GLAVIN, seconded by  
COUNCILMAN IGLIOZZI.**

**The motion for Passage is Sustained.**

## RECONSIDERATION

**COUNCILMAN GLAVIN Moves Reconsideration of the Following matter:**

## COMMUNICATIONS AND REPORTS

Communication from Ernst and Young, relative to the General Purpose Financial Statements, Individual Fund Statements and Other Financial Information, year ending June 30, 1991.

**This motion being seconded by COUNCILMAN IGLIOZZI, is put to a Vote and Passed.**

**COUNCILMAN GLAVIN moves the Communication be Received and Referred to Committee on Finance.**

**This motion being seconded by COUNCILMAN IGLIOZZI, is Put to Vote and Passed.**

**The motion to Receive 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 introduction of the following matter not appearing on the Printed Docket.

## PRESENTATION OF RESOLUTION

COUNCIL PRESIDENT PETROSINELLI, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILMAN DILLON, COUNCILWOMAN DIRUZZO, COUNCILWOMAN FARGNOLI, COUNCILMAN FENTON, COUNCILMAN GLAVIN, COUNCILMAN IGLIOZZI, COUNCILMAN LOMBARDI, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILMAN ROLLINS, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution Extending Best Wishes of the Members of the City Council to Jean M. Angelone, First Deputy City Clerk, for a

complete and speedy recovery from her recent illness.

*Resolved.* That the Best Wishes of the Members of the City Council is hereby extended to Jean M. Angelone, First Deputy City Clerk, for a complete and speedy recovery from her recent illness.

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

**The motion for Passage is Sustained.**

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## REPORTS FROM COMMITTEES

COUNCILMAN DAVID G. DILLON, Chairman  
COMMITTEE ON FINANCE

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

Jointly Transmits the following with  
recommendation the same be Adopted as  
Amended:

Resolution Authorizing the City Council of the City of Providence, Rhode Island to amend the Statement of Objectives and funding under the Community Development Act as passed and approved on August 2, 1991 as Resolution No. 453, to include the use of Loan Guarantee Assistance Funds in accordance with Section 108 of the Housing and Community Development Act of 1974 as Amended.

*Whereas*, The City of Providence is eligible to receive Community Development Block Grant Entitlement Funds for Fiscal year 1991 under Section 106 (a) or (b) of Title I of the Housing and Community Development Act of 1974; and

*Whereas*, The City Council of the City of Providence, County of Providence, State of Rhode Island, on August 2, 1991, by Resolution 453, authorized the City of Providence, through its official representative, the Mayor, to file a STATEMENT OF OBJECTIVES AND FUNDING with the Boston Area Office of the Department of Housing and Urban Development for the purpose of obtaining Community Development Block Grant; and

*Whereas*, SECTION 108 of the Act authorizes submission of an application for loan guarantee assistance for those communities entitled to

receive a Community Development Block Grant; and

*Whereas*, Section 108 provides a source of front-end financing for large-scale projects which cannot be financed from annual grants; and

*Whereas*, The Statement of Community Development Objectives and projected use of Loan Guarantee Funds provides the necessary assurances and/or Certification of Compliance with applicable Federal Regulations and requirements; and

*Whereas*, The Mayor must be authorized to submit the Statement of Community Development Objectives and use Loan Guarantee Funds with the Secretary of the Department of Housing and Urban Development and to accept and execute the Agreement,

*Now Therefore Be It Resolved*, That the City Council of the City of Providence, County of Providence, State of Rhode Island, hereby authorizes the City of Providence, through its representative the Mayor, by amending the STATEMENT OF OBJECTIONS AND FUNDING, as authorized by Resolution 453, on August 12, 1991, to include the application for loan guarantee assistance under Section 108 of the

aforementioned Act for the following project: The City of Providence will make application to the U.S. Department of Housing and Urban Development in an amount not to exceed Nine Million Dollars (\$9,000,000.00) to fund a comprehensive housing program through the Providence Plan Housing Corporation, a newly formed city-wide non-profit housing Corporation. The comprehensive housing program shall substantially be in accordance with the intent outlined in Exhibit A.

The Council authorizes the Mayor subject to the following conditions:

(a) The City Council shall have the authority to approve by resolution the transfer of Section 108 funds from the account of the Department of Planning and Development to the Corporation in a sum not to exceed three million dollars unless so approved and authorized by the City Council.

The Committee on Finance and the Committee on Urban, Redevelopment, Renewal and Planning, meeting jointly, shall consider the proposed transfer, render a decision by majority vote of each committee and refer the matter back to the full Council within fourteen (14) business days of having the resolution referred from the Council. The City Council must approve or disapprove the transfer at the next meeting of the City Council. If the City Council fails to do so, the Department shall have the authority to make the transfer as proposed.

(b) The City Council may direct the Internal Auditor of the City of Providence to conduct an audit of the Corporation's operations. The Internal Auditor may conduct the audit, or retain a certified public accounting firm to conduct the audit, in which case the cost of the audit shall be borne by the Corporation. The Council shall have the authority to order an audit, if upon consideration by the Committees meeting jointly there is a reason to believe that this audit may reveal activities in violation of laws or regulations that govern the activities of the Corporation. The resolution shall specify the activities of the

Corporation to be examined. The auditor shall have the authority to examine such records of the Corporation as would be available to an independent auditor conducting an independent audit. When the audit is complete, the Internal Auditor shall supply copies to the Chairpersons of the Finance and Urban Redevelopment, Renewal and Planning Committee of the City Council, to the Corporation, and to all members of the City Council. The Council Committees, meeting in joint session shall review the completed audit and shall give the Corporation an opportunity to respond to any findings of the audit. Upon a finding of the Committees, meeting jointly, that action is necessary, the Council and the Corporation agree to attempt to reach an appropriate remedy. If no such agreement is reached, the City Council shall have the authority, by majority vote, to order, by resolution, a suspension of the spending of the affected Section 108 funds by the Corporation.

(c) Repayment of loan funds to the Corporation shall be kept in a special revenue fund, administered by the City Controller, for the purposes of housing and for the benefit of low or moderate income recipients.

(d) Section 108 funding from HUD shall not be accepted by the City until certain actions have taken place regarding the Narragansett Electric power plant at Manchester Street. These are (a) passage of an act ensuring that the company has clear title to the property; and (b) passage of amendments to the Tax Incremental Financing Act as they relate to housing.

(e) There will be a strict requirement of owner-occupancy for all of the corporation's home-purchase programs, except that, in the case of Nehemiah housing and abandoned housing, the alternative to owner-occupancy would be ownership by the corporation or other Providence-based, housing non-profit organization, if necessary.

Absentee owners may qualify for home improvement loans only under the following conditions:

At the time of application, the owner, corporation or organization must not own or have equitable or legal ownership interest of more than ten percent (10%) in more than two residential properties, not to exceed nine units combined. The mortgage placed on the property will include a maintenance clause giving the corporation the right to foreclose if the property fails to meet minimum housing code. Priority will be given to absentee landlords with cases pending before the Housing Court.

The applicant must not have any outstanding municipal liens, including, but not limited to boarding, environmental and tax, on any properties located in the City under the same ownership in order to qualify for assistance.

(f) The Board of Directors shall consist of seventeen (17) directors. The composition of the Board shall be such that at least 51% of the directors shall be from the private sector. The directors shall be selected as follows:

The duly elected Mayor of Providence shall appoint four (4) members, all of whom shall be residents of the City of Providence. Said appointees shall be barred from applying or receiving any funds from the Corporation. These appointments shall become effective when submitted in writing by the Mayor to the Corporation.

The Providence City Council, shall appoint four (4) members, all of whom shall be residents of the City of Providence. Said appointees shall be barred from applying or receiving any funds from the Corporation.

The non-profit housing corporations which receive funding through the City of Providence's Community Development Block Grant program (other than PPHC), by majority vote, shall appoint three (3) directors, all of whom shall be residents of the City of Providence. Under no circumstances shall a Director appointed under this subsection be a Director, Officer, employee, staff or Board member of one of the non-profit

housing corporations receiving funding through the Community Development Block Grant Program. The voting corporations shall inform the PPHC in writing of the Directors they have appointed.

The financial institutions that are participating in the housing program at the time of the appointment shall by majority vote appoint a senior officer of one of the participating institutions to serve as a Director.

As a result of the position held, the following shall be appointed Directors:

The Director of the Department of Planning and Development, City of Providence, shall be a Director of the Corporation.

The Director of the R.I. Housing and Mortgage Finance Corporation shall be a Director of the Corporation.

The Chairperson of the City Council Finance Committee shall be a Director of the Corporation.

The Chairperson of the City Council Urban Redevelopment and Renewal Planning Committee shall be a Director of the Corporation.

The Chairperson of the Providence Plan Corporation, a corporation that will be created pursuant to an agreement signed by the Mayor of Providence and the Governor of the State of Rhode Island on April 23, 1992, shall be a Director of the Corporation. The Chairperson of the PPHC shall be entitled to vote only in order to break a tie vote during a meeting of the Corporation.

(g) The Council and the Corporation agree that the Affirmative Action Officer of the City of Providence assist the Corporation in the development of its affirmative action policy.

The Council and the Corporation also agree to incorporate as part of that policy that the Corporation be required to adhere to the spirit and the intent of the Minority and Women Business

Enterprise ordinance, in Section 21-52 of the Code of Ordinances of the City of Providence.

**COUNCILMAN GLAVIN moves the Resolution be Amended as follows:**

Page 4, Line 15 after the word "meet" insert the words "Minimum Housing"; and on the second line from the bottom, page 4, after the word "for" insert the word "or"; and on Page 5, fourth line correct the typographical error in the word "directors".

**COUNCILMAN GLAVIN moves the Resolution be Read and Passed, as Amended.**

**This motion being seconded by**

**COUNCILMAN IGLIOZZI, is Put to Vote and Passed by the following Roll Call Vote:**

**Ayes: Council President Pro Tempore Fagnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliazzi, Mancini, Councilwomen Nolan, Williams and Young—12.**

**Noes: None.**

**Absent: Council President Petrosinelli, Councilmen Lombardi and Rollins—3.**

**The motion for Passage as Amended, is Sustained.**

## PERSONAL PRIVILEGE

**COUNCILMAN FENTON Requests and is Granted the Privilege of the Floor to Speak on a Point of Personal Privilege:**

"I read, I guess it is every Tuesday, with great interest the activities of the Retirement Board and the debates and the interesting activities that go on there and I always feel badly for poor Councilman Dillon for the behavior that he is subjected to and I want to just inform of a historical matter. I think we can find out the problem of the legacy of that Board by going back and looking into our Ordinance or Resolution

Docket of the City Council, 1971 version. On January 6, 1971, the Providence City Council under item No. 14 elected Joseph Mollicone as a Member of the Retirement Board of the Employees Retirement System for the ensuing four years, ending on the first Monday of January, 1975, I say no more Madam President".

## PERSONAL PRIVILEGE

COUNCILWOMAN YOUNG Requests and is Granted the Privilege of the Floor to Speak on a Point of Personal Privilege:

"I would just like to introduce the City Council to two wonderful people who I am proud to know, Mr. and Mrs. Paul Fitzgerald. He is the Executive Director of the FACTS Program, an Agency that deals with Families and Children who have AIDS and I am glad to see them here this evening".

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## ADJOURNMENT

There being no further business, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, the City Council votes to adjourn at 10:00 o'clock P.M. to meet again on THURSDAY, JUNE 18, 1992 at 7:30 o'clock P.M. (E.D.T.)

*Michael R. Clement*

City Clerk